



Director's Decision - AD2023-0133
Administrative Land Division
Canyon County Code of Ordinances
§07-18-05 & §07-18-07

Case Number: **AD2023-0133**

Parcel #: **R29035010A**

Property Owner/Applicant(s): **Santiago Corona Gomez**

Request: The applicant is requesting an Administrative Land Division to recognize the division that created Parcel R29035010A. The result would make the parcel available for a building permit. The property is zoned "A" (Agricultural).

Property History: Per PI2023-0182 (Attachment C), the subject parcel was once part of an 80-acre parcel. The first division was in 1982 when the division created a five-acre parcel (R29035) and a 75-acre parcel (R29035010). In 1986, Parcel R29035 was granted another division via a conditional use permit (CU2002-386). The subject parcel currently has a dwelling (ZC2004-1060/BP2003-259).

The subject parcel, R29035010A was created by deed in 2023 when the owner of Parcel R29035010, Mr. Relk, sold the property to the applicant, Mr. Santiago (Instrument No. 2023-035238, Attachment A). The subject parcel was not created in accordance with the Canyon County Code (CCZO Section 07-17-03 and Chapter 7, Article 18 of the County Code (Administrative Land Division).

Findings CCZO §07-18-05 - Application and Process: The following is evidence demonstrating consistency with CCZO Section 07-18-05:

- A complete application was accepted on December 19, 2023.
- The subject property does not contain slopes greater than 15% (Attachment B).
- The subject property is not in compliance with the County Code. The subject parcel was created by deed (Attachment A) inconsistent with CCZO Section 07-17-03, 07-18-05 & 07. Approval of this request would make the parcel consistent with the County Code.
- On December 27, 2023, Kuna Fire District and Nampa Highway District #1 (NHD1) were notified. No comments were received from the Kuna Fire District. NHD1 requires the new access to be 140 feet from any residential access (Attachment D).

Findings CCZO §07-18-07 – Administrative Division in Agricultural Zones: The following is evidence demonstrating the request is not consistent with CCZO Section 07-18-07:

- Per PI2023-0182, the parcel is not original (Attachment C). The parcel was originally 80 acres before September 6, 1979 (Parcel R29035). Per CCZO Section 07-18-07(2), an 80-acre original parcel may be divided twice, creating a total of three parcels. The following divisions/decisions have occurred since September 6, 1979:
 - In 1982, a five-acre parcel (R29035) was divided from the 80-acre original parcel.
 - Parcel R29035 has two dwellings from 1923 and 1930. Parcel R29035010 has a dwelling built in 1995 (ZC2004-1060).
 - In 1986, a second division was approved via a conditional use permit for the five-acre parcel to be divided (R29035, Attachment C). The division was to separate the two dwellings located on Parcel R29035. Although the division was not completed, the approval does not expire. Therefore, the approved division stays with Parcel R29035.

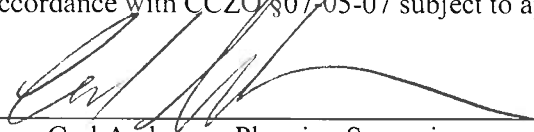
Based on the division history, the request would create a division that exceeds the number of parcels allowed to be created from an 80-acre parcel located in the "A" Zone. The following division options were provided as part of PI2023-0182 (Attachment C):

The following options are available to divide the parcel further:

- 1) Land Division – Nonviable (\$600 application fee). The parcel may be divided one more time subject ~~to~~ to the requirements of CCZO Section 07-18-09.
- 2) Land Division – Relocation (\$600 application fee). The owner can purchase the division from the owner of R29035 and transfer it to parcel R29035010 subject to the requirements of CCZO Section 07-18-11.
- 3) Comprehensive Plan Amendment (\$2,800 application fee), Conditional Rezone (\$1,400 application fee), and depending on approval and number of splits, Land Division (\$330 application fee per CCZO Section 07-18-13) or platting (approx. \$2,000+ application fee).

Decision: The application to complete the described administrative land division per CCZO 07-18-05 & §07-18-07 is hereby **DENIED**.

Pursuant to CCZO §07-18-03(8), any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with CCZO §07-05-07 subject to application submittal requirements and fee.



Carl Anderson, Planning Supervisor

1-24-24

Date

State of Idaho)

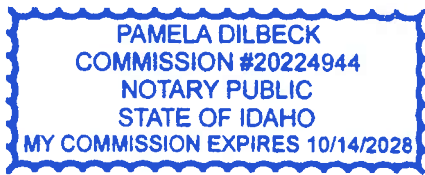
SS

County of Canyon County)

On this 24th day of January, in the year of 2024, before me Pamela Dilbeck, a notary public, personally appeared Carl Anderson, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within an instrument, and acknowledged to me that he (she)(they) executed the same.

Notary: Pamela Dilbeck

My Commission Expires: 10/14/2028



ATTACHMENT A



5680 E. Franklin Rd., Ste. 250
Nampa, ID 83687

ELECTRONICALLY RECORDED-DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT

2023-035238
RECORDED
10/31/2023 01:17 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs-3 JAWNSLOW \$15.00
TYPE: DEED
PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

2023-034973
RECORDED
10/27/2023 03:26 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs-2 EHOWELL \$15.00
TYPE: DEED
PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

File No 840243 MK/LF

WARRANTY DEED

who acquired title as John Michael Relk, an unmarried man
For Value Received J. Michael Relk, ~~as a woman~~
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Santiago Corona Gomez, an unmarried man
hereinafter referred to as Grantee, whose current address is 434 E. Chanparusa Drive Kuna, ID 83634
The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: 10/25/23

J. Michael Relk
J. Michael Relk
State of Idaho, County of Canyon

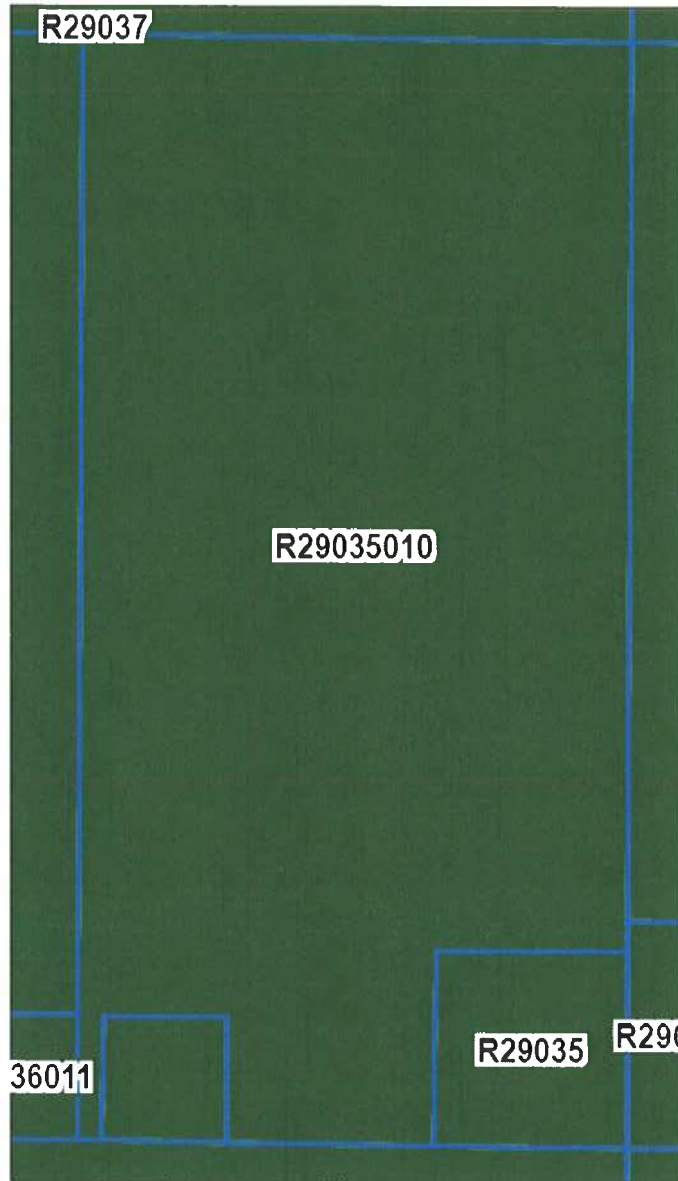
This record was acknowledged before me on 10.27.23 by J. Michael Relk

Signature of Notary public
Commission Expires:

Residing In: Nampa, Idaho

MEGAN KING
COMMISSION #42133
NOTARY PUBLIC
STATE OF IDAHO

ATTACHMENT B



SlopePercent_USGS



ATTACHMENT C



Canyon County
Development Services Department
 111 North 11th Ave Suite 310 Caldwell ID 83605
 Phone 454-7458 Fax 454-6633
 www.canyoncounty.id.gov/dsd

Tracking Number:

PI2023-0182

Office Visit Date

9/5/2023

Parcel Inquiry/Research Summary

Site Address: 4754 BENNETT RD Kuna ID 83634		Property Owner: RELK JOHN MICHAEL KUNA ID 83634	
Assessor Account #: 290350100		Person Inquiring: Phone Number:	
Section: 29	City Impact Area		
Township: 2N	Flood Zone: Zone X - Outside SFHA		
Range: 1W	Subdivision		
1/4 Sec: S/W	Lot	Staff Member	
Acres: 76.11	Block	IVAN KOVALCZYK	
Zone: A			

Discussion Summary

Specific Question Detail: Splits Available: Building Permits

Specific Answer Detail: Parcel R29035010 was created legally, and a building permit for a dwelling has been issued (ZC2004-1060 BP2003-259). Parcel R29035010 was originally 80 acres until divided in 1982 creating R29035 (5 acres). In 1986, A conditional use permit (CUP) was granted to R29035 allowing another division. The CUP does not have an expiration date. Therefore, Parcel R29035010 does not have a land division available in accordance with CCZO Section 07-18-07.

The following options are available to divide the parcel further:

- 1) Land Division - Nonviable (\$600 application fee). The parcel may be divided one more time subject to the requirements of CCZO Section 07-18-09.
- 2) Land Division - Relocation (\$600 application fee). The owner can purchase the division from the owner of R29035 and transfer it to Parcel R29035010 subject to the requirements of CCZO Section 07-18-11.
- 3) Comprehensive Plan Map Amendment (\$2,800 application fee), Conditional Rezone (\$1,400 application fee), and depending on approval and number of splits Land Division (\$330 application fee per CCZO Section 07-18-13) or platting (approx. \$2,000+ application fee).

The property research information presented today by the Development Service Department (DSD) is based on the current ordinance and policies in effect on the date of the summary, and based on your representations and information you have provided about the subject property. This information is valid only at the time of the inquiry and may change when the subject property, ordinances, or policies change. This information becomes certain and not subject to change when DSD accepts an application and fees are paid. Changes to the subject property may invalidate this information.

Director/Staff _____

Date: October 16, 2023

R29035010 PARCEL INFORMATION REPORT

10/16/2023 2:26:45 PM

PARCEL NUMBER: R29035010

OWNER NAME: RELK JOHN MICHAEL

CO-OWNER:

MAILING ADDRESS: 4754 BENNETT RD KUNA ID 83614

SITE ADDRESS: 4754 BENNETT RD

TAX CODE: 0990000

TWP: 2N **RNG:** 1W **SEC:** 29 **QUARTER:** SW

ACRES: 76.05

HOME OWNERS EXEMPTION: No

AG-EXEMPT: Yes

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG AGRICULTURAL

HIGHWAY DISTRICT: Nampa Hwy Dist

FIRE DISTRICT: KUNA FIRE

SCHOOL DISTRICT: KUNA SCHOOL DIST

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE 2011-2022 : AG

FLU Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: INTENSIVE AGRICULTURE OVERLAY AG

IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL BOISE KUNA IRRIGATION DISTRICT

FEMA FLOOD ZONE: X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C05251

WETLAND: NOT In WETLAND

NITRATE PRIORITY: ADA CANYON

FUNCTIONAL Classification: NOT In COLLECTOR

INSTRUMENT NO.:

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 29 2N 1W SW 1/2 SW 1/4 S 1/4



Tax 7, 1" split creating R29035 in 1982

ASSESSOR'S TAX NUMBER LIST
CANYON COUNTY

YEAR 19 82

Section 29-2-1

NUMBER	DESCRIPTION
Tax 7-	<p style="text-align: center;"><u>THIS IS AN EXCEPTION</u></p> <p>A part of the Southeast Quarter of the Southwest Quarter, Section 29, Township 2 North, Range 1 West, Boise Meridian more particularly described as follows:</p> <p>Beginning at the Southeast corner of said SE¹/₄ SW¹/₄ (South ¹/₄ corner) monumented with a rebar, 30 ins. long, 5/8 ins. diam., with an aluminum cap mkd. LS-832 1981;</p> <p>Thence N 89°45'00" W., 466.38 feet along the South boundary of said SE¹/₄ SW¹/₄;</p> <p>Thence N 0°04'22" W., 467.00 feet parallel with the East boundary of said SE¹/₄ SW¹/₄;</p> <p>Thence S 89°45'00" E., 466.38 feet parallel with the South boundary of said SE¹/₄ SW¹/₄;</p> <p>Thence S 0°04'22" E., 467.00 feet along the East boundary to the POINT OF BEGINNING.</p> <p>Notice of Escrow sent in by Brandt Agency March 5, 1982 Between Lionel E. Lowe & John Michael Relk</p> <p>Calculated to be 4.999 acres more or less</p>

In 1986, a CUP was approved that allowed the 5-acre to be divided (Parcel R29035). The CUP does not expire. The owner of R29035 has not taken the split.

CANYON COUNTY
PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
JULY 17, 1986

All Members Present:

Dick Winder called the meeting to order at 8:00 p.m. and presided over hearings.

Item No. 1: Continued public hearing for the request by Robert Bell for a Conditional Use Permit to subdivide approximately 10 acres into 5 parcels. Located on the West side of Track Road, approximately 3/4 of a mile South of Deer Flat Road.

Staff Report Presented By: Lori Walker

Witnesses Who Testified In Favor of Application: Shirley Bell and Greg Skinner.

Witnesses Who Testified In Opposition to Application: David Jones representing Mr. Lowell Jones.

Motion By Johnson to grant with conditions, seconded by Brock passed without dissenting vote.

Special Conditions Imposed:

1. The Conditional Use Permit be approved along with the Restrictive Covenants as amended and the water users agreement.

Item No. 2: Request by Jeff Sherfick for a Conditional Use Permit to subdivide 5 acres into two parcels. Located on the North side of Bennett Road, approximately 1/2 mile East of Robinson Boulevard.

Staff Report Presented by: Lori Walker

Witnesses Who Testified in Favor of Application: Marlene Sherfick

Witnesses Who Testified in Opposition to Application: None.

Committee Members: David Lenz, Wes Schober and Marlen Pywell, presented their reports as evidence.

Documents Admitted into Evidence: None.

Motion by Pywell to grant application with conditions, seconded by Norman.

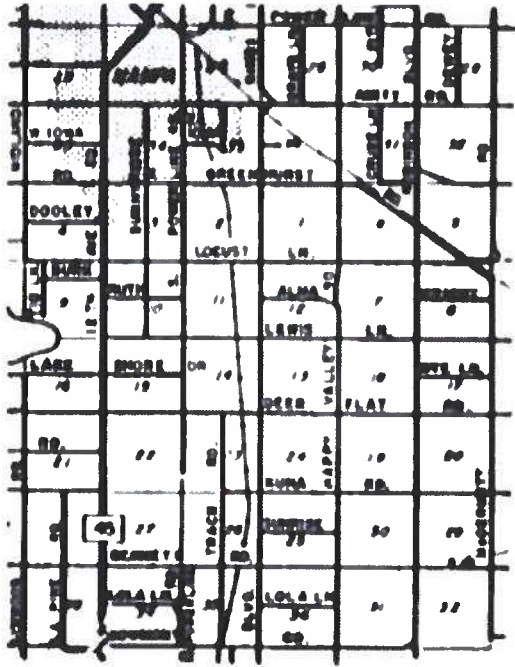
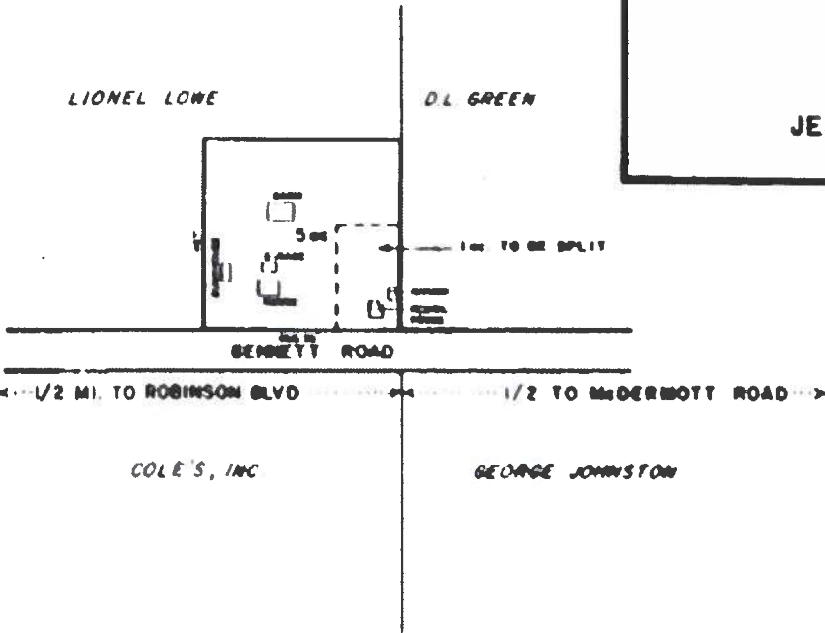
Special Conditions Imposed:

1. The applicant allow for a proper method of measuring the irrigation water to the 2 parcels.

Conditional Use Permit

TO SPLIT 5 ACRES INTO TWO PARCELS.

BY
JEFF SHERFICK



THIS REQUEST

VICINITY MAP

DATE: 6-10-88

LOCATION: SW 29-2-1

ZONE: A-40
AERIAL: 6

ATTACHMENT D



LAND SPLIT APPLICATION

NHD-003
Rev Jan 2015
Page 1 of 1

SECTION I - APPLICANT INFORMATION (TO BE COMPLETED BY APPLICANT)

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

Santiago Corona Gomez NAME OF APPLICANT Santiago Corona Gomez SIGNATURE OF APPLICANT

434 East Chaparrosa DR. ADDRESS 10-31-23 DATE

Alona CITY TD STATE 98654 ZIP (208) 870-3182 PHONE (CELL NUMBER PREFERRED)

ROAD NAME: Bennett BETWEEN Robinson & McDERMOTT
Next to 4754 Bennett Rd access FIRST CROSS STREET SECOND CROSS STREET

SIDE OF ROAD: North South East West TOTAL NUMBER OF: New Lots: 1 New Access Points: 1 PLATTED SUBDIVISION? No (attach sketch of proposed land split) Yes (submit Conceptual Plan prepared by an Engineer)

SECTION II - WORKSHEET/RECOMMENDATION (TO BE COMPLETED BY HIGHWAY DISTRICT)

APPLICATION FEE: Paid Not Paid Ch #1630 85th PERCENTILE SPEED: 59 mph
ROAD NO. 403 SIGHT DISTANCE: Sufficient Insufficient
ROAD SURFACE: Asphalt Gravel Dirt TRAFFIC VOLUME: 1750 ADT
SHARED ACCESS: Yes No FUNCTIONAL CLASSIFICATION: Arterial Collector Other Local
CULVERTS REQUIRED: Yes No
MEETS ACCESS CONTROL STANDARDS?: Yes No

ADDITIONAL REMARKS/CONDITIONS: (IF NONE, SO STATE)
The new point of access is required to be 140' from any other residential access for the new lot. No other access will be permitted per section 3061.0.20 of the ACC#17 Standards Manual.

THIS LAND SPLIT IS:
 Recommended for approval, subject to the above conditions
 Not recommended
[Signature] SIGNATURE - HIGHWAY DISTRICT OFFICIAL 11-1-23 DATE

