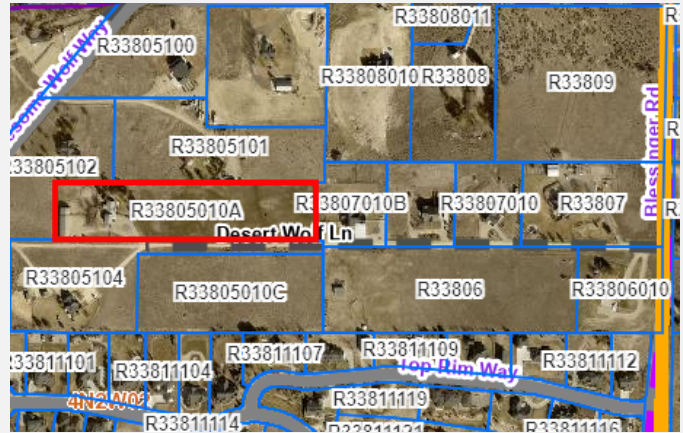




Board of County Commissioners
Canyon County Development Services Dept.
Case #SD2022-0046

HEARING DATE:	January 9, 2024
OWNER:	Jeff VanWinkle
PLANNER:	Dan Lister, Principal Planner
CASE NUMBER:	SD2022-0046
LOCATION:	7388 Desert Wolf Lane, Star



PROJECT DESCRIPTION:

A request has been submitted by Jeff VanWinkle for approval of a **Short Plat** (Preliminary Plat and Final Plat) for Vanwinkle Subdivision. The development consists of two (2) residential lots served by an existing private road, Desert Wolf Lane. The request includes a waiver of City of Star requirements (Exhibit 4b).

The subject property, Parcel No. R33805010A, is located at 7388 Desert Wolf Lane, Star, also referenced as a portion of the NE¼ of Section 2, T4N, R2W, BM, Canyon County, Idaho.

PROJECT INFORMATION: (See Exhibit 1 for Parcel Information)

The 5.18-acre property is not an original parcel. The subject property was once part of an approximately 34-acre parcel divided in 1991. The remainder of the original lot was later platted as Desert Wolf Subdivision.

In 2021, the property was rezoned from “A” (Agricultural) to “R-R” (Rural Residential; RZ2021-0020, Exhibit 5).

ANALYSIS

CCZO Section 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.*

Standard of Review for Subdivision Plat:

- 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);
- E. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations); and
- F. Canyon County Code, Section 09-19-09 – Star City Impact Agreement

The Vanwinke Subdivision (Exhibit 2a) is summarized as follows:

- Acreage: 5.18-acres
- Average residential lot size: 2.59 acres
- Zoning: “R-R” (Rural Residential, two-acre average minimum lot size).
- Residential Lots: 2
- Water: Individual domestic wells (Plat Note 2).
- Sewage Disposal: Individual septic systems (Plat Note 3) Southwest District Health finds the request meets sanitary restrictions and sign-off on the final plat (Exhibit 4c).
- Access: The two (2) lots will be served by an existing private road, Desert Wolf Lane (Easement Agreement Instrument No. 2003-53256). The private road currently serves six (6) dwellings (57.12 average daily trips). According to CCZO Section 07-10-03(2), the private road must meet fire district standards. The private road shall be constructed to serve less than 100 average daily trips per the minimum standards below (CCZO Section 07-10-03(3)).

During the rezoning decision, Canyon Highway District #4 (CHD4) found the private road met approach standards (Exhibit 4d). As a condition of approval, the plat shall comply with CHD4 standards before the Board of County Commissioner signs the final plat.

- Irrigation: The property does not have irrigation water rights. Therefore, each property will use domestic wells to irrigate up to 0.5 acre per Section 42-111 of Idaho Code (Plat note 8).
- Drainage: Subdivision runoff will be maintained on each lot by the property owner.

The preliminary plat was found to be consistent with the standards of review (Exhibit 4a).

The property is located within the City of Star Area of City Impact. The City of Star does not oppose the plat and waives the City of Star requirements per Section 09-19-09(6) of the Area of City Impact Agreement (Exhibit 4b).

POTENTIAL ISSUES

During the Hearing Examiner hearing on January 18, 2023 evidence was submitted demonstrating the existing private road, Desert Wolf Lane, does not meet County road construction requirements (Exhibit 5d). The County Engineer reviewed the road and found that the road does not meet CCZO Section 07-10-03(3)A, Driveway and Private Road Requirement – Minimum Standards (Exhibit 5b).

The Hearing Examiner recommended approval of the request subject to conditions (Exhibit 5a). Condition 1a requires the private road to be constructed to County and Star Fire District standards. Evidence shall be a certification from a licensed engineer demonstrating consistency with County requirements before the final plat signature by the Board.

The applicant has not provided a private road certification. Therefore, the final plat cannot be signed until the condition is met.

COMMENTS:

- See Exhibit 4 and 5c & 5d for all comments received.

RECOMMENDATION:

Staff recommends the Board of County Commissioners open a public hearing and discuss the proposed preliminary plat. On January 18, 2023, the Hearing Examiner recommended approval of the short plat subject to four (4) conditions of approval (Exhibit 5a).

See Exhibit 7 for the draft findings of fact and conclusions of law for the Planning and Zoning Commission's consideration. If approved, the following Board actions are required:

- Sign the Findings of Fact, Conclusions of Law and Order regarding Case SD2022-0046; and
- If available, sign the VanWinkle Subdivision final plat. If not, the final plat will be scheduled for Board signing at a later date.

DECISION OPTIONS:

The Board of County Commissioners has the following decision options:

- Approved preliminary plat with conditions as recommended by the Hearing Examiner;
- Deny the request and direct staff to bring back revised findings and conclusions of law; or
- Tabled the hearing to request staff or the applicant to return with additional information.

EXHIBITS:

1. Parcel Information Report – Parcel R33805010A
2. Applicant Submittal
 - a. Preliminary Plat & Final Plat
 - b. Subdivision Worksheet
 - c. Irrigation Plan
3. Aerial map
4. Comments
 - a. Keller Associates Review
 - b. City of Star
 - c. Southwest District Health
 - d. Canyon Highway District #4
5. RZ2021-0020 - FCOs
6. Hearing Examiner – 1/18/23
 - a. FCOs
 - b. Minutes
 - c. Aerial – Vanwinkle
 - d. Photos – Gary Casey
 - e. Staff's PowerPoint
7. Draft FCOs
 - Attachment A: Preliminary Plat & Final Plat
 - Attachment B: Keller Associates Review
 - Attachment C: City of Star Waiver

R33805010A PARCEL INFORMATION REPORT

12/27/2023 1:24:03 PM

PARCEL NUMBER: **R33805010A**

OWNER NAME: **VAN WINKLE JEFFREY A**

CO-OWNER: **VAN WINKLE NANCY L**

MAILING ADDRESS: **7388 DESERT WOLF LN STAR ID 83669**

SITE ADDRESS: **7388 DESERT WOLF LN**

TAX CODE: **0300000**

TWP: **4N** RNG: **2W** SEC: **02** QUARTER: **NE**

ACRES: **5.18**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **RR / RURAL RESIDENTIAL**

HIGHWAY DISTRICT: **CANYON HWY**

FIRE DISTRICT: **STAR FIRE**

SCHOOL DISTRICT: **MIDDLETON SCHOOL DIST**

IMPACT AREA: **STAR**

FUTURE LAND USE 2011-2022 : **Res**

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **Res**

IRRIGATION DISTRICT: **NOT In IRRIG_DIST**

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY** FIRM PANEL: **16027C0275F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **NO Nitrate Prio**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2016012721**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **02-4N-2W NE TX 16096 IN GOVT LOT 2**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:

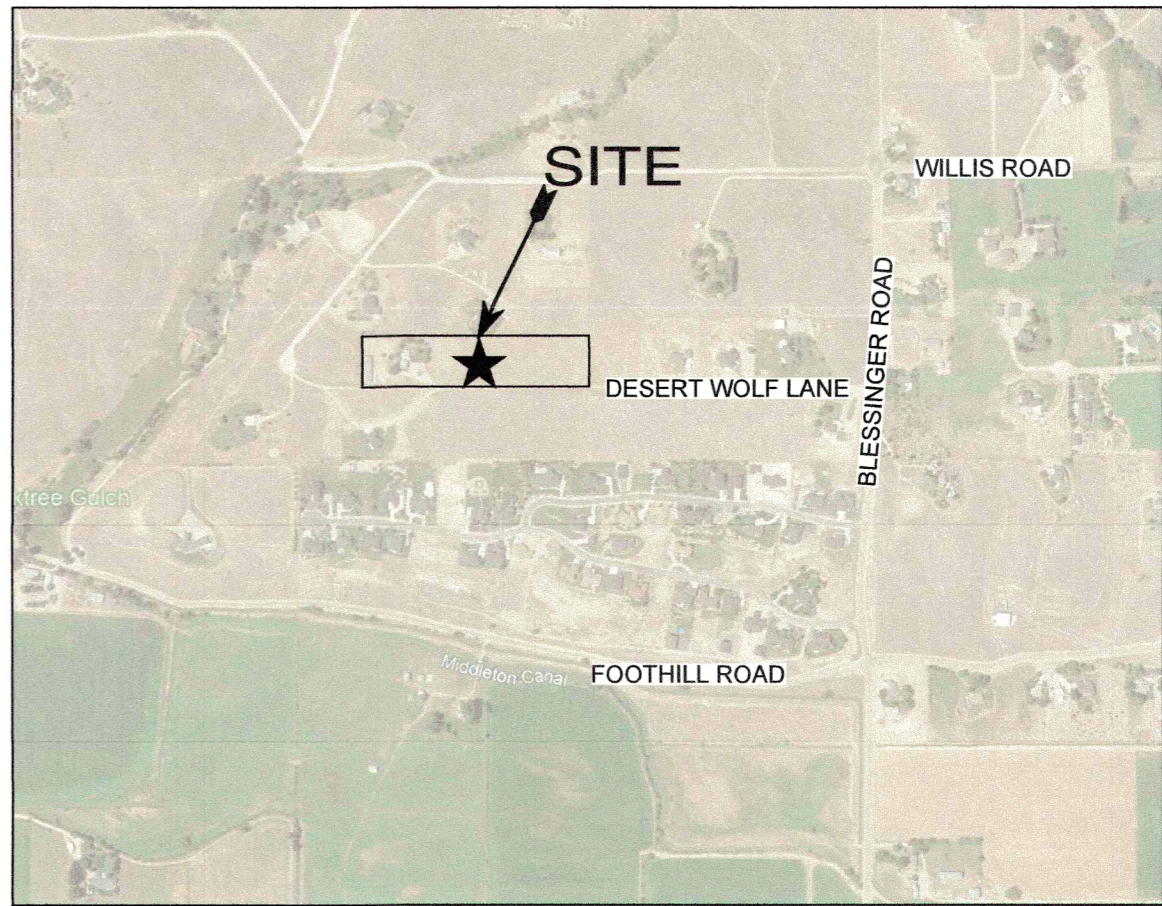


DISCLAIMER:

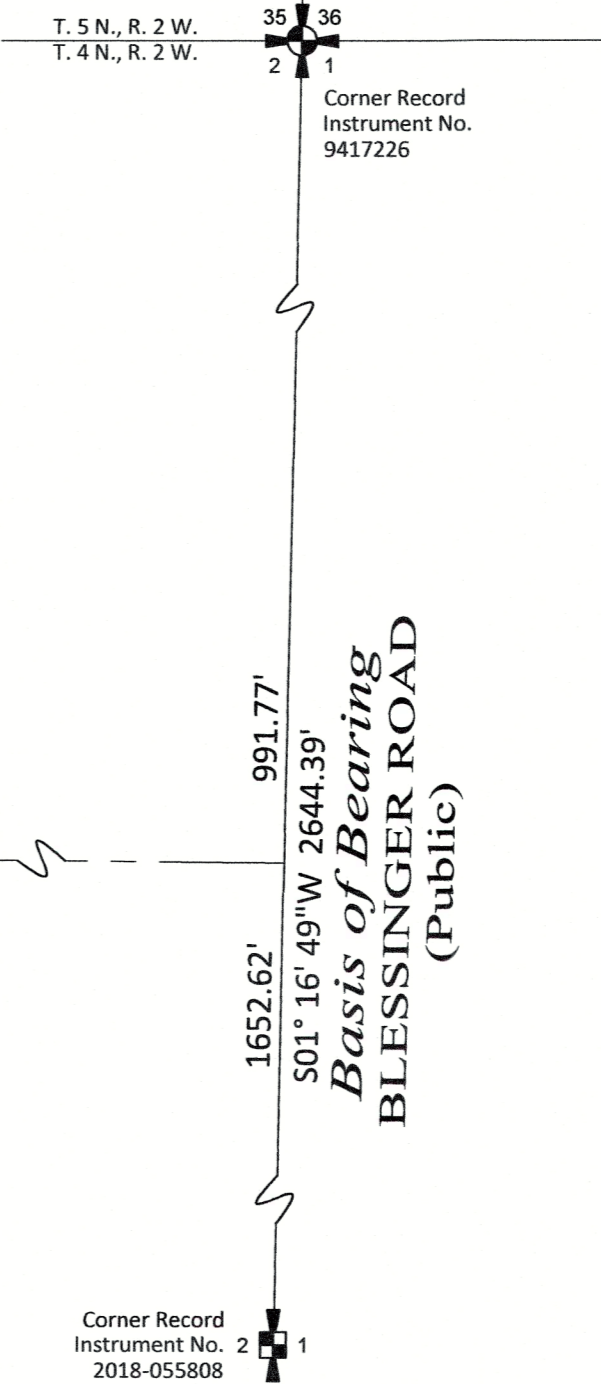
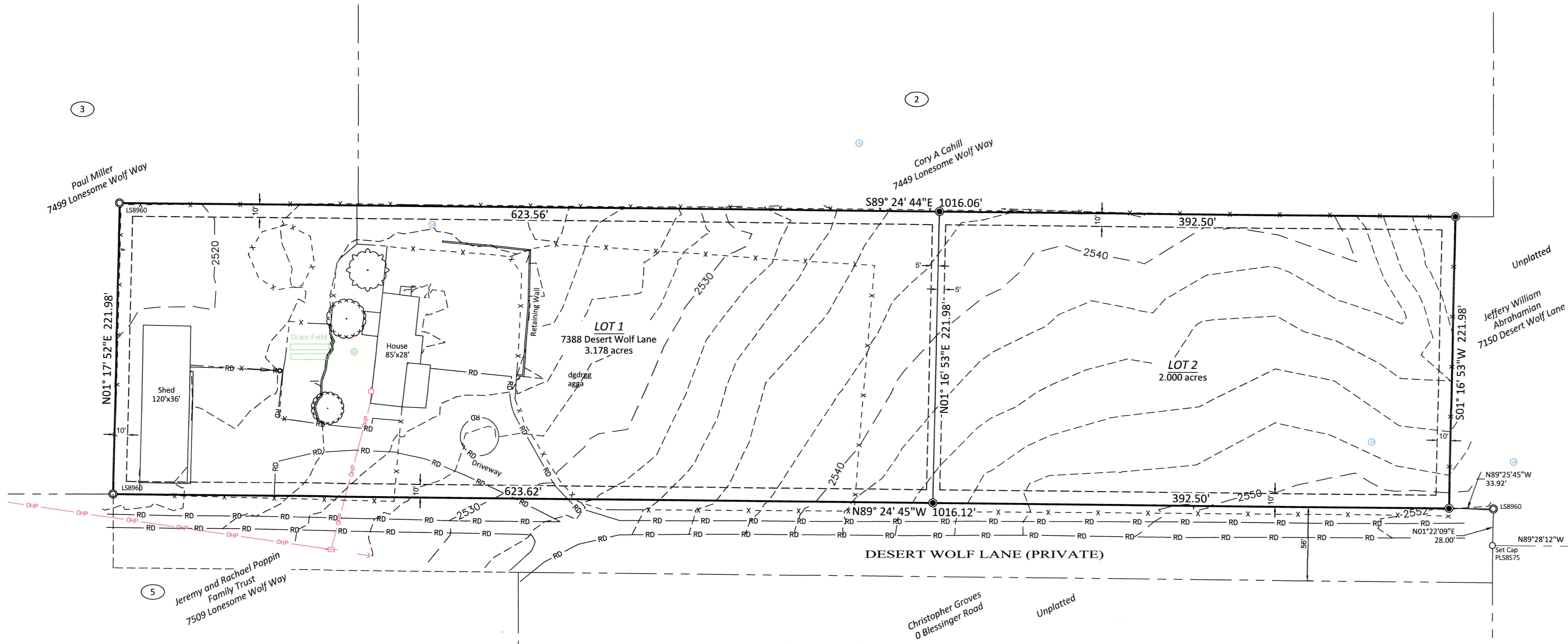
1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM
THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

Preliminary Plat
Vanwinkle Subdivision
situate in the Government Lot 2 of Section 2,
Township 4 North, Range 2 West, Boise Meridian
Canyon County, Idaho
2022



VICINITY MAP
NOT TO SCALE



PROJECT ADDRESS

7388 Desert Wolf Lane, Star, ID

DEVELOPER/APPLICANT

Jeff Vanwinkle
7388 Desert Wolf Lane
Star, ID 83669
208.870.1290
jvanwinkle@guerdon.com

ENGINEER

HMH engineering
3882 N. Schreiber Way, Suite 104
Coeur d'Alene, ID 83815
Justin Shaw, PE
208.635.5825
jshaw@hmm-llc.com

SURVEYOR

HMH engineering
680 #2B S. Progress Avenue
Meridian, ID 83642
Ronald M Hodge, PLS
208.342.7957
rhodge@hmm-llc.com

LAND USE SUMMARY

Total Area: 5.178 acres

NOTES

- This property falls in Zone 'X' of the Flood Insurance Rate Map Nos. 16027C0275F, effective date of May 24, 2011 and 16027C0258G, effective date of June 7, 2019.
- Each lot will have its own well for domestic and irrigation uses.
- Sanitary sewer will be by septic systems for each lot.
- Building setbacks and dimensional standards shall be in accordance with the Canyon County standards in effect at the time of the subdivision.
- Contour and spot elevation data is referenced to NAVD88 Datum.
- Zoning is R-R.
- This development is not within the boundaries of any irrigation entity.
- Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
- This Plat complies with Southwest District Health requirements.

BASIS OF BEARING

The basis of bearing for this survey was established by GPS techniques, projected to the Idaho State Plane coordinate system, NAD 83 datum, West zone. All bearings shown are on grid azimuth and all distances shown are at ground. Refer to the drawing for the specific line and monuments used.

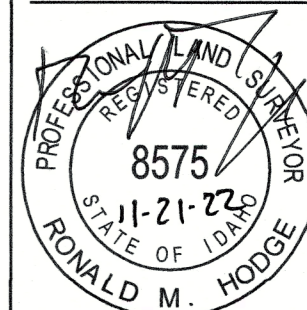
BENCHMARK (NAVD 88)

The reference benchmark for this survey is the National CORS Network, elevation brought to site via static GPS observations and processed using the National Geodetic survey "opus" utility and post processing software. Refer to drawing for on-site control values.

CERTIFICATE OF SURVEYOR

I, Ronald M. Hodge, do hereby certify that I am a Registered Land Surveyor licensed by the State of Idaho and that this preliminary plat of Vanwinkle Subdivision, was drawn from an actual survey made on the ground and accurately represents that survey.

Ronald M. Hodge
Ronald M. Hodge, PLS



Check Set

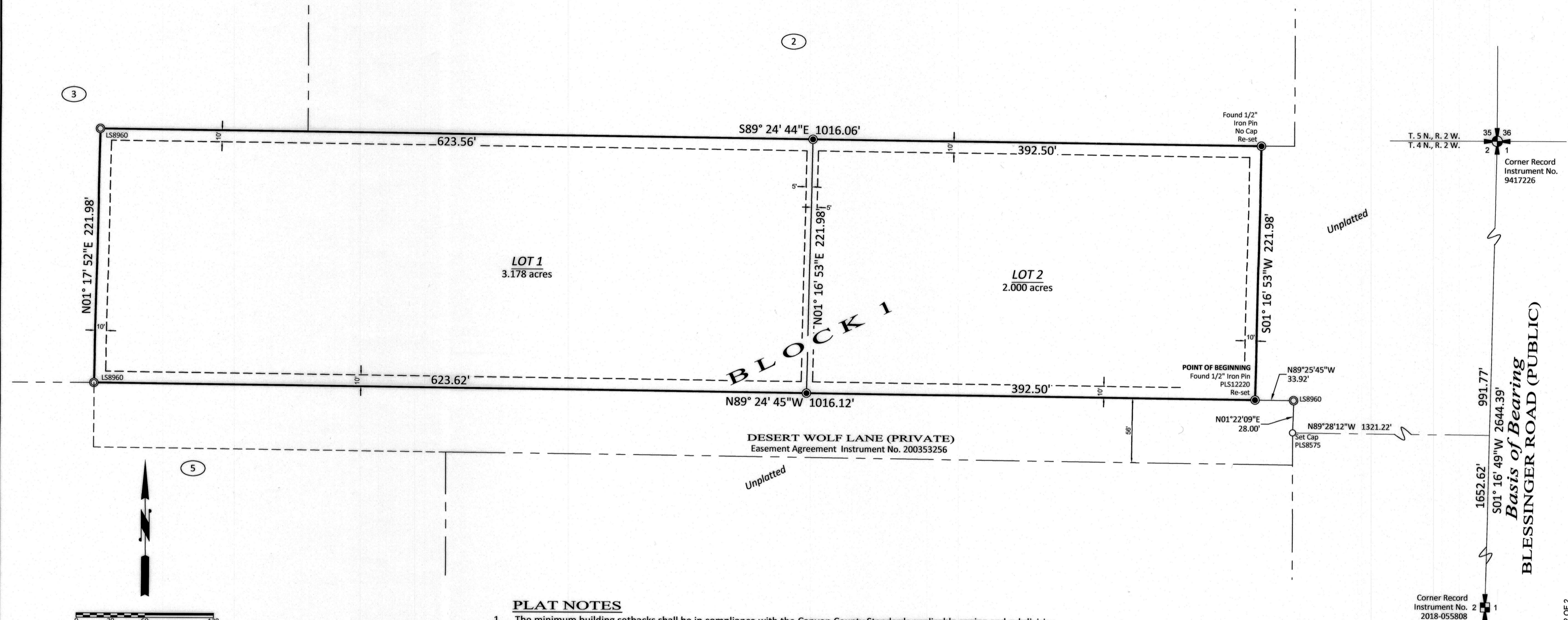
DWG: s21072 pre-plat.dwg
PROJECT NO: S21072
DRAWN BY: TC
CHECKED BY: RH
DATE: 2022/09/15
© 2022 | ALL RIGHTS RESERVED
NO. DATE BY DESCRIPTION
11-21-22 RMH RVSD NOTES

BOOK PAGE

T. 5 N., R. 2 W.
T. 4 N., R. 2 W.

35 36
2 1

Corner Record
Instrument No.
9417226



1. The minimum building setbacks shall be in compliance with the Canyon County Standards applicable zoning and subdivision regulations, at the time of issuance of individual building permits.
2. Lots shall not be reduced in size without prior approval from the health authority.
3. No additional domestic water supplies shall be installed beyond the water system approved in the sanitary restriction release.
4. All easements shown or designated hereon are non-exclusive, perpetual, shall run with the land, are appurtenant to the lots shown hereon, and are hereby reserved for the installation, maintenance, operation, and use of public & private utilities, pressurized/gravity irrigation, cable television/data; appurtenances thereto; and lot drainage.
5. This development recognizes Section 22-4503 of the Idaho Code, Right to Farm Act, which states: "no agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding non-agricultural activities after it has been in operation for more than one (1) year, when the operation facility or expansion was not a nuisance at the time it began or was constructed. the provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof."
6. All Lots shall have individual wells and septic systems.
7. Reference is made to the public health letter on file with the Canyon County Recorder regarding additional restrictions.
8. The development is not within the boundaries of any irrigation entity and is not subject to Idaho Code 31-3805 Delivery of Water.

The purpose of the survey is for the development of the property into a platted subdivision. Monuments found as shown on Record of Survey Instrument No. 200227834 & 2021-019498 were held as shown. The sectional ties were held as described in the corner records. The northerly, southerly & westerly boundaries are contiguous with Desert Wolf Subdivision.

1. Added Point of Beginning, IC 31-3805 Irrigation Water note, revision block, Public or Private road note.

S1 - Desert Wolf Subdivision, Book 33, Page 11
R1 - Record of Survey Instrument No. 410843
R2 - Record of Survey Instrument No. 870603
R3 - Record of Survey Instrument No. 200022127
R4 - Record of Survey Instrument No. 200227834
R5 - Record of Survey Instrument No. 2021-019498

BASIS OF BEARING
The Basis of Bearing for this survey was established by GPS observations, referenced to NAD 83 (2011) Epoch 2010, and projected to the Idaho Plane Coordinate System, West Zone 1103.
All distances were measured with ground coordinates.

17

PROFESSIONAL ENGINEER AND SURVEYOR
REGISTERED
8575
11-22-24
STATE OF IDAHO
RONALD M. HODGE

680 S. Progress Avenue, Suite 2B
Boise, ID 83642
(208) 342-7957

IMH Engineering

VANWINKLE SUBDIVISION
Situat in the Government Lot 2 of Section 2
Township 4 North, Range 2 West, Boise Meridian
Canyon County, Idaho
2023

BOOK PAGE

Certificate of Owners

Know all people by these presents, that we the undersigned are the owners of the land herein described and that we intend to include said land in this plat:

A parcel of land situate in Government Lot 2 of Section 2, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the northeast corner of Section 2, monumented as shown on Corner Record Instrument No. 9417226, from which the east 1/4 Corner monumented as shown on Corner Record Instrument No. 2018-055808 bears, South 01°16'49" West, 2644.39 feet. Thence South 01°16'49" West, 991.77 feet to the center line of Desert Wolf Lane (Private); thence along said center line, North 89°28'12" West, 1,321.22 feet to the easterly boundary of Desert Wolf Subdivision recorded in Book 33 of Plats at page 11 monumented by a found 1/2-inch iron pin with cap "PLS8575"; thence North 01°22'09" East, 28.00 feet to the northerly boundary of an easement agreement recorded as Instrument No. 200353256 monumented by a found 5/8-inch iron pin with cap "LS8960"; thence along said northerly boundary and the boundary of Desert Wolf Subdivision, North 89°25'45" West, 33.92 feet to the POINT OF BEGINNING monumented by a found 1/2-inch iron pin with cap "PLS12220" and re-set with a 5/8-inch iron pin with cap "PLS8575";

Thence continuing North 89°24'45" West, 1,016.12 feet along said boundaries to the southeast corner of Lot 3 of Desert Wolf Subdivision monumented by a found 5/8-inch iron pin with cap "LS8960";

Thence along the easterly boundary of said Lot 3, North 01°17'52" East, 221.98 feet to a found 5/8-inch iron pin with cap "LS8960";


Thence along the boundary of Lots 3 & 2, South 89°24'44" East, 1,016.06 feet to a found 1/2-inch iron pin with no cap and re-set with a 5/8-inch iron pin with cap "PLS8575";

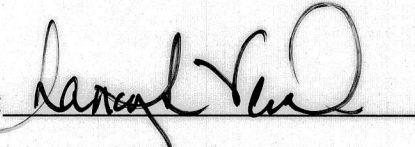
Thence South 01°16'53" West, 221.98 feet to the POINT OF BEGINNING.

Containing 5.147 acres, more or less

The easements shown on this plat are not dedicated to the public, however the right to use said easements is hereby reserved for the uses specifically depicted on the plat, and for any other purposes designated hereon, and no permanent structures, other than for such uses and purposes, are to be erected within the lines of said easements.

In witness whereof, we have hereunto set our hand:

by:  Jeffery A. Vanwinkle - Owner


by:  Nancy L. Vanwinkle - Owner

Acknowledgement

State of Idaho
County of Ada

On this 22nd day of November, 2022 before me, the undersigned, a Notary Public in and of said State, personally appeared Jeffery A. Vanwinkle and Nancy L. Vanwinkle, identified to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year in this certificate first above written.


Thomas R. Currie

THOMAS R. CURRIE
COMMISSION #24801
NOTARY PUBLIC
STATE OF IDAHO

My commission expires February 4th, 2028

Approval of Southwest District Health Department

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be re-imposed, in accordance with Section 20-1326, Idaho Code, by the issuance of a certificate of disapproval.

Southwest District Health Department Date

Certification of Approval of Canyon Highway District #4

Canyon Highway District has no responsibility for the streets shown on this plat, unless and until a petition has been received and approved together with a dedication of rights-of-way and evidence that said streets meet current Highway District Standards for Construction.

Chairman Date

Certification of Approval of City of Middleton

Accepted and approved this _____ day of _____, _____, by the City of Middleton, Canyon County, Idaho.

Chairman Clerk

Certification of Approval of Canyon County Commissioners

Accepted and approved this _____ day of _____, _____, by the Canyon County Commissioners, Canyon County, Idaho.

Chairman Clerk

Certification of Approval of County Surveyor

I, the undersigned, Professional Land Surveyor in and for Canyon County, Idaho, do hereby certify that I have checked this plat and find that it complies with the State of Idaho Code relating to plats and surveys.

County Surveyor PLS Date


Certification of County Treasurer

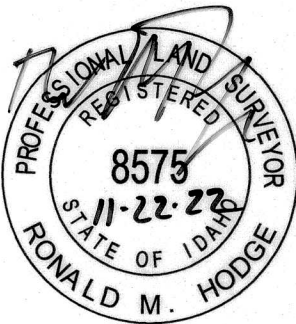
I, the undersigned, County Treasurer in and for the County of Canyon, State of Idaho, per requirements of Idaho Code 50-1308, do hereby certify that any and all current and/or delinquent County Property Taxes for the property included in this proposed subdivision have been paid in full. This certificate is valid for the next thirty (30) days only.

County Treasurer Date

Certificate of Surveyor

I, Ronald M. Hodge, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho and that this plat of Vanwinkle Subdivision, as described in the Certificate of Owners and depicted on the attached plat, was drawn from an actual survey made on the ground under my direct supervision, accurately represents the points platted thereon and, is in conformity with the State of Idaho Codes relating to Plats, Surveys and the Corner Perpetuation and Filing Act, Idaho Code 55-1601 through 55-1612.


Ronald M. Hodge, PLS



SUBDIVISION WORKSHEET**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633**GENERAL**

1. **HOW MANY LOTS ARE YOU PROPOSING?**
 Residential 2 Non-buildable 0 Common 0
2. **AVERAGE LOT SIZE OF THE RESIDENTIAL PARCELS**
2.59 ACRES

IRRIGATION

1. **IRRIGATION WATER IS PROVIDED VIA:**
☐ Irrigation Well ☒ Surface Water
2. **WHAT PERCENTAGE OF THE PROPERTY HAS WATER?** 0 %
3. **HOW MANY INCHES OF WATER ARE AVAILABLE TO PROPERTY?** 0
4. **HOW DO YOU PLAN TO RETAIN STORM AND EXCESS WATER ON EACH LOT?**
natural drainage
5. **HOW DO YOU PLAN TO PROCESS STORM WATER / EXCESS IRRIGATION WATER PRIOR TO IT ENTERING THE ESTABLISHED DRAINAGE SYSTEM?**
There is no established drainage system in the area.

ROADS

1. **ROADS WITHIN THE DEVELOPMENT WILL BE:**
☐ Public ☒ Private ☐ N/A
 (Desert Wolf Lane)
- * Private Road names must be approved by the County and the private road application submitted with the Preliminary Plat*

HILLSIDE DEVELOPMENT

1. **OF THE TOTAL LOTS REQUESTED, HOW MANY OF THE LOTS WILL CONTAIN SLOPES GREATER THAN 15%?**
 Residential 0 Non-Buildable 0 Common 0
2. **WILL THE PROPOSED ROAD (S) BE LOCATED WITHIN ANY AREA THAT HAS SLOPES GREATER THAN 15%?**
☐ YES ☒ NO

*If YES, a grading plan is required.

SUBDIVISION WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



SUBDIVISIONS WITHIN AN AREA OF CITY IMPACT

1. WILL YOU BE REQUESTING WAIVERS OF SUBDIVISION IMPROVEMENT REQUIREMENTS FROM THE CITY?

☐ YES ☒ NO

2. IF YES, WHICH WAIVERS WILL YOU BE REQUESTING?

☐ CURBS ☐ GUTTERS ☐ SIDEWALKS ☐ STREETLIGHTS ☐ LANDSCAPING

IRRIGATION PLAN APPLICATION**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633

Applicant(s) Jeff VanWinkle [REDACTED]

Name	Daytime Telephone Number	
<u>7388 Desert Wolf Ln</u>	<u>Star, ID</u>	<u>83669</u>
Street Address	City, State	Zip

Representative Name _____ Daytime Telephone Number / E-mail Address _____

Street Address	City, State	Zip
----------------	-------------	-----

Location of Subject Property: 7388 Desert Wolf Ln Star

Two Nearest Cross Streets or Property Address _____ City _____

Assessor's Account Number(s): R 33805010A0 ^{T4NR2W2} Section _____ Township T4N Range R2W

This land:

- ☐ Has water rights available to it.
- ☒ Is dry and has no water rights available to it. If dry, please sign this document and return to the Development Services Department representative from whom you received it.

Idaho Code 31-3805 states that when all or part of a subdivision is "located within the boundaries of an existing irrigation district or canal company, ditch association, or like irrigation water delivery entity ... **no subdivision plat or amendment to a subdivision plat or any other plat or may recognized by the city or county for the division of land will be accepted, approved, and recorded unless:**"

- a. The appropriate water rights and assessment of those water rights have been transferred from said lands or excluded from an irrigation entity by the owner; or
- b. The owner, person, firm, or corporation filing the subdivision plat or amendment to a subdivision plat or map has provided underground tile or conduit for lots of one (1) acre or less, or a suitable system for lots of more than one (1) acre which will deliver water to those land owners within the subdivision who are also within the irrigation entity with the appropriate approvals:
 1. For proposed subdivisions located within negotiated area of city impact, both city and county zoning authorities must approve such irrigation system in accordance with Idaho Code Section 50-1306. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.

2. For proposed subdivisions outside of negotiated areas of city impact, the delivery system must be approved by the Planning and Zoning Commission and the Board of County Commissioners with the advice of the irrigation entity charged with the delivery of water to said lands.

To better understand your irrigation request, we need to ask you a few questions. A list of the map requirements follows the short questionnaire. **Any information missing information may result in the delay of your request before the Planning and Zoning Commission and ultimately the approval of your irrigation plan by the Board of County Commissioners.**

1. Are you within an area of negotiated City Impact? _____ Yes _____ No
If yes, please include a copy of approvals by the City Planning & Zoning Commission and City Council of your Irrigation Plan.

2. What is the name of the irrigation and drainage entities servicing the property?

Irrigation: _____

Drainage: _____

3. How many acres is the property being subdivided? _____

4. What percentage of this property has water? _____

5. How many inches of water are available to the property? _____

6. How is the land currently irrigated? ☐ Surface ☐ Irrigation Well
☐ Sprinkler ☐ Above Ground Pipe ☐ Underground Pipe
7. How is the land to be irrigated after it is subdivided? ☐ Surface ☐ Irrigation Well
☐ Sprinkler ☐ Above Ground Pipe ☐ Underground Pipe

8. Please describe how the head gate/pump connects to the canal and irrigated land and where ditches and/or pipes go.

9. Are there irrigation easement(s) on the property? ☐ Yes ☐ No

10. How do you plan to retain storm and excess water on each lot?

11. How do you plan to remove the storm water /excess irrigation water prior to it entering the established drainage system? (i.e. oil, grease, contaminated aggregates)

IMAGES WERE FLOWN IN THE FALL OF 2020.

VanWinkle Subdivision Small Air Photo 1 Mile

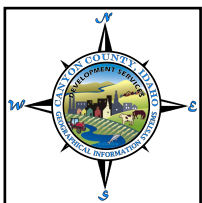
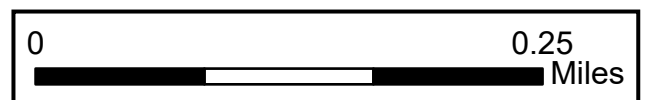


Exhibit 3





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

November 15, 2022

Mr. Devin Krasowski
Associate Engineer
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Vanwinkle Subdivision Preliminary Plat Application

Dear Mr. Krasowski

The more recent 11/21/22 preliminary plat
also meets the below requirements. - Devin
Krasowski, PE

Keller Associates, Inc. has reviewed the Preliminary Plat for the Vanwinkle Subdivision dated September 15, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:

1. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
2. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
3. Plat shall comply with irrigation district requirements.
4. Plat shall comply with Southwest District Health requirements.

We recommend that the preliminary plat be **APPROVED with the conditions listed above**. 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 preliminary plat 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.

A handwritten signature in blue ink, appearing to read "Justin Walker".

Justin Walker, P.E.
County Engineer

cc: File



November 15, 2022

Mr. Devin Krasowski
Associate Engineer
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Vanwinkle Subdivision Final Plat Application

Dear Mr. Krasowski

The more recent 11/22/22 final plat
addresses these comments. - Devin
Krasowski, PE

Keller Associates, Inc. has reviewed the Vanwinkle Subdivision Final Plat dated September 15, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy County requirements:

1. Add a call out for the "Point of Beginning".
2. Provide a revision block in the lower right-hand corner of the plat.
3. Please label all roads (including Blessinger Road) as public or private.

The conditions listed above must be addressed along with any other comments from the County Surveyor prior to the County Surveyors 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.

A handwritten signature in blue ink, appearing to read "Justin Walker".

Justin Walker, P.E.
County Engineer

cc: File

Dan Lister

From: Shawn Nickel <snickel@staridaho.org>
Sent: Tuesday, September 13, 2022 10:24 AM
To: Devin Krasowski; Ryan Field
Cc: 'jvanwinkle@guerdon.com'; Cassie Lamb
Subject: [External] RE: R33805010A (7388 Desert Wolf Ln) Short Plat Application

Good morning, Devin. Thanks for reaching out to us. The City of Star would not require any improvements for this property for a two-lot subdivision. It is assumed that both lots will take access and frontage from Dessert Wolf Lane. If the road is public, the applicant would need to work with Canyon Hwy District 4 for any improvements required by them. If it is private, then they should be good.

Thanks.

Shawn

Shawn I. nickel
 Planning DirecTor and Zoning AdminisTrator
 CiTy of STar
snickel@sTaridaho.org
 208-908-5455



From: Devin Krasowski <Devin.Krasowski@canyoncounty.id.gov>
Sent: Tuesday, September 13, 2022 10:12 AM
To: Shawn Nickel <snickel@staridaho.org>; Ryan Field <rfield@staridaho.org>
Cc: 'jvanwinkle@guerdon.com' <jvanwinkle@guerdon.com>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>
Subject: R33805010A (7388 Desert Wolf Ln) Short Plat Application

Gentlemen,

We had a meeting with Jeff Vanwinkle this morning who is getting ready to submit a subdivision application for R33805010A:



He plans to create two parcels from this one parcel (in red above) which triggers the platting process based on our ordinances. As long as the City of Star isn't going to require an subdivision improvements this will be a short plat application. Can I get a comment from the City regarding what type of improvements (if any) would be requested by the City for Jeff to move forward with this application?

Jeff,

For reference, here is our Area of Impact Agreement with the City:

https://codelibrary.amlegal.com/codes/canyoncountyd/latest/canyoncounty_id/0-0-0-10568.

--



Devin T. Krasowski

Associate Engineer

Canyon County Development Services

Office: (208) 455-5958

Mobile: (208) 407-5757



Facilities Number: 011772

November 22, 2022

HMH Engineering
680 S. Progress Ave. Suite 2B
Meridian, ID 83642

Re: Van Winkle Subdivision

Dear HMH Engineering,

Southwest District health has reviewed the subdivision engineering report (SER) and does approve the SER for the proposed for Van Winkle Subdivision, located in the ***NE ¼ of Section 2, Township 4N, Range 2W, B.M.*** The property is reported to be 5.178-acres. The proposed development includes one (1) buildable lot with a minimum lot size of 2.000-acres. The SER was approved on November 22, 2022.

The Engineering Report and associated plans and specifications appear to meet applicable regulations. If changes are made in the design to the plat submitted to Southwest District Health at the time of this approval, re-engineering will be required.

Condition(s) of final subdivision approval:

- The final plat must be signed by the designated REHS/RS from Southwest District Health.
- A physical copy of the SER and informational plat must be submitted to Southwest District Health.

If you have questions, please contact me at 208.455.5382, or via e-mail: jack.nygaard@phd3.idaho.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Nygaard", is written over a horizontal line.

Jack Nygaard, MS, REHS/RS
Land Development Senior

Cc: Jeff Van Winkle (Property Owner)

Healthier Together

Dan Lister

From: Chris Hopper <CHopper@canyonhd4.org>
Sent: Wednesday, December 14, 2022 11:52 AM
To: Dan Lister
Subject: [External] FW: Agency Notice SD2022-0046 / VanWinkle Subdivison
Attachments: SD2022-0046.pdf

Dan-
 The applicant needs to make a final plat applications to CHD4, including plat review fees of \$300 + \$20/lot = \$340. We will put this application on the list for review, currently at #31, or approximately 3 months out for comments. If you have an email for the applicant please forward this message; I will try the phone number on the application as well.

Respectfully,

Chris Hopper, P.E.
 District Engineer

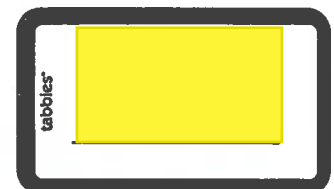
Canyon Highway District No. 4
 15435 Hwy 44
 Caldwell, Idaho 83607
 208-454-8135

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, December 14, 2022 10:47 AM
To: 'lgrooms@msd134.org' <lgrooms@msd134.org>; Marc Gee <mgee@msd134.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; 'PERMITS@STARFIRERESCUE.ORG' <PERMITS@STARFIRERESCUE.ORG>; Chris Hopper <CHopper@canyonhd4.org>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'shayne.watterud@ziply.com' <shayne.watterud@ziply.com>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; 'farmers.union.ditch@gmail.com' <farmers.union.ditch@gmail.com>; 'irrigation.mm.mi@gmail.com' <irrigation.mm.mi@gmail.com>; 'd3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; 'ITDD3PERMITS@ITD.IDAHO.GOV' <ITDD3PERMITS@ITD.IDAHO.GOV>; COMPASS <gis@compassidaho.org>
Subject: Agency Notice SD2022-0046 / VanWinkle Subdivison

Good morning;

Please see the attached agency notice. Please direct your comments or questions to Planning Official Dan Lister at Daniel.lister@canyoncounty.id.gov.

Thank you,





CANYON HIGHWAY DISTRICT No. 4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607
TELEPHONE 208/454-8135
FAX 208/454-2008

June 24, 2021

Canyon County Board of Commissioners and Planning & Zoning Commission
111 N. 11th Street
Caldwell, Idaho 83605
Attention: Jennifer Almeida, Planner

RE: RZ2021-0020 Rezone from A to R-R Residential
Canyon County Parcel R33805010A Aka 7388 Desert Wolf Lane

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for a Rezone for the above described parcel from Agricultural to R-R Residential, and offers the following comments on the proposed use:

General

The subject property consists of 1 parcel totaling approximately 5.2 acres, located west of Blessinger Rd, in the NE ¼ Section 2 T4N R2W.

The subject property is located approximately ¼ mile north of Star city limits. By policy, CHD4 will solicit comment from the city during review of preliminary and final plats, and may apply appropriate city standards for roadway cross section, access, utility improvements, or other urban features based on their comment.

The subject property does not appear to have frontage on any public roadway.

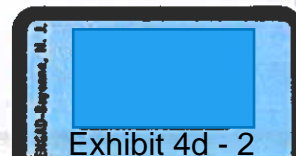
Outparcels

In accordance with the Highway Standards and Development Procedures Manual (HSDP) adopted by CHD4, parcel divisions may be considered as outparcels for any future development of the subject property if the criteria established in HSDP Section 2030.030 are satisfied, and may be subject to requirements for right-of-way dedication and/or frontage improvements. Any such requirements to be determined at the time of preliminary plat approval by the highway district.

Access

Access to the subject property is via an existing private road ("Desert Wolf Lane") access to Blessinger Rd. The existing private road approach to Blessinger meets current standards for an access serving more than 2 residential parcels. An access permit from CHD4 is required for any new residential construction, with the point of access considered the Desert Wolf Lane approach to Blessinger Rd.

CHD4 does not have record of easements or private rights-of-way that provide the subject property access to the public highway system.



Transportation Impacts:

The proposed rezone, which could allow up to 3 residential lots, or approximately 19 vehicle trips/day, is not anticipated to exceed the minimum threshold of 500 trips/day for requiring a Traffic Impact Study (TIS). Traffic impacts from the development are not anticipated to materially affect the existing or future transportation system.

Administrative Land Division

Canyon County code Chapter 7 Section 18 provides that parcels rezoned from agricultural to any other zone may be divided into up to four parcels administratively. Administrative land divisions resulting from this rezone are subject to the access restrictions and/or limitations identified in these comments. Right-of-way dedication for existing or future public roadways may be required as part of the administrative land division process as provided under CHD4 policy. Other development requirements, such as frontage improvements, construction of public roadways, traffic impact studies, and offsite traffic mitigation may also apply.

Section Line Setbacks

Not applicable to this subject property.

CHD4 does not oppose the requested zoning changes, but requests the Commission make these comments conditions of any approved land use action.

Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Blessinger Rd- RZ2021-0020 VanWinkle Rezone



Canyon County Board of County Commissioners
Jeff VanWinkle **RZ2021-0020**

Findings of Fact

1. The applicant is requesting a **Rezone** of approximately 5.18 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential) zone.
2. The subject property, parcel no. R33805010A is located at 7388 Desert Wolf Lane, Star, Idaho, in a portion of the NE ¼ of Section 2, T4N, R2W, BM, Canyon County, Idaho.
3. The subject property is designated as residential on the 2020 Comprehensive Plan Future Land Use Map.
4. The subject property is located within Middleton's Area of City Impact. The property is designated as residential on their future land use map.
5. The subject property is located within Canyon Highway District, Star Fire District and Middleton School District.
6. The neighborhood meeting was held on 3/17/21, compliant with CCZO §07-01-15.
7. The Planning & Zoning Commission recommended approval of the zoning map amendment (rezone) on July 1, 2021.
8. Notice of the public hearing was provided per CCZO §07-05-01. Agency notice was provided on 8/16/21, Newspaper notice was provided on 8/17/21, property owners within 300' were notified by mail on 8/11/21, and the property was posted on 8/19/21.
9. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on 7/1/21, 9/3/21, and all information contained in DSD case file, RZ2021-0020.

Conclusions of Law

For this request the Board of County Commissioners find and conclude the following regarding the Standards of Evaluation for a Zoning Map Amendment (§07-06-07 (7) A):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zoning map amendment is generally consistent with the comprehensive plan and future land use map which designates the property as "residential."

Finding: The proposed zoning map amendment is generally consistent with the following goals and policies contained within the 2020 Canyon County Comprehensive Plan:

Property Rights Policy No. 1- *"No person shall be deprived of private property without due process of law."*

Population Policy No. 3 – *"Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses."* The property is identified on the Canyon County Future Land Use Map as residential. The property is located within Middleton's Area of City Impact where

growth is anticipated. The City of Middleton designates the property as “residential.” The requested rezone is in conformance with the future land use plans for the county as well as the city.

Economic Development Policy No. 7- *“Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.”* The property is identified on the Canyon County Future Land Use Map as “residential.” The site is within Middleton’s Area of City Impact where growth is anticipated. The property is adjacent to “R-R” (Rural Residential) zoning.

Land Use Goal No. 4 – *“To encourage development in those areas of the county which provide the most favorable conditions for future community services.”* The property is located within Middleton’s Area of City Impact where growth is anticipated.

Land use Goal No. 6- *“Designate areas where rural type development will likely occur and recognize areas where agricultural development will likely occur.”* The property is identified on Canyon County’s Future Land Use Map as “residential.”

Land Use Policy No. 1 – *“Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas.”* The rezone to “R-R” (Rural Residential) is compatible with the adjacent residential uses and zoning within the vicinity. The property is within Middleton’s Area of City Impact where growth is anticipated.

Land Use Policy – Residential- No. 2 – *“Encourage residential development in areas where agricultural uses are not viable.”* The subject property is currently zoned agriculture, but has no water rights available to it. Further, the property is identified on the Canyon County Future Land Use Map as “residential.”

Public Services, Facilities, and Utilities Policy No. 3 – *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”* The property is located within Star Fire District.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed zone change is more appropriate than the current zoning designation. The property is identified as “Residential” on the Canyon County Future Land Use Map.

Finding: The property is adjacent to residential zoning and residential uses and zoning.

The property is located within Middleton’s Area of City Impact where growth is anticipated. The future land use map for the County as well as the City of Middleton identify the property as residential.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The proposed zoning map amendment, is compatible with the surrounding residential land uses and zoning.

Finding: The area is predominately residential in nature (Exhibit 5). The subject property is adjacent to "R-R" (Rural Residential) zoning along the east boundary. The introduction of additional residential zoned property would not be incompatible. The applicant intends on dividing the parcel into two (2) lots, each of which, would meet the minimum lot size in the "R-R" zone and are larger than the average platted lot size (*within one mile*) of 1.48 acres.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed zoning map amendment will not have a negative effect to the character of the area.

Finding: The zoning map amendment will not be injurious to other properties in the vicinity nor will it negatively change the essential character of the area. The proposed zoning map amendment is compatible with the surrounding residential uses and residential zoning that exist in the vicinity of the site.

The future land use map for the County as well as the City of Middleton identify the property as residential. The property is also located within Middleton's Area of City Impact where growth is anticipated.

No additional mitigation measures are required.

E. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed zoning map amendment?

Conclusion: Adequate water, sewer, irrigation, drainage, and stormwater drainage facilities and utility systems will be provided to accommodate the proposed use.

Finding: No evidence has been provided to indicate there would be issues with the rezone in regards to adequate water, sewer, irrigation, drainage, and stormwater drainage facilities.

Individual septic systems and individual wells are proposed for the residences.

All requirements of Southwest District Health and Idaho Department of Water Resources shall be adhered to during the platting and development of the site.

F. Does legal access to the property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: The subject property has access via Desert Wolf Ln (a private road).

Finding: Desert Wolf Lane (private) provides access to the exiting residence and will provide access to the newly created lot. Desert Wolf Lane is subject to a recorded road user's maintenance agreement (RUMA) [Instrument No. 2017-022835(easement and road maintenance agreement)].

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The proposed zoning map amendment will not require public street improvements to provide adequate access to and from the subject property.

Finding: The properties will access the public road system by utilizing the existing private road, Desert Wolf Ln. A subdivision plat will be required to create the two lots. The requirements of Canyon Highway District No. 4 will be met at the time of platting and development of the site.
No mitigation measures are proposed.

H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Middleton School District, Canyon County Sheriff, and Star Fire Department were notified of the request.

No agencies responded to the request. Therefore, no evidence has been provided to indicate that the proposed zoning map amendment would have a negative impact. No mitigation measures are proposed.

ORDER OF DECISION:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein the Canyon County Board of County Commissioners order that Case No. RZ2021-0017 a request for a Zoning Map Amendment (Rezone) of parcel no. R338050010A from an "A" (Agricultural) Zone to a "R-R" (Rural Residential) Zone be **approved**.

APPROVED this 3rd day of September, 2021

BOARD OF COUNTY COMMISSIONERS

CANYON COUNTY,

Yes

No

Did Not Vote

unavailable for signature

Commissioner Leslie Van Beek

Keri Smith

Commissioner Keri Smith

Pamela White

Commissioner Pamela White

Attest: Chris Yamamoto, Clerk

By: Monica Reyes, Deputy

Deputy

Date: 9/3/2021

Jeff Van Winkle
RZ2021-0020

FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER

**Hearing Examiner****Vanwinkle Subdivision - SD2022-0046**

Development Services Department

FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER

Preliminary Plat – SD2022-0046

Findings

1. A request has been submitted by Jeff VanWinkle for approval of a **Short Plat** for Vanwinkle Subdivision (Attachment A). The development consists of two (2) residential lots. The request includes a waiver of City of Star requirements. The subject property, Parcel No. R33805010A, is located at 7388 Desert Wolf Lane, also referenced as a portion of the NE¼ of Section 2, T4N, R2W, BM, Canyon County, Idaho.
1. The 5.18-acre property is zoned “R-R” (Rural Residential; RZ2021-0020).
2. The average residential lot size of 2.59 acres.
3. The property is located within the Star area of city impact. The City of Star does not oppose the plat and waives City of Star requirements per Section 09-19-09(6) of the Area of City Impact Agreement (Attachment C).
4. The property does not have irrigation water rights. Therefore, each property will use domestic wells to irrigate up to 0.5 acre per Idaho Code Section 42-111.
5. The development will be served by individual well and septic systems. Southwest District Health finds the request meets sanitary restrictions and sign-off on the final plat (Exhibit 3).
6. Subdivision runoff will be maintained on each lot by the property owner.
7. The two (2) lots will be served by the existing private road, Desert Wolf Lane. The private road has an existing road user’s maintenance agreement (Instrument #2003-53256). The road must comply with current private road requirements (CCZO Section 07-10-03(2) and (3)).
8. The development is not located within a mapped floodplain (Flood Zone X).
9. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2022-0046.
10. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on December 14, 2022. The City of Star was noticed on December 28, 2022. Newspaper notice was completed on January 1, 2023. Property owners within 600’ were notified by mail on December 29, 2022. The property was posted on January 9, 2023.

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 Hearing Examiner finds that the plat consistent with the following subject to conditions of approval:

- 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 (Irrigation);

- E. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations).
- F. Canyon County Code, Section 09-19-09 – Star City Impact Agreement

The County consulting engineer finds the preliminary plat to be consistent with the standards of review subject to conditions of approval (Attachment B).

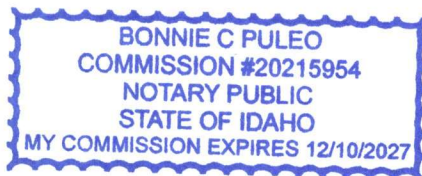
Conditions of Approval

1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
 - a. Evidence shall be provided in accordance with CCZO Section 07-10-03(2) & (3) that the private road meets County standards. Evidence shall include: (1) An approval letter from Star Fire District stating the private road is constructed to their access standards; and (2) Certification from a licensed engineer demonstrating the private road is constructed to current County requirements. If not, the final plat shall not be signed until the private road meets private road construction requirements.
2. All conditions of approval recommended in Keller Associates review letters (Attachment B, dated 11/15/2022) shall be met prior to the Board signing of the final plat.
3. The development shall comply with Canyon Highway District #4 standard and requirements prior to the Board signing of the final plat.
4. Pursuant to Section 09-19-09(5) of the Canyon County Code: *"For subdivisions and planned unit developments applied for in the Star area of city impact, Canyon County will require on the face of each final plat a certification line for execution by the City of Star engineer attesting to the plat's conformance with the city standards set forth above. Also, Canyon County will not sign a final plat, or authorize the plat to be recorded, prior to the city engineer's signing the plat."*

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0046, the Hearing Examiner **recommends approval** of the Preliminary Plat for Vanwinkle Subdivision to the Board of County Commissioners subject to the Conditions of Approval enumerated herein and waiver of City of Star subdivision ordinance and improvements.

RECOMMENDED FOR APPROVAL on this 18th day of January, 2023.



**HEARING EXAMINER
CANYON COUNTY, IDAHO**

Bruce P. Eggleston
Bruce Eggleston, Hearing Examiner

State of Idaho)

SS

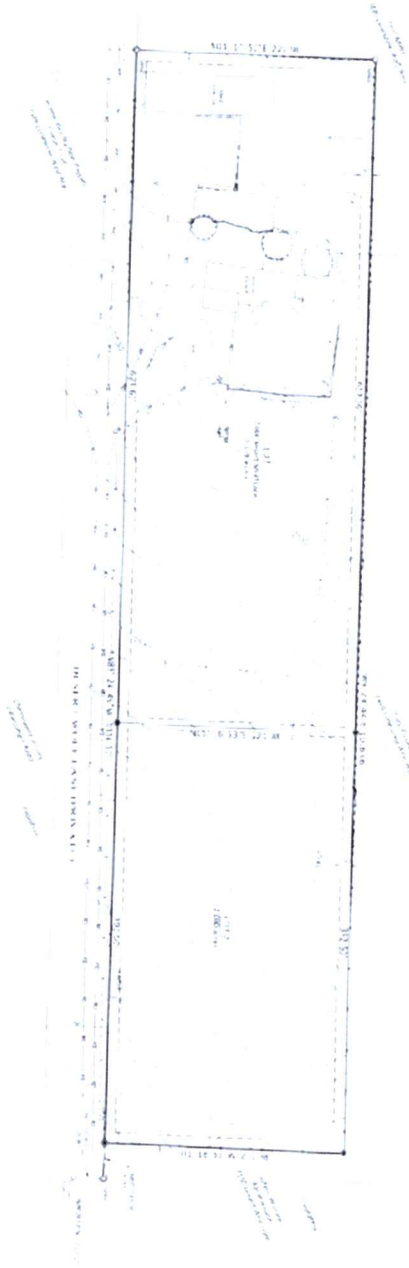
County of Canyon County)

On this 18th day of January, in the year 2023, before me Bonnie Puleo, a notary public, personally appeared Bruce Eggleston, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he(he) executed the same.

Notary: Bonnie C. Puleo
My Commission Expires: 12/10/2027

ATTACHMENT A

Plat January 1911
Vanwinkle Subdivision
 Situated in the 1/4 Section 1, T4N, R10E, S10E
 Township 4 North Range 10 East, 10th Principal Meridian
 Canyon County, Idaho
 2022



DEED OF CONVEYANCE
 TO BE FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF CANYON, IDAHO, FOR THE PURPOSE OF RECORDING THE SAME.

DEED OF CONVEYANCE
 TO BE FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF CANYON, IDAHO, FOR THE PURPOSE OF RECORDING THE SAME.

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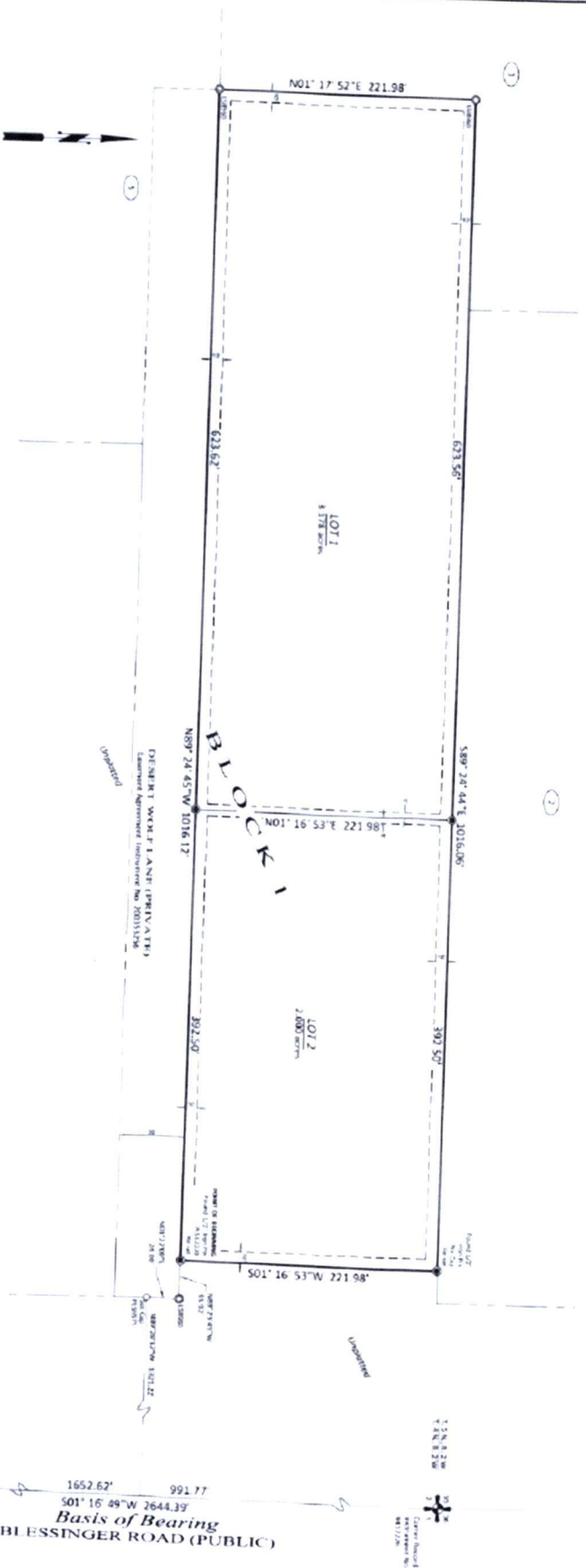
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 TO BE FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF CANYON, IDAHO, FOR THE PURPOSE OF RECORDING THE SAME.

2023

<u>BOOK</u>	<u>PAGE</u>
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PLAT NOTES

- [illegible]

REVISIONS:

1. *Actual Point of Beginning*, IC 11-3605, Irrigation Water Code, revision block, Public or Private road note.

SURVEYORS NARRATIVE

The purpose of the survey is to develop a map of the development of the property into a planned subdivision. Measurements found as shown on Figure of Survey Attachment No. 2002-7834 & 2011-019498 were used as shown. The sectional lines were based on those found in the earlier records. The northern, southern & western boundaries are contiguous with Duval Wolf Subdivision.

BASIS OF BEARING

51. Dornet Woff Subcollection, Book 33, Page 11
52. Record of Survey Instrument No. 610643
53. Record of Survey Instrument No. 870460
54. Record of Survey Instrument No. 200022127
55. Record of Survey Instrument No. 200027836
56. Record of Survey Instrument No. 2021-019498

The location of each leg for this survey was established by GPS observations, referenced to NAD 83 (2011), Epoch 2010, and projected to the NAD98 Coastline System, West Zone 1103. All distances were measured with ground coordinates.



HMH
engineering 680 S. Progress Avenue, Suite 2B
Boise, ID 83642
(208) 342-7957

KELLER
ASSOCIATES



November 15, 2022

Mr. Devin Krasowski
Associate Engineer
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Vanwinkle Subdivision Preliminary Plat Application

Dear Mr. Krasowski

The more recent 11/21/22 preliminary plat
also meets the below requirements. - Devin
Krasowski, PE

Keller Associates, Inc. has reviewed the Preliminary Plat for the Vanwinkle Subdivision dated September 15, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:

1. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
2. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
3. Plat shall comply with irrigation district requirements.
4. Plat shall comply with Southwest District Health requirements.

We recommend that the preliminary plat be **APPROVED with the conditions listed above**. 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 preliminary plat 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.

Justin Walker, P.E.
County Engineer

cc: File

100 E Bower Street
Meridian,
(208)



November 15, 2022

Mr. Devin Krasowski
Associate Engineer
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Vanwinkle Subdivision Final Plat Application

Dear Mr. Krasowski

The more recent 11/22/22 final plat addresses these comments. - Devin Krasowski, PE

Keller Associates, Inc. has reviewed the Vanwinkle Subdivision Final Plat dated September 15, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy County requirements:

1. Add a call out for the "Point of Beginning".
2. Provide a revision block in the lower right-hand corner of the plat.
3. Please label all roads (including Blessinger Road) as public or private.

The conditions listed above must be addressed along with any other comments from the County Surveyor prior to the County Surveyors 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.

A handwritten signature in blue ink, appearing to read "Justin Walker".

Justin Walker, P.E.
County Engineer

cc: File

100 Bower Street, S
Meridian, ID
(208) 2

ATTACHMENT C

Tue 9/13/2022 10:24 AM

SN

Shawn Nickel <snickel@staridaho.org>

[External] RE: R33805010A (7388 Desert Wolf Ln) Short Plat Application

To: Devin Krasowski; Ryan Field

Cc: 'jvanwinkle@guerdon.com'; Cassie Lamb

i You replied to this message on 9/16/2022 8:43 AM.

Good morning, Devin. Thanks for reaching out to us. The City of Star would not require any improvements for this property for a two-lot subdivision. It is assumed that both lots will take access and frontage from Desert Wolf Lane. If the road is public, the applicant would need to work with Canyon Hwy District 4 for any improvements required by them. If it is private, then they should be good.

Thanks,

Shawn

Shawn I. nickel
Planning Director and Zoning Administrator
City of Star
snickel@staridaho.org
208-908-5455





CANYON COUNTY HEARING EXAMINER
 MINUTES OF REGULAR MEETING HELD
 Wednesday January 18, 2023
 1:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Hearing Examiner Present: Bruce Eggleston

Staff Members Present: Dan Lister, Planning Official
 Bonnie Puleo, Recording Secretary

Hearing Examiner Bruce Eggleston called the meeting to order at 1:30 p.m. and read the testimony guidelines.

Recording Secretary Bonnie Puleo called roll and swore in the Hearing Examiner and staff.

- **Case SD2022-0046 / VanWinkle Subdivision:** A request has been submitted by Jeff VanWinkle for approval of a Short Plat for VanWinkle Subdivision. The development consists of 2 residential lots. The subject property, Parcel No. R33805010A is located at 7388 Desert Wolf Lane, also referenced as a portion of the NE¼ of Section 2, T4N, R2W, BM, Canyon County, Idaho.

Planning Official Dan Lister reviewed the Staff report for the record including late exhibits.

Recording Secretary Bonnie Puleo affirmed the witnesses to testify.

Testimony:

Jeff VanWinkle – Applicant (Representative) – IN FAVOR – 7388 Desert Wolf Lane Star ID 83669

Mr. VanWinkle explained what he was trying to do: a simple split of the land which is consistent with everything that has happened on his road since he moved there in 2009. Every home that has been built from Blessinger Road to his house has widened the road and brought it up to County standards as a result of that process. The person who is under contract to purchase his land built another house on the road and he said the developer was familiar with the process and has no issue with it. Mr. VanWinkle said the developer also offered to extend the road for that 2-acre split and all the way down to the end of Desert Wolf. Mr. VanWinkle had a map that showed what he intended on widening. Everything from his property to Blessinger had been widened, improved, inspected engineered and signed off by the County. He pulled up photos of the road. He said they had started spreading new pit run but another homeowner brought in some arena sand and it tore up the road. They started putting in some pit run to take care of the ruts and the mud but then the weather turned bad. He said they have more pit run scheduled to be delivered in the beginning of the next week but they needed it to dry up a little. He saw people out there taking pictures that weekend but he couldn't bring a dump truck down the road when it was so wet. They are repairing the road to its current width with the person building the house intending to widen it to 20-feet and construct it to County standards. Mr. VanWinkle said the builder wanted to be there to testify but he had a meeting out of state that he couldn't change. Everyone involved in this process is aware the road

will be widened and brought up to county standards. As the applicant, he doesn't have the means and resources to do it and he would like the County to defer the requirement to the building occupancy stage. The builder is hoping to build on this parcel in May. If Mr. VanWinkle is unable to split the land, his deal dies March 30th. He reiterated that he doesn't have the means to do what they are asking to this road. If the County forces the issue, then all his neighbors will be burdened with the expense whereas if they allow the developer to develop the lot, he will widen the road and bring it up to County standards. He said this is the same developer who developed other portions of the road which the County has approved. He would like to have the road approval as part of the building occupancy process. Mr. VanWinkle had a map which showed the parts of the road that have already been improved and the portion that is planning to be improved. Mr. VanWinkle submitted the map to staff as a late exhibit. He feels what he is asking is reasonable. He has been through two sets of staff in Planning and Zoning; no one is there who was there when he started this process. He would like to see this completed and as part of that completion, everyone knows the road will be improved. If someone decides to develop the parcel to the south of his property, he believes that would trigger the paving of the road. This will be the 7th house on Desert Wolf Way.

Greg Casey – IN OPPOSITION – 7320 Southern Vista Court Star ID 83669

Mr. Casey moved there in 2014. He provided photos, taken that morning, of the road in question to Development Services staff. He is representing himself and the Homeowner's Association of View Ridge Estates, located just south of the road property. His house abuts the vacant lots. On behalf of the HOA, he asks that this decision be postponed because there are other people who wanted to be here and were outside the 600-foot notification radius for the hearing. He said there are things at issue here that are more important than just those impacts on the 600-foot neighbors. He has been here three times in the last 4 – 5 years. Each time he has been here to say there is a problem with roads and the infrastructure in this forgotten part of the county. He said it is a cobweb of private dirt roads and that problem is now with them. It is not necessarily in opposition to Mr. VanWinkle wanting to build but in opposition to the way it has happened. They have been trying to get clarification on this road situation since 2016. He read a 2017 email from Kyle McCormick (County employee at the time). The email said the next building permit application on Desert Wolf Way would need to be improved and paved if it reaches 100 trips per day. The email said each parcel has the potential to trigger just under 20 trips per day so the next building permit will trigger that requirement. Mr. Casey said that nothing has been done to treat the road: it has not been oiled or graveled. In the heat of the summer, they get clouds of dust that come into patios and swimming pools. Mr. Casey said the last time he made a presentation in 2017, they promised the road would be brought up to standards and it is still not up to standard. He said it's not even one road; there are three different roads. He said they oppose this because it exacerbates an existing problem. He said this has to be fixed before we allow another house there. Mr. Casey said they are already in violation of the 100 trips per day. He said everything they come here, they are asked to put up with this. They say they'll fix the road. The time has come that we need to fix the road and not allow more houses.

Jeff VanWinkle – Applicant (Representative) – REBUTTAL – 7388 Desert Wolf Lane Star ID 83669

Mr. VanWinkle said he understands their frustration with dust. Their nice, luxury houses back up to thousands of acres of unirrigated desert land and he said their road is a minor percentage of the dust. There are dust devils that come through those field, especially when they are tilling the fields in spring. He said that development built their houses against dry land; the road is not the only source of dust. Mr. VanWinkle said the road has been brought up to county standards with each and every house that's been built, even the developer who built the home Mr. Casey referenced. The developer built the road up to the property line of each house he has built and he is willing to go above and beyond that to build on this lot. He said no one has any consensus on the 100 trips a day metric: for example, some people on the road work from home. He commutes with his wife in the same car each day. He said the photos Mr. Casey brought were of a small section, about 600 feet, of the road and was in the worst shape. Everything else

has pit run on it and is compacted, inspected and is County standard road. He said that little section of road will be improved when the house is built and the quickest way to make that happen is to let this development move forward. The developer knows he won't get a certificate of occupancy if he doesn't bring the road up to the County's standards. Mr. VanWinkle said those pictures don't reflect the entirety of that road: they reflect the lowest part of the road that was damaged by the sand truck. He said it is scheduled to bring in pit run next week to take care of the mud. The timing of the photos is unfortunate but they don't tell the whole story. They chose to build next to hundreds of acres that are not irrigated.

Hearing Examiner Eggleston asked Planning Official Dan Lister about the notification radius and Mr. Lister explained the state laws governing notification distance and how the County had changed it about a year or two ago to increase that radius. Mr. Lister further explained that all conditions have to be met at the time of final plat. The private road would have to be completed prior to the final plat before the Board of County Commissioners hearing. The code allows the Hearing Examiner to push it off to building permit stage. They reviewed the conditions of approval. Mr. Lister explained code and roadway access as well as a bonding mechanism that could be used. It has to be a final plat before it is a legal lot to sell or improve. Planning Official Dan Lister also requested the Hearing Examiner enter the late exhibits from both Mr. VanWinkle and Mr. Casey into the record.

MOTION: Hearing Examiner Eggleston entered late exhibits 6, 7 and 8 into the record.

MOTION: Hearing Examiner Eggleston re-opened public testimony on Case SD2022-0046.

Jeff VanWinkle – Applicant (Representative) – IN FAVOR – 7388 Desert Wolf Lane Star ID 83669

Mr. VanWinkle said this property is under contract until March 31, 2023. Since it went under contract in April 2021, it has gone down 28% in value so he would like to complete the sale now. The builder has a buyer for the house he intends to build on the land and they (the buyers) want to be moved in by the end of summer, before school starts. He doesn't think the builder will have a problem bonding the road.

Greg Casey – IN OPPOSITION – 7320 Southern Vista Court Star ID 83669

Mr. Casey said the last piece of information they received from the Planning and Zoning Department was an email from Mr. McCormick. He read from an email about road improvements which discussed that County Code Enforcement can't enforce the issue of dust coming from the road. The email stated the only way to enforce the improvement of the road is when the next building permit comes in as that will trigger the private road requirements. He said they are also concerned about the domestic wells in the area. He said the homes are tapping into the domestic water supply and the house down to road is irrigating 2 acres. He said they live by the rules but can't seem to get enforcement of the rules. He said they have an issue with the private roads and asked when will this trigger a paved road? He doesn't know when that is and what to tell his Homeowner's association.

MOTION: Hearing Examiner Eggleston closed public testimony on Case SD2022-0046.

Hearing Examiner Eggleston asked Planning Official Dan Lister about the road and said the applicant stated the developer could provide the bond. He asked if the ordinance stated who must pay for that bond. Mr. Lister read from the ordinance and confirmed that the code does not say who has to provide the bond.

DELIBERATION:

The Hearing Examiner stated that Findings of Fact 1 through 10 addressed the code, the application itself and the physical character of the properties. Regarding the Conclusions of Law, they address Canyon County's requirements and he has found them to be fulfilled. He said the staff reports includes the Conditions of Approval; he would like to change Condition of Approval #2 to include the date of the letter from Keller & Associates. He accepted the condition as proposed.

DECISION: Hearing Examiner Eggleston approved Case SD2022-0046 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners.

APPROVAL OF MINUTES:

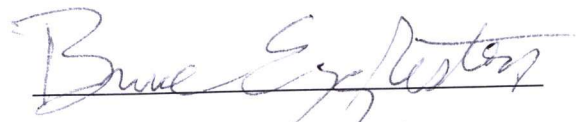
MOTION: Hearing Examiner Eggleston approved the minutes from November 16, 2023.

ADJOURNMENT:

HEARING EXAMINER Bruce Eggleston adjourned the meeting at 2:26 pm

An audio recording is on file in the Development Services Departments' office.

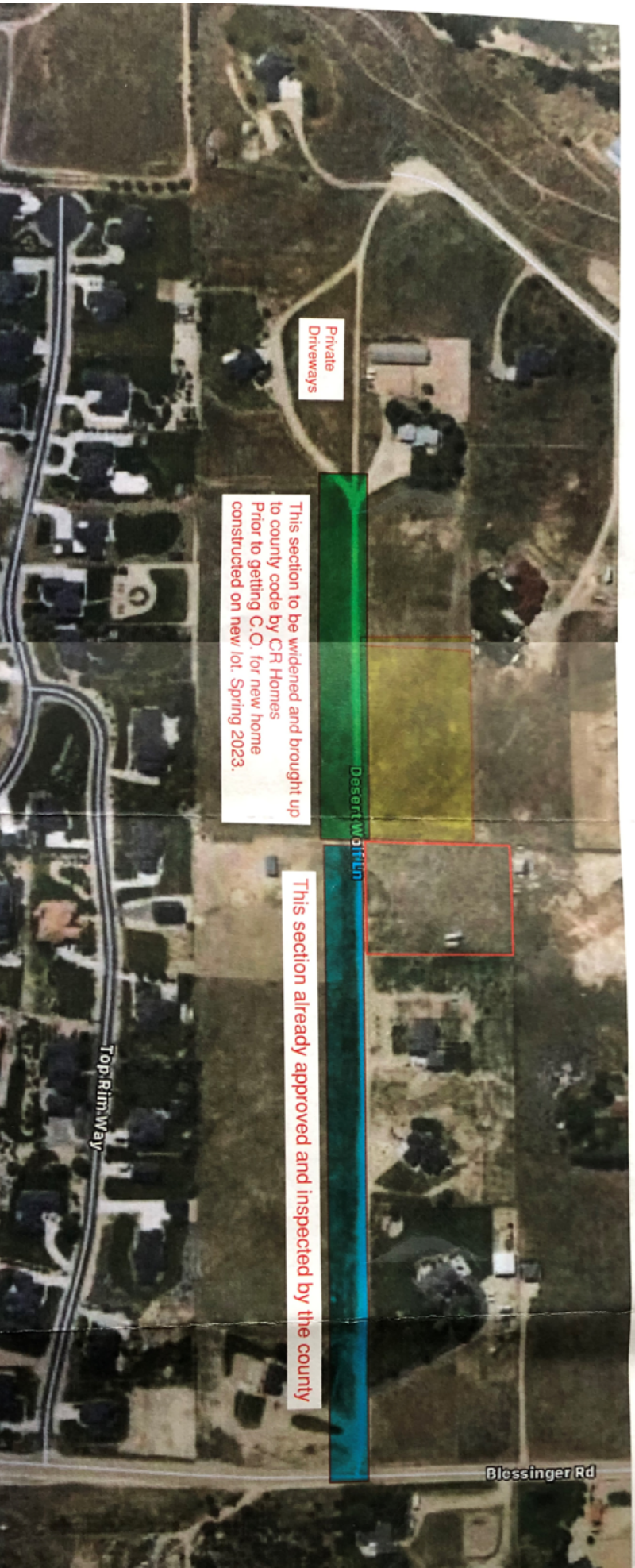
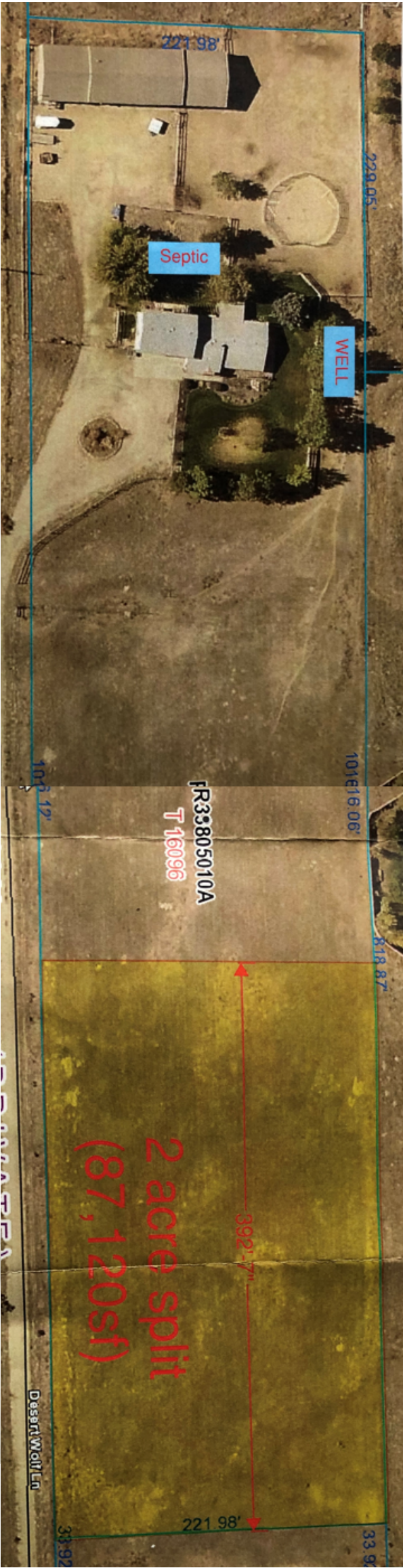
Approved this 15th day of February, 2023


Bruce Eggleston, Hearing Examiner

ATTEST



Bonnie Puleo, Recording Secretary





VanWinkle Subdivision SD2022-0046

Hearing Examiner
January 18, 2023



Request

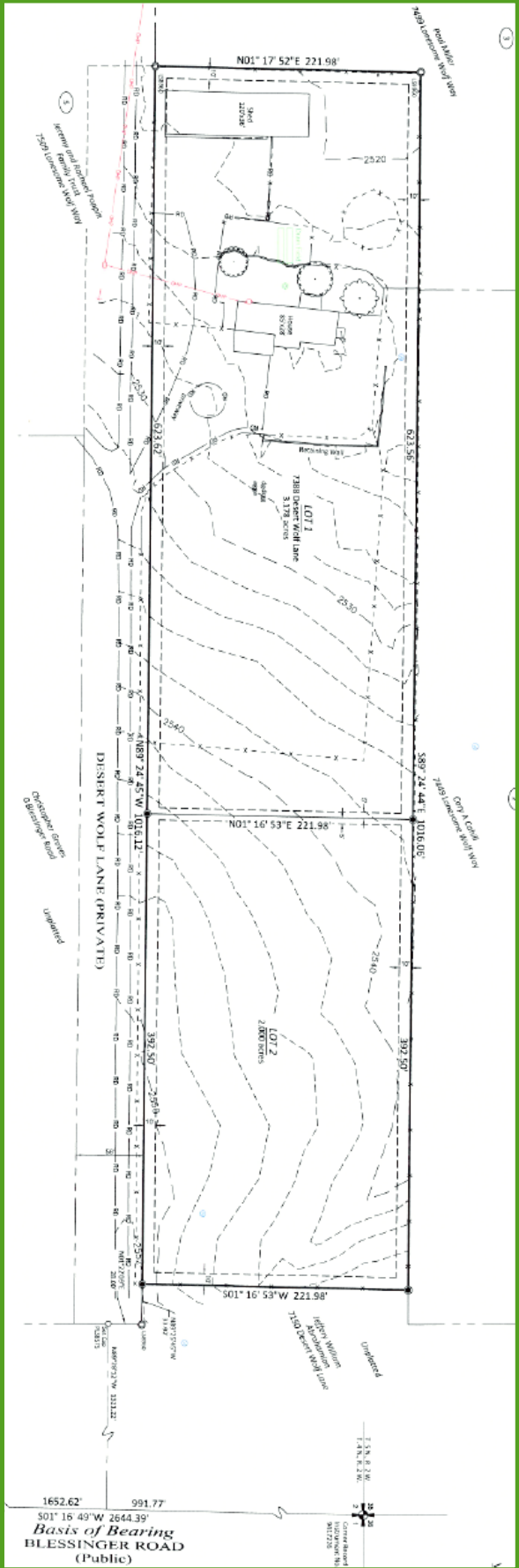
- ▶ Jeff VanWinkle is requesting approval of a **Short Plat (Preliminary Plat and Final Plat)** for Vanwinkle Subdivision. The request includes a waiver of City of Star requirements.
- ▶ The subject property, Parcel No. R333805010A, is located at 7388 Desert Wolf Lane



Exhibit 2

Vanwinke Subdivision (Exhibit 1, Attachment A) is summarized as follows:

- ▶ Acreage: 5.18-acres
- ▶ Average residential lot size: 2.59 acres
- ▶ Zoning: “R-R” (Rural Residential).
- ▶ Residential Lots: 2
- ▶ Water: Individual domestic wells (Plat Note 2).
- ▶ Sewage Disposal: Individual septic systems (Plat Note 3)
- ▶ Access: The two (2) lots will be served by an existing private road, Desert Wolf Lane (Easement Agreement Instrument No. 2003-53256).
- ▶ Irrigation: The property does not have irrigation water rights. Therefore, each property will use domestic wells to irrigate up to 0.5 acre per Section 42-111 of Idaho Code.
- ▶ Drainage: Subdivision runoff will be maintained on each lot be the property owner.



Required Findings - CCZO Section 07-17-09(4)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:*
 - ▶ *The ordinance and standards used in evaluating the application;*
 - ▶ *Recommendations for conditions of approval that would minimize adverse conditions, if any;*
 - ▶ *The reasons for recommending the approval, conditional approval, modification, or denial; and*
 - ▶ *If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.”*

Standards of Review

- ▶ Idaho Code Section 67-6513 (Subdivisions);
- ▶ Idaho Code Sections 50-1301 through 50-1329 (Platting);
- ▶ Idaho Code Section 22-4503 (Right-to-Farm Act);
- ▶ Idaho Code, Sections 31-3805 & 42-111 (Irrigation);
- ▶ Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations) and
- ▶ Canyon County Code, Section 09-19-09 - Star City Impact Agreement
 - ▶ The preliminary plat was found to be consistent with the standards of review (Exhibit 1, Attachment B).
 - ▶ The property is located within the City of Star Area of City Impact. The City of Star does not oppose the plat and waives City of Star requirements per Section 09-19-09(6) of the Area of City Impact Agreement (Exhibit 1, Attachment C).

Potential Issue: Private Road

- ▶ The private road currently serves six (6) dwellings (57.12 average daily trips). Pursuant to CCZO Section 07-10-03(2), the private road must meet fire district standards. Pursuant to CCZO Section 07-10-03(3) private roads shall be constructed to serve less than 100 average daily trips per the minimum standards below.
- ▶ The applicant is requesting the private road improvements be completed prior to building permit certificate of occupancy on Lot 2 per CCZO Section 07-10-03(3)B.

	Subbase Or Ballast	Base Course	Plant Mix Pavement (ISPWC Class III Mix)	Surface Width
Private roads that are estimated to serve 100 ADT or less	n/a	4" thick $\frac{3}{4}$ minus gravel base, graded and compacted	n/a	20' wide all weather driving surface
▶ Private roads that are estimated to serve more than 100 ADT	9" of minus 6" uncrushed aggregate (pit run)	6" of $\frac{3}{4}$ " crushed aggregate (gravel)	2.5" thick	24' for local roads and 26' for collector roads ¹

Potential Issue: Private Road



- ▶ The private road does not appear to meet County requirements. If the road does not meet County standards is considered a legal non-conforming use and the use cannot be expanded or extended unless sit meets County requirements. (CCZO Section 07-11-07).
- ▶ As part of the platting processed, construction of improvements such as private roads that are required by condition of the plat shall be the responsibility of the developer and shall meet county specifications and standards of construction (CCZO Section 07-17-29(1) & CCZO Section 07-17-31(1)A1).
- ▶ CONDITION 1a: Evidence shall be provided in accordance with CCZO Section 07-10-03(2) & (3) that the private road meets County standards. Evidence shall include: (1) An approval letter from Star Fire District stating the private road is constructed to their access standards; and (2) Certification from a licensed engineer demonstrating the private road is constructed to current County requirements. If not, the final plat shall not be signed until the private road meets private road construction requirements.

COMMENTS

► **Agency**

► City of Star (Exhibit 1, Attachment C): The City of Star does not oppose the plat and waives City of Star requirements per Section 09-19-09(6) of the Area of City Impact Agreement.

► Canyon Highway District #4 (Exhibit 4): The applicant has not completed a plat review submittal ;and therefore, has not reviewed the plat as of December 14, 2022.

► During the rezone application process, CHD4 found the private road met current standards for an access serving more than two parcels. As a condition of approval (Condition No. 3), the plat shall comply with CHD4 standards prior to the Board of County Commissioner signing of the final plat.

► Southwest District health (Exhibit 3): Southwest District Health finds the request meets sanitary restrictions and sign-off on the final plat.

► **Public**

► None

Recommendation

- ▶ Staff recommends the Hearing Examiner open a public hearing and discuss the proposed preliminary plat,
- ▶ Staff is recommending that the Hearing Examiner recommend approval of the preliminary plat to the Board of County Commissioners subject to conditions of approval. See Exhibit 1 for the draft findings of fact, conclusions of law for the Planning and Zoning Commission's consideration.

Conditions of Approval

1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
 - a. Evidence shall be provided in accordance with CCZO Section 07-10-03(2) & (3) that the private road meets County standards. Evidence shall include: (1) An approval letter from Star Fire District stating the private road is constructed to their access standards; and (2) Certification from a licensed engineer demonstrating the private road is constructed to current County requirements. If not, the final plat shall not be signed until the private road meets private road construction requirements.
2. All conditions of approval recommended in Keller Associates review letter (Attachment B) shall be met prior to the Board signing of the final plat.
3. The development shall comply with Canyon Highway District #4 standard and requirements prior to the Board signing of the final plat.
4. Pursuant to Section 09-19-09(5) of the Canyon County Code: *"For subdivisions and planned unit developments applied for in the Star area of city impact, Canyon County will require on the face of each final plat a certification line for execution by the City of Star engineer attesting to the plat's conformance with the city standards set forth above. Also, Canyon County will not sign a final plat, or authorize the plat to be recorded, prior to the city engineer's signing the plat."*

Required Findings - CCZO Section 07-17-09(4)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:*
 - ▶ *The ordinance and standards used in evaluating the application;*
 - ▶ *Recommendations for conditions of approval that would minimize adverse conditions, if any;*
 - ▶ *The reasons for recommending the approval, conditional approval, modification, or denial; and*
 - ▶ *If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.”*

Board of County Commissioners
Vanwinkle Subdivision - SD2022-0046

Development Services Department



FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER

Preliminary Plat – SD2022-0046

Findings

1. A request has been submitted by Jeff VanWinkle for approval of a **Short Plat** for Vanwinkle Subdivision (Attachment A). The development consists of two (2) residential lots. The request includes a waiver of City of Star requirements. The subject property, Parcel No. R33805010A, is located at 7388 Desert Wolf Lane, also referenced as a portion of the NE¼ of Section 2, T4N, R2W, BM, Canyon County, Idaho.
2. On January 18, 2023, the Hearing Examiner recommended approval of the request subject to four (4) conditions (Exhibit 6a, Staff Report).
3. The 5.18-acre property is zoned “R-R” (Rural Residential; RZ2021-0020; Exhibit 5, Staff Report).
4. The average residential lot size of 2.59 acres.
5. The property is located within the Star area of city impact. The City of Star does not oppose the plat and waives the City of Star requirements per Section 09-19-09(6) of the Area of City Impact Agreement (Attachment C).
6. The property does not have irrigation water rights. Therefore, each property will use domestic wells to irrigate up to 0.5 of an acre per Idaho Code Section 42-111(Attachment A).
7. The development will be served by individual well and individual septic system. Southwest District Health finds the request meets sanitary restrictions and sign-off on the final plat (Exhibit 4c, Staff Report).
8. Subdivision runoff will be maintained on each lot by the property owner (Attachment A).
9. The two (2) lots will be served by the existing private road, Desert Wolf Lane (Attachment A). The private road has an existing road user’s maintenance agreement (Instrument #2003-53256). The road must comply with current private road requirements (CCZO Section 07-10-03(2) and (3)).
10. The development is not located within a mapped floodplain (Flood Zone X).
11. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2022-0046.
12. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on November 22, 2023. The City of Star was noticed on December 28, 2022, and November 22, 2023. Newspaper notice was completed on November 30, 2023. Property owners within 600’ were notified by mail on November 22, 2023. The property was posted on November 30, 2023.

Conclusions of Law

CCZO Section 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.*

On January 18, 2023, the Hearing Examiner recommended approval of the short plat subject to four (4) conditions of approval (Exhibit 5a, Staff Report).

Upon review of the preliminary plat, the Hearing Examiner found that the plat was consistent with the following subject to conditions of approval:

- 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 (Irrigation);
- E. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations).
- F. Canyon County Code, Section 09-19-09 – Star City Impact Agreement
 - a. The property is located within the City of Star Area of City Impact. The City of Star does not oppose the plat and waives the City of Star requirements per Section 09-19-09(6) of the Area of City Impact Agreement (Attachment C).

The County consulting engineer finds the preliminary plat to be consistent with the standards of review subject to conditions of approval (Attachment B).

Conditions of Approval

- 1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
 - a. Evidence shall be provided in accordance with CCZO Section 07-10-03(2) & (3) that the private road meets County standards (CCZO Section 07-17-31(1)A1). Evidence shall include: (1) An approval letter from Star Fire District stating the private road is constructed to their access standards; and (2) Certification from a licensed engineer demonstrating the private road is constructed to current County requirements. If not, the final plat shall not be signed until the private road meets private road construction requirements.
- 2. All conditions of approval recommended in Keller Associates review letters (Attachment B, dated 11/15/2022) shall be met prior to the Board signing of the final plat.
- 3. The development shall comply with Canyon Highway District #4 standards and requirements. Evidence shall be the highway district's signature on the final plat prior to the Board signing of the final plat.
- 4. Pursuant to Section 09-19-09(5) of the Canyon County Code: *"For subdivisions and planned unit developments applied for in the Star area of city impact, Canyon County will require on the face of each final plat a certification line for execution by the City of Star engineer attesting to the plat's conformance with the city standards set forth above. Also, Canyon County will not sign a final plat, or authorize the plat to be recorded, prior to the city engineer's signing the plat."*

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0046, the Board of County Commissioners **approve** the preliminary plat for Vanwinkle Subdivision subject to the Conditions of Approval enumerated herein and waiver of the City of Star subdivision ordinance and improvements.

DATED this _____ day of _____, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

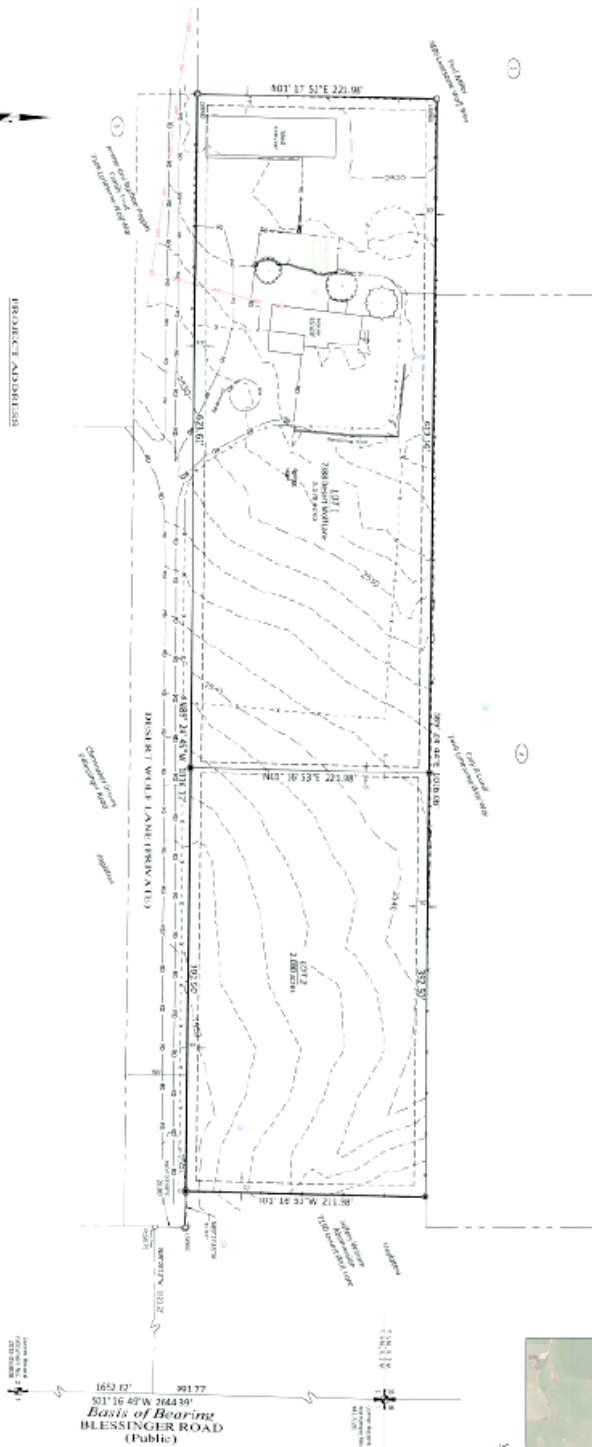
- _____ Motion Carried Unanimously
- _____ Motion Carried/Split Vote Below
- _____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Chris Yamamoto, Clerk

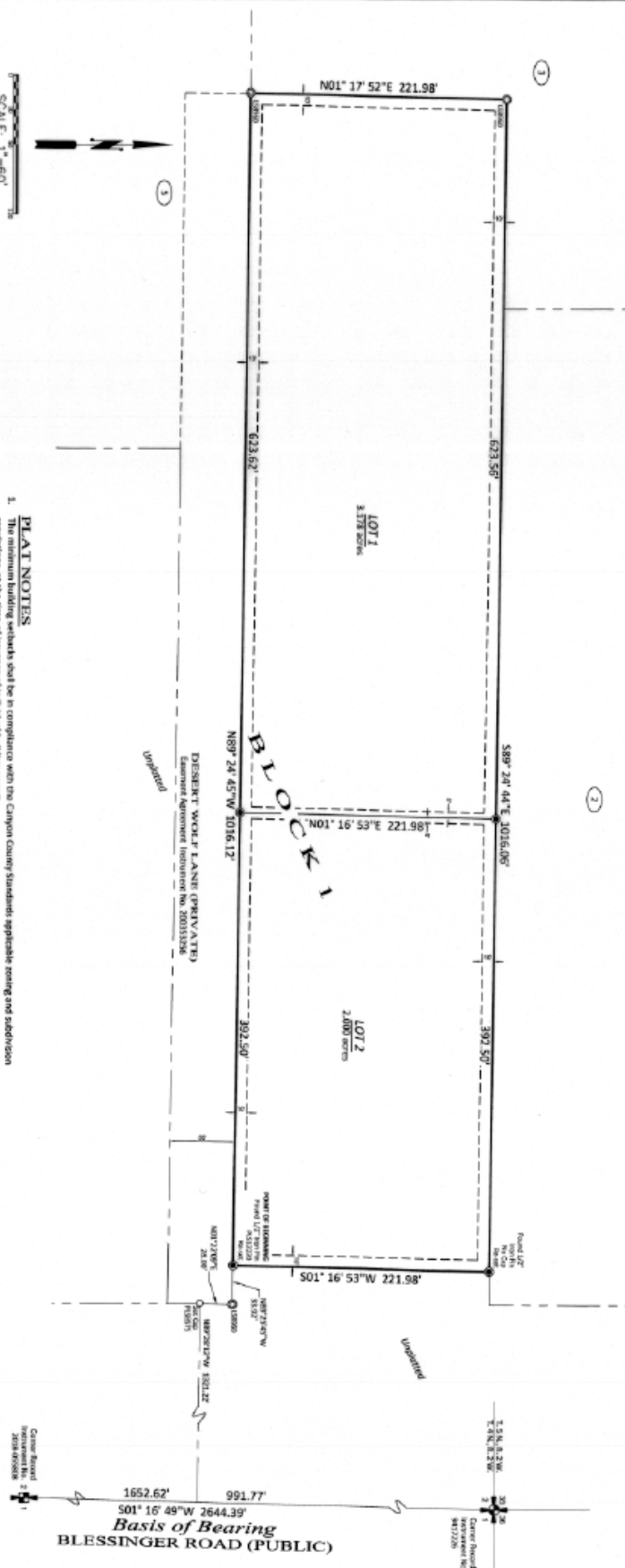
By: _____
Deputy

Date: _____

[illegible]

2023

<u>BOOK</u>	<u>PAGE</u>
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PAGE 3 OF 3

PLAT NOTES

- [illegible]

REVISIONS:

1. Added point of Beginning, IC 31-3805 Irrigation Water reclamation block, Public or Private road note.

REFERENCES

- S1 - Desert Wolf Subdivision, Book 33, Page 31
 K1 - Record of Survey Instrument No. 410843
 K2 - Record of Survey Instrument No. 870603
 K3 - Record of Survey Instrument No. 20002127
 K4 - Record of Survey Instrument No. 200227834
 K5 - Record of Survey Instrument No. 2021-015496

BASIS OF BEARING

The basis of plotting for this survey was established by GPS observations, referenced to NAD 83 (2011) Epoch 2010, and projected to the State Plane Coordinate System, West Zone 1103. All distances were measured with ground coordination.

SURVEYORS NARRATIVE

The purpose of the survey is for the development of the property into a planted substation. Measurements found so far shown on Historic Survey Instrument No. 200227834 & 2021-619468 were held as shown. The section lines were held as described in the corner records. The northerly, southerly & westerly boundaries are contiguous with Dorset Wolf Substation.



HMH
engineering 680 S. Progress Avenue, Suite 2B
Boise, ID 83642
(208) 342-7957



November 15, 2022

Mr. Devin Krasowski
Associate Engineer
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Vanwinkle Subdivision Preliminary Plat Application

Dear Mr. Krasowski

The more recent 11/21/22 preliminary plat also meets the below requirements. - Devin Krasowski, PE

Keller Associates, Inc. has reviewed the Preliminary Plat for the Vanwinkle Subdivision dated September 15, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:

1. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
2. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
3. Plat shall comply with irrigation district requirements.
4. Plat shall comply with Southwest District Health requirements.

We recommend that the preliminary plat be **APPROVED with the conditions listed above**. 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 preliminary plat 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.

A handwritten signature in blue ink, appearing to read "Justin Walker".

Justin Walker, P.E.
County Engineer

cc: File

100 E Bower Street
Meridian,
(208)



November 15, 2022

Mr. Devin Krasowski
Associate Engineer
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Vanwinkle Subdivision Final Plat Application

Dear Mr. Krasowski

The more recent 11/22/22 final plat
addresses these comments. - Devin
Krasowski, PE

Keller Associates, Inc. has reviewed the Vanwinkle Subdivision Final Plat dated September 15, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy County requirements:

1. Add a call out for the "Point of Beginning".
2. Provide a revision block in the lower right-hand corner of the plat.
3. Please label all roads (including Blessinger Road) as public or private.

The conditions listed above must be addressed along with any other comments from the County Surveyor prior to the County Surveyors 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.

A handwritten signature in blue ink that reads "Justin Walker".

Justin Walker, P.E.
County Engineer

cc: File

100 Bower Street, S
Meridian, ID
(208) 2

ATTACHMENT C



Tue 9/13/2022 10:24 AM

Shawn Nickel <snickel@staridaho.org>

[External] RE: R33805010A (7388 Desert Wolf Ln) Short Plat Application

To Devin Krasowski; Ryan Field

Cc 'jvanwinkle@guerdon.com'; Cassie Lamb

You replied to this message on 9/16/2022 8:43 AM.

Good morning, Devin. Thanks for reaching out to us. The City of Star would not require any improvements for this property for a two-lot subdivision. It is assumed that both lots will take access and frontage from Dessert Wolf Lane. If the road is public, the applicant would need to work with Canyon Hwy District 4 for any improvements required by them. If it is private, then they should be good.

Thanks.

Shawn

Shawn I. nickel
Planning DirecTor and Zoning AdminisTrator
CiTy of STar
snickel@sTaridaho.org
208-908-5455

