



Board of County Commissioners Canyon County Development Services Dept.

HEARING DATE April 16, 2024

OWNER Santiago Gomez

APPLICANT David Ferdinand

PLANNER Dan Lister, Principal Planner

CASE NUMBER AD2023-0133-APL

LOCATION Parcel R29035010A, Adjacent to 4754 Bennett Road, Kuna

PROJECT DESCRIPTION

The applicant, David Ferdinand, representing Santiago Gomez, is appealing Case #AD2023-0133 the denial of an Administrative Land Division to make Parcel R29035010A a buildable parcel.

The subject property is located adjacent to 4754 Bennett Road, Kuna, also referenced as a portion of the SW¼ of Section 29, T2N, R1W, BM, Canyon County, Idaho.

PROPERTY INFORMATION (Exhibit 1)



On September 5, 2023, the applicant submitted a Parcel Inquiry Request, PI2023-0182, for research of the history of R29035 and if the subject parcel, R29035010A, has a building permit available (Exhibit 2). The subject parcel was once part of an 80-acre parcel. The first division was in 1982 when the division created a 5-acre parcel (R29035) and a 75-acre parcel (R29035010). In 1986, Parcel R29035 was granted another division via a conditional use permit (CU2002-386, Exhibit 6). Both Parcel R29035 and R29035010 have existing dwellings.

The subject parcel, R29035010A was created by deed in 2023 when the owner of Parcel R29035010, Mr. Relk, sold the 2.07-acre parcel to Mr. Santiago (Instrument No. 2023-035238, Exhibit 3). The subject parcel was not created per the Canyon County Zoning Ordinance (CCZO §07-17-03 and Chapter 7, Article 18 of the County Code (Administrative Land Division). To abate the unauthorized division, the applicant was given the option to apply for a non-viable land division subject to CCZO §07-18-09, building permit relocation subject to CCZO §07-18-11, or a comprehensive plan amendment and rezone.

PROJECT OVERVIEW

On December 19, 2023, the applicant submitted an Administrative Land Division application to correct the creation of R29035010A subject to CCZO §07-18-07. Per the applicant's letter of intent (Exhibit 4), the applicant believes there is a division available to create the 2.07-acre parcel. The original parcel was 80 acres. Per CCZO §07-18-07(2), an 80-acre parcel is allowed two divisions (three parcels).

On January 24, 2024, Case AD2023-0133 was denied by the Director of DSD due to the request not being able to meet CCZO §07-18-07 (Exhibit 5). Per CCZO Section 07-18-07(2), an 80-acre parcel is allowed two divisions (three parcels). Per PI2023-0182 (Exhibit 2), the first division was in 1982 when the division created a 5-acre parcel (R29035) and a 75-acre parcel (R29035010). In 1986, Parcel R29035 was granted another division via a conditional use permit (CU2002-386, Exhibit 6). The owners of

R29035 have not used the division. However, the CU2002-386 and the County Code at that time did not have expiration dates or a condition expiring the division if not utilized within a certain timeframe. Therefore, the division is permanent unless terminated by the owner of R29035. Because of that, the original 80 acres have been approved for two divisions. Therefore, there are no divisions available per CCZO §07-18-07. The denial provided the following options to gain approval which were provided in PI2023-0182:

- 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 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).*

On February 2, 2024, the applicant submitted an appeal of the decision by the Director of DSD requesting the Board of County Commissioners approve AD2023-0133 (Exhibit 7). The applicant finds, per CCZO Section 07-18-07(2), that an 80-acre parcel is allowed two divisions (three parcels). The second division was created by conditional use permit (CU2002-386) which is not synonymous with the Administrative Land Division Chapter of the County Code. Therefore, the second division per CCZO §07-18-07(2) should be available.

- This finding by the applicant was not submitted as part of the original application for DSD staff to consider. The finding appears to conflict with the following:
 - CCZO Section 07-18-03: *These regulations shall apply to the subdividing of all land within the unincorporated parts of the county and shall include the following: (1) The subdivision of land into more than four (4) lots, parcels, or tracts since September 6, 1979, for transfer of ownership or development. (3) The following are exceptions to the subdivision requirements of this article: A. A parcel, resulting from the subdivision of land, that is used exclusively for agricultural purposes (on which there is no permanent dwelling) and is described on the deed, whether including or excluding a public right of way, and consists of one-fourth (1/4) of one-fourth (1/4) of a section of land or forty (40) or more acres. B. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code and when the dedication of a right of way for public purposes is initiated by a public body. C. Simple changes to a recorded plat in accordance with section 07-17-19 of this article. D. A lot or parcel created for the exclusive use of a public or private school, other political subdivisions, or public or private utility facilities. E. Land that is divided into no more than four (4) from the original parcel in accordance with Article 18 of this chapter.*
 - CCZO Section 07-18-07: (1) Purpose: *The regulations of this section allow for a division of a parcel in an agricultural zone without being subject to the subdivision regulations as set forth in article 17 of this chapter. (2) Standards: *The proposed division of original parcels created prior to September 6, 1979, shall be allowed in accordance with the following:**
 - *Less than 80 acres: 1 division (2 residential parcels)*
 - *80 to 119 acres: 2 divisions (3 residential parcels)*
 - *More than 120 acres: 3 divisions (4 residential parcels)*

COMMENTS

Property owners within 600' of the external boundaries of the parcel and affected agencies were notified per CCZO §07-05-01 on March 4, 2024.

The only comment letter received is from David Ferdinand, the applicant, on March 29, 2024 (Exhibit 8). The letter provides additional information regarding the appeal request.

DECISION OPTIONS AND RECOMMENDATION

The Board of County Commissioners has the following decision options:

- Approve the appeal overturning the Director of DSD’s decision of denial.
- Deny the appeal upholding the Director of DSD’s decision of denial.
- Table the hearing of the case to request additional information.

The decision of denial was reviewed and decided by the Director of DSD in compliance with CCZO §07-18-05 and 07-18-07. Therefore, DSD recommends denial of the appeal upholding the decision by the Director of DSD (Exhibit 9).

If denied, the applicant should consider the following options to possibly gain approval:

- 1) *Terminate CU2002-386. The applicant can work with the property owner for Parcel R29035 to see if they would terminate their approved land division (CU2002-386). The termination can be completed through an Administrative Land Division (\$330 application fee).*
- 2) *Land Division – Nonviable (\$600 application fee). The parcel may be divided one more time subject to the requirements of CCZO Section 07-18-09.*
- 3) *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.*
- 4) *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).*

EXHIBITS

1. Parcel Information Report - R29035010A
2. Parcel Inquiry PI2023-0133
3. Deed: Instrument No. 2023-035238
4. AD2023-0133 Application
5. AD2023-0133 Decision
6. CU2002-386
7. AD2023-0133-APL Application
8. Comment letter – D. Ferdinand
9. Draft FCOs

R29035010A PARCEL INFORMATION REPORT

3/11/2024 2:42:47 PM

PARCEL NUMBER: **R29035010A**

OWNER NAME: **GOMEZ SANTIAGO CORONA**

CO-OWNER:

MAILING ADDRESS: **434 E CHAPPAROSA DR KUNA ID 83634**

SITE ADDRESS: **0 BENNETT RD**

TAX CODE: **0990000**

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

ACRES: **2.07**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

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: 16027C0525F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **ADA CANYON**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2023035238**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **29-2N-1W SW TX 23543 IN E1/2 SW1/4**

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.



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

<p>Site Address: 4754 BENNETT RD Kuna ID 83634</p> <p>Assessor Account #: 29035010 0</p>	<p>Property Owner: RELK JOHN MICHAEL KUNA ID 83634</p> <p>Person Inquiring: Phone Number:</p>
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Section: 29	City Impact Area:	
Township: 2N	Flood Zone: Zone X – Outside SFHA.	
Range: 1W	Subdivision:	
1/4 Sec: SW	Lot:	Staff Member:
Acres: 76.11	Block:	IVAN KOWALCZYK
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. Then 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 83634

SITE ADDRESS: 4754 BENNETT RD

TAX CODE: 0990000

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

ACRES: 76.08

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: 16027C0525F

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 E1/2 SW1/4 LESS TX 7



Tax 7, 1st 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 SE⁴ SW⁴ (South $\frac{1}{4}$ 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 SE⁴ SW⁴;</p> <p>Thence N 0°04'22" W., 467.00 feet parallel with the East boundary of said SE⁴ SW⁴;</p> <p>Thence S 89°45'00" E., 466.38 feet parallel with the South boundary of said SE⁴ SW⁴;</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.

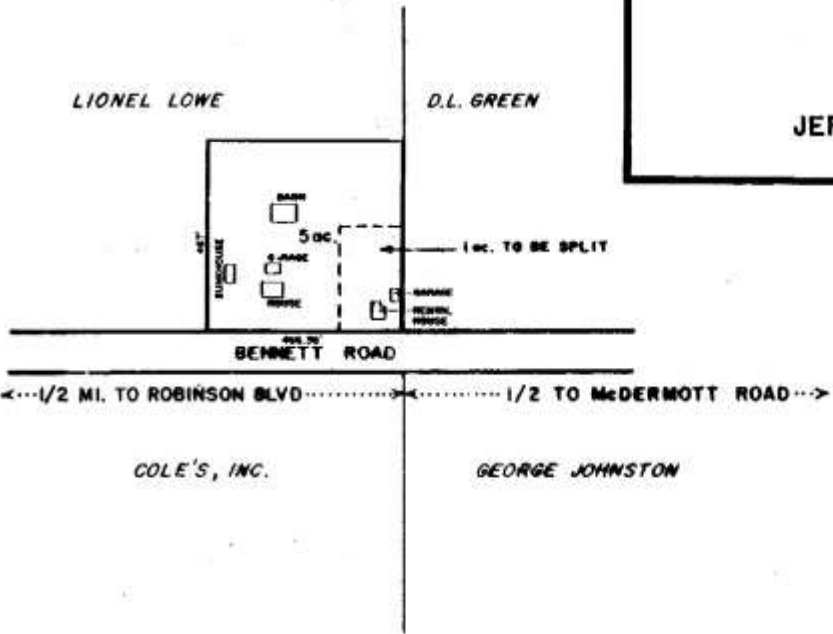
Special Conditions Imposed:

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



VICINITY MAP

ZONE: A-40
AERIAL: 6

DATE: 6-10-86 LOCATION: SW 29-2-1

In 1995, Parcel R29035010 replaced a mobile home with a log home (ZC2004-1060). In 2003, a residential addition was issued (BP2003-259).

CANYON COUNTY 2C2004-1060 ZONING COMPLIANCE/ BUILDING PERMIT APPLICATION																										
TO BE FILLED OUT BY APPLICANT DATE: <u>3/24/95</u> PERMIT NO. <u>13550</u>																										
PROPERTY OWNER: <u>J. Michael Relk</u>																										
ADDRESS: <u>4754 Bennett Rd.</u>	PHONE: <u>466-0428</u>																									
CITY: <u>Kuna Idaho</u>	ZIP: <u>83634</u>																									
PROPERTY ADDRESS: <u>Same</u>																										
CITY: _____ ZIP: _____																										
SUBDIVISION: _____ LOT: _____ BLK: _____																										
LEGAL: <u>Sec 29 Twnshp 2N Range 1W 1/4 Sec SW</u> ASSR ACCT NO: <u>R29035-010</u> <small>(Attach Long Legal)</small>																										
CONTRACTOR: <u>Same as Above</u> PHONE: _____																										
ADDRESS: _____																										
CITY: _____ ZIP: _____																										
PROJECT TYPE: <u>Replace MH w/site Blt Log Home</u>																										
FOR OFFICE USE ONLY																										
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Canyon County
Development Services Department
Certificate of Zoning Compliance/Permit
 Zoning 454-7458 Building 454-7460
Permit Number: BP2003-259

Permit Record Report

Page 1 of 3
 Printed: 3/18/2003

✓

Parcel Number: R29035-010 Section: 29 Township: 2N Range: 1W 1/4 Section SW Zone: A Flood Hazard Zone/Use: X - Outside SFHA Subdivision: Lot: Block:	Site Address: 4754 BENNETT ROAD Kuna, ID 83634 Address Assigned By City: Permit Is For: Residence Addition/Alteration Land Use Case #: Acreeage of Parcel: 250 City Impact Area: NO Initial _____ Date: _____	
County Set Backs: <input checked="" type="checkbox"/> Front: 30 Side: 10 Rear: 20 Corner Lot F/S:	City Set Backs: <input type="checkbox"/> Front: Side: Rear: Corner S/F:	Sec Line: 60 Feet 1/4 Sec Line: 60 Feet # of Perm Residence: 1 # of Temp Residence:
Applicant: JOE WILLIAMS Address: 18682 FRANKLIN ROAD Nampa, ID 83687		Applicant Role: Contractor Phone: 989-7184
Property Owner: Mr. JOHN M RELK Address: 4754 BENNETT ROAD Kuna, ID 83634		Phone: 466-0428
Contractors: JOE WILLIAMS Address: 18682 FRANKLIN ROAD Nampa, ID 83687		Phone: 989-7184 Primary? <input checked="" type="checkbox"/>
App Accepted By: Susan Hunsperger Filing Date: _____ Status: Incomplete On Hold By: _____ Comments: ADDITION TO HOME		

ARTICLE 18 ADMINISTRATIVE LAND DIVISIONS

SECTION:

[07-18-01: Purpose](#)

[07-18-03: Applicability](#)

[07-18-05: Application](#)

[07-18-07: Administrative Division in Agricultural Zones](#)

[07-18-09: Administrative Division Of Nonviable Parcels In An Agricultural Zone](#)

[07-18-11: Administrative Division And Relocation Of Building Permits Between Contiguous Parcels In An Agricultural Zone](#)

[07-18-13: Administrative Land Division In All Other Zones](#)

07-18-01: PURPOSE:



The regulations of this article allow for the division of parcels without being subject to the subdivision regulation as set forth in article 17 of this chapter.

(Ord. 22-071, 9-14-2022)

07-18-03: APPLICABILITY:



(1) These regulations apply to:

- A. Parcels of land created prior to September 6, 1979.

(Ord. 22-071, 9-14-2022)

07-18-05: APPLICATION AND PROCESS:



(1) The following shall be provided with all applications for land divisions pursuant to this Article:

- A. Application;
- B. Fees;
- C. Site plan showing all lots and access locations;
- D. An irrigation plan (if applicable);
- E. Proof that any required conditions of county approvals are met (if applicable)

(2) Parcels divided pursuant to this Chapter with slopes greater than fifteen percent (15%) shall not be disturbed without an engineered grading and drainage plan consistent with section [07-17-33\(1\)C](#).

(3) The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and this chapter before the director can approve the application.

(4) Notification of the application shall be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.

(5) Pre-approval Decision: the following shall be provided after receiving pre-approval of the site plan from director:

A. Record of Survey with metes and bounds descriptions of all lots that shows access from each parcel complies with the requirements of section 07-10-03: of this chapter, and that includes all existing and necessary easements;

(6) Decision:

A. If the application meets the requirements of this section, the director may approve the division. The director may attach conditions to the approval if applicable.

B. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division.

(7) Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.

(8) Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division approvals.

(Ord. 22-071, 9-14-2022)

07-18-07: ADMINISTRATIVE DIVISION IN AGRICULTURAL ZONES:



(1) Purpose: The regulations of this section allow for a division of a parcel in an agricultural zone without being subject to the subdivision regulations as set forth in article 17 of this chapter.

(2) Standards: The proposed division of original parcels created prior to September 6, 1979, shall be allowed in accordance with the following:

Less than 80 acres	1 division (2 residential parcels)
80 to 119 acres	2 divisions (3 residential parcels)
More than 120 acres	3 divisions (4 residential parcels)

A. The proposed parcels created and its remnant shall be at least one (1) acre in size.

B. An additional parcel designated as agricultural only and at least five (5) acres in size may be created in accordance with this article and subject regulations in accordance with article 10 of this chapter.

(3) Once an administrative land division has been approved in the agricultural zoning district, there shall be no other administrative land divisions from that land regardless of ownership of any of the land involved except as permitted by this Article. Previously approved divisions in the agricultural zoning district may be amended to provide for divisions of the original parcel that were entitled pursuant to Chapter 7 Article 18 but not taken when the first division was approved.

(Ord. 22-071, 9-14-2022)

07-18-09: ADMINISTRATIVE DIVISION OF NONVIABLE PARCELS IN AN AGRICULTURAL ZONE:



(1) Purpose: The director shall have the authority regarding the division of nonviable land within an "A" (Agricultural) zone, in whole or in part, where the result of the division limits negative impacts to adjacent agricultural uses.

(2) Minimum Parcel: The proposed parcel created and its remnant shall be at least one (1) acre in size.

(3) Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee, including requirements of Section 07-18-05 of this chapter. Submittal shall also include the following:

A. Evidence demonstrating the land, in whole or in part, is nonviable for agricultural use; and

B. Evidence demonstrating the result of the request will minimize potential negative impacts to adjacent agricultural uses.

(4) Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed division to the owners of parcels which are contiguous to the subject parcel(s) and to the owners of parcels which are within six hundred feet (600') of the external boundaries of the subject parcel(s) and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed division. Notification of the application shall also be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.

(5) Evaluation and Determination of Application: The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:

A. The parcel(s) must be eligible for division; and

B. The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code) and the building code (chapter 6 of this code) before the director can approve the application; and

C. The parcel, in whole or in part, shall consist of land with site constraints and/or resource issues, such as lack of water, suitable soils, topography, land compatibility, lot size or configuration, that makes productive agricultural use extremely difficult; and

D. The division shall not create a negative impact to surrounding agricultural uses. The director may include conditions of approval to mitigate potential negative impacts.

(6) The applicant has the burden of proving that the application meets these requirements.

A. Deliberate action to withhold agricultural land from productive use strictly to qualify for a land division pursuant to this section shall disqualify such land from treatment under this section.

(7) Decision, Division of Nonviable Parcel:

A. If the application meets the requirements of this section, the director may approve the division into fewer than five (5) parcels from the original parcel. The director may attach conditions to the approval which limits the division or use.

B. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division.

C. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(8) Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section [07-05-07](#) of this chapter.

(9) Onetime Only Division: Once a nonviable parcel in an agricultural zone has been approved, there shall be no other administrative land division from that land regardless of ownership of any of the land involved.

(10) Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division approvals.

(Ord. 22-071, 9-14-2022)

07-18-11: ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE:



(1) Purpose: The director shall have the authority to relocate available residential permits between said contiguous parcels for the purpose of clustering said residential building permits on a destination parcel.

(2) Minimum Parcel Or Lot Area: The minimum parcel or lot area of this section shall be one acre.

(3) Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed relocation to the owners of parcels which are contiguous to the destination parcel and to the owners of parcels which are within six hundred feet (600') of the external boundaries of the destination parcel and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed relocation.

(4) Evaluation And Determination Of Application: The director shall consider all comments that are received within the fifteen (15) day comment period prior to making a final decision concerning the relocation request. In considering comments, the director shall evaluate whether such comments articulate and demonstrate that the parcel is eligible for the relocation of building permits. The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:

A. The originating and destination parcels must be contiguous. "Contiguous" means touching at a point or along a boundary, including parcels divided by railroad, public right of way, canal, ditch, river, or stream; and

B. The originating parcels must be eligible for an administrative land division under this article or have a building permit available; and

C. The relocation uses the originating parcel's administrative land division/building permit and no other administrative land division is available for the parcel; and

D. The relocation must demonstrate at least one of the following:

1. Promotion of effective or efficient farming. If the applicant demonstrates that the relocation would create a more cost effective or efficient method of farming the originating parcels or make them more viable for the production of crops; or

2. Clustering of structures;

E. Deliberate action to withhold productive farm ground from production strictly in order to qualify for administrative relocation of building permits pursuant to this subsection shall disqualify such farm ground from treatment under this subsection.

(5) Approval, Division Of Destination Parcel:

A. The size, shape, and location of the destination parcel, as well as the parcels to which it will be divided into, shall be subject to the approval of the director.

B. If the application meets the requirements of this subsection, the director may approve the division of the destination parcel into no more than four (4) parcels. The director may attach limiting conditions to the approval.

C. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division including the size, shape, and location of the destination parcel.

D. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(6) Appeal By Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section [07-05-07](#) of this chapter.

(7) Onetime Only Division: Once an administrative land division has been approved, there shall be no other administrative land division from that land regardless of ownership of any of the land involved.

(8) Required Language On Approvals: Language from the Idaho right to farm act¹ shall appear on administrative land division approvals.

(9) Exceptions: If the land division does not qualify as an exception under the subdivision standards of subsection [07-17-03\(3\)](#) of this chapter, then all regulations of article 17 of this chapter shall apply.

(Ord. 22-071, 9-14-2022)

07-18-13: ADMINISTRATIVE DIVISION IN ALL OTHER ZONES:



(1) Purpose: The regulations of this section allow for a division of a parcel in a commercial, industrial, and residential zone without being subject to the subdivision regulations as set forth in article 17 of this chapter.

(2) An administrative land division of an original parcel in a commercial, industrial, and residential zone is allowed in accordance with the following:

A. Land may be divided into no more than four (4) parcels through the administrative land division process unless further restricted by provisions in Chapter 9 - Areas Of City Impact.

B. The minimum parcel or lot area shall be subject to the minimum lot size provisions of subsection [07-10-21\(2\)](#) of this chapter.

(Ord. 22-071, 9-14-2022)



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

File No. 840243 MK/LF

2023-035238
RECORDED
10/31/2023 01:17 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=3 JWINSLOW \$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

WARRANTY DEED

For Value Received J. Michael Relk, ~~an unmarried man~~ who acquired title as John Michael Relk, an unmarried man 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. Chapparosa 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 Chayon

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

[Signature]
Signature of notary public
Commission Expires:

Residing In: Nampa, Idaho
Commission Expires: 06/17/2028

MEGAN KING
COMMISSION #42153
NOTARY PUBLIC
STATE OF IDAHO

UNOFFICIAL COPY

UNOFFICIAL COPY

UNOFFICIAL COPY

UNOFFICIAL COPY

** rerecord to correct Grantors Name



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

File No. 840243 MK/LF

WARRANTY DEED

who acquired title as John Michael Relk, an unmarried
For Value Received J. Michael Relk, ~~an unmarried man~~ man
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. Chapparosa Drive Kuna, ID 83634

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

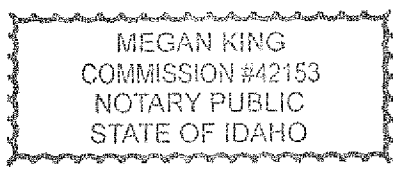
To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
said Grantee(s), that the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises
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 Cnayon

This record was acknowledged before me on 10-27-23 by J. Michael Relk

[Signature]
Signature of notary public
Commission Expires:



Residing in: Nampa, Idaho
Commission Expires: 05/17/2028

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EXHIBIT A

This parcel is a portion of the E ½ SW ¼ of Section 29 in Township 2 North, Range 1 West of the Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, (SW Section Corner, Section 29), a found aluminum cap monument;

thence South 88°53'04" East along the South boundary of the W ½ SW ¼ a distance of 1328.45 feet to the Southwest corner of the E ½ SE ¼, witnessed by a found 5/8 inch diameter rebar bearing North 00°46'58" East a distance of 25.00 feet;

thence South 88°53'04" East along the South boundary of the E ½ SW ¼ a distance of 61.00 feet to the TRUE POINT OF BEGINNING, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 00°46'58" East a distance of 25.00 feet;

thence North 00°46'58" East, parallel with the West boundary of the E ½ SW ¼, a distance of 300.00 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 88°53'04" East, parallel with the South boundary of the E ½ of the SW ¼, a distance of 300.00 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 00°46'58" West, parallel with the West boundary of the E ½ SW ¼, a distance of 300.00 feet to a point on the South boundary of the E ½ SW ¼, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 00°46'58" East a distance of 25.00 feet;

thence North 88°53'04" West along said South boundary a distance of 300.00 feet to the TRUE POINT OF BEGINNING.

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MASTER APPLICATION

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



PROPERTY OWNER	OWNER NAME: <i>Santiago Corona Gomez</i>
	MAILING ADDRESS: <i>434 E. Chapparrosa Dr. Kunza, ID 83634</i>
	PHONE: <i>208-870-3182</i> EMAIL: <i>santiago@unitedlandscaping.info</i>

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature: *Santiago Corona Gomez* Date: *10-31-23*

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: <i>David Ferdinand</i>
	COMPANY NAME: _____
	MAILING ADDRESS: <i>2419 W. Herron Loop Nampa, ID 83686</i>
	PHONE: <i>208-999-9232</i> EMAIL: <i>dferdinandi@gmail.com</i>

SITE INFO	STREET ADDRESS: _____		
	PARCEL #: <i>? R29035 010A</i>	LOT SIZE/AREA: <i>2.07?</i>	
	LOT: _____	BLOCK: _____	SUBDIVISION: _____
	QUARTER: <i>Portion of E 1/2 SW 1/4</i>	SECTION: <i>29</i>	TOWNSHIP: <i>2</i> RANGE: <i>1W</i>
	ZONING DISTRICT: _____		FLOODZONE (YES/NO): <i>NO</i>

HEARING LEVEL APPS	<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	<input checked="" type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER _____		

CASE NUMBER: <i>AD2023-0133</i>	DATE RECEIVED: <i>12-19-23</i>
RECEIVED BY: <i>CL x DR</i>	APPLICATION FEE: <i>330.00</i> CK MO CC CASH

ADMINISTRATIVE LAND DIVISION - CHECKLIST

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

www.canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



Check appropriate application type:

- Administrative Land Division of "A" (Agricultural) land in accordance with CCZO §07-18-01
 - Less than 80 acres: Two (2) residential parcels
 - 80 to 119 acres: Three (3) residential parcels
 - More than 120 acres: Four (4) residential parcels
- Administrative Land Division of original parcels in all other Zones in accordance with CCZO §07-18-01(1)B.
- Administrative Division and Relocation of Building Permits Between Contiguous Parcels in an Agricultural Zone in accordance with CCZO §07-18-05.
- Administrative Division of a Nonviable Parcel in an Agricultural Zone in accordance with CCZO §07-18-03.

THE FOLLOWING ITEM MUST BE SUBMITTED WITH THIS CHECKLIST:

- Completed Parcel Inquiry verifying eligibility Case # 112023-0182 or provide evidence the parcel is eligible for land division.
- Master Application completed and signed.
- Site Plan showing existing and proposed property lines and sizes, easements, irrigation, access, and setbacks from existing structures, north arrow, and contours.
- Detailed Letter fully describing the request and required findings. The following findings must be included:
 - Does the property contain 15% slopes or greater?
 - Provide an irrigation plan (if applicable); and
 - Provide proof that any required conditions from previous County approvals are met or will be met as part of this request.
 - Additional information for Relocation of Building Permits: Demonstrate how the request promotes effective or efficient farming and/or promotes the clustering of structures.
 - Additional Information for Nonviable Parcels in the "A" Zone: (1) Demonstrate how the site constraints/resource issues on the property makes agricultural use extremely difficult; and (2) Demonstrate how the request does not create a negative impact to surrounding agricultural uses.
- Deed or evidence of property interest to all subject properties
- Draft record of survey with metes and bounds descriptions of all lots, that shows access from each parcel complies with the requirements of section 07-10-03: of this chapter, and that includes all required utility easements.
- Road User's Maintenance Agreement (if applicable)
- \$330 (lot split) or \$600 (building permit transfer/non-viable division) non-refundable fee

ADDITIONAL APPROVALS COMBINED WITH THIS REQUEST:

- Private Road application \$80 fee
- Easement reduction request (The reduction cannot be less than 28 feet wide) \$80 fee
- Property Boundary Adjustment \$80 fee

DISCLAIMER: The subject property shall be in compliance with the public nuisance ordinance, the building code and the zoning code before the Director can approve the application.

Revised 7/11/22

SITE PLAN & LETTER OF INTENT - CHECKLIST

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



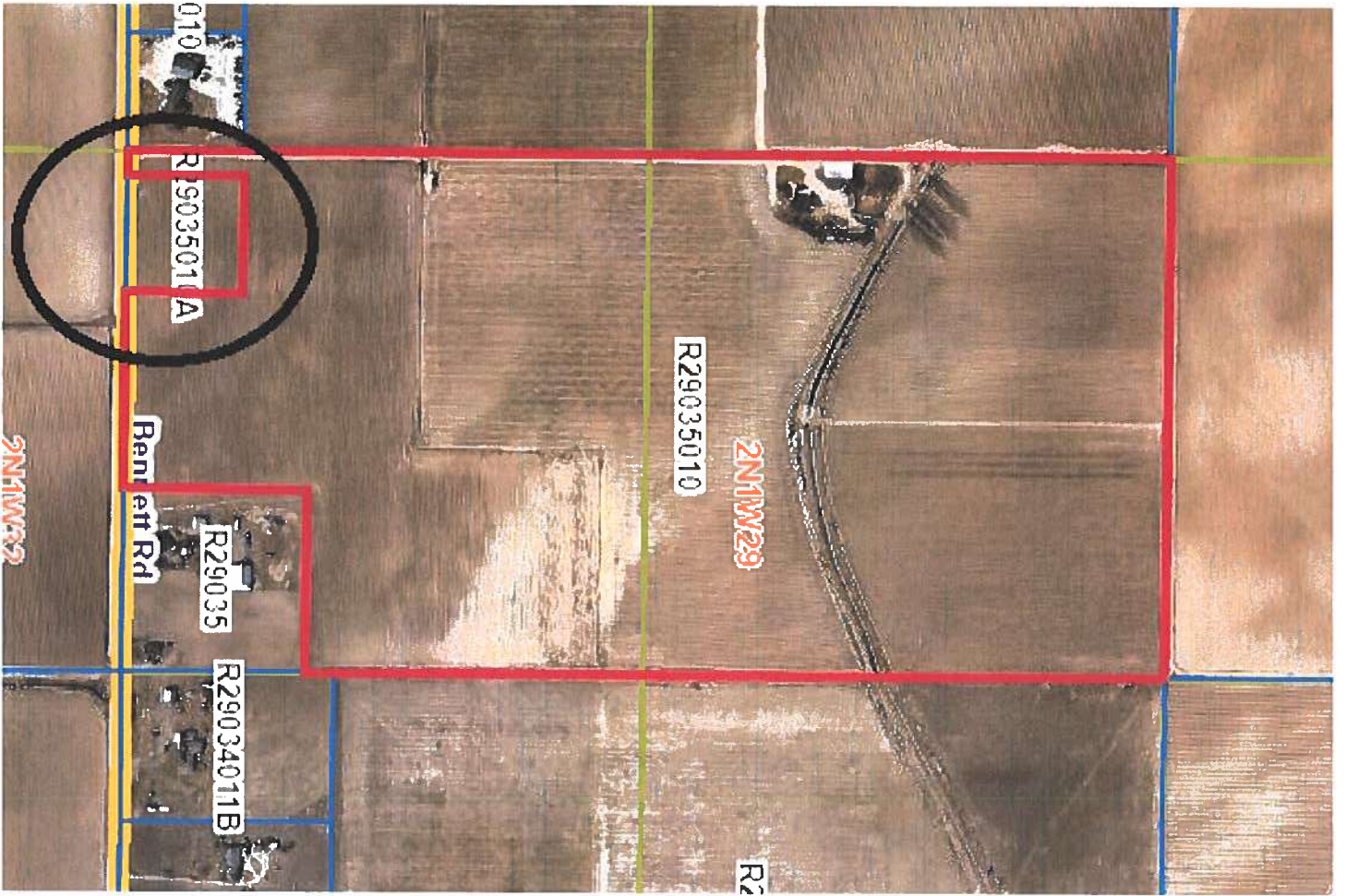
The site plan is a detailed GRAPHICAL description of existing and proposed site features. Include all applicable items on your site plan:

- All existing and proposed structures and dimensions (i.e. 40'x30' shop, 20'x20' shed, 40'x50' house, 10' windmill, etc.)
- Infrastructure: well, septic, irrigation ditch, settling ponds, drainage swales, etc.
- Transportation: parking, loading areas, driveways, etc. adjacent driveways, roads, highways or other accesses
- Easement locations and dimensions
- Setbacks from property lines, section lines, collectors and arterial roads and/or building envelope
- Areas of steep slopes, wetlands, and/or floodplain
- Existing or proposed fences
- Signs
- Major landscaping or hardscaping, such as large trees, berms, or retaining walls, water features
- Areas of activity, outdoor seating, food vendor area, stockpiling, open pit, etc.
- Any other site features worth noting

The Letter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all applicable items in your letter:

- A description of the proposed use and existing uses
- A description of the proposed request and why it is being requested
- Expected traffic counts and patterns
- Phasing of development
- How proposed use may affect neighboring uses
- A description or further explanation of the site features (see site plan list above)
- Explanation of any other permits through other agencies that may be required
- Description of business operations, such as number of employees, hours of operation, delivery and shipping
- A description of how the proposed use is consistent with specific zoning criteria or comprehensive plan policies
- Any other items which may require further explanation

Revised 1/7/2021



R29035010A PARCEL INFORMATION REPORT

12/15/2023 1:03:35 PM

PARCEL NUMBER: R29035010A

OWNER NAME: GOMEZ SANTIAGO CORONA

CO-OWNER:

MAILING ADDRESS: 434 E CHAPPAROSA DR KUNA ID 83634

SITE ADDRESS: 0 BENNETT RD

TAX CODE: 0990000

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

ACRES: 2.07

HOME OWNERS EXEMPTION: No

AG-EXEMPT: No

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:** 16027C0525F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: ADA CANYON

FUNCTIONAL Classification: NOT In COLLECTOR

INSTRUMENT NO. : 2023035238

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 29-2N-1W SW TX 23543 IN E1/2 SW1/4

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.





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 #: 29035010 0

Person Inquiring:

Phone Number:

Section: 29

City Impact Area:

Township: 2N

Flood Zone: Zone X – Outside SFHA.

Range: 1W

Subdivision:

1/4 Sec: SW

Lot:

Staff Member:

Acres: 76.11

Block:

IVAN KOWALCZYK

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. Then 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 83634

SITE ADDRESS: 4754 BENNETT RD

TAX CODE: 0990000

TWP: 2Nth RNG: 1W SEC: 29 QUARTER: SW

ACRES: 76.08

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: 16027C0525F

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 E1/2 SW1/4 LESS TX 7



Tax 7, 1st split creating R29035 in 1982

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.

ASSESSOR'S TAX NUMBER LIST
CANYON COUNTY

YEAR 19 82

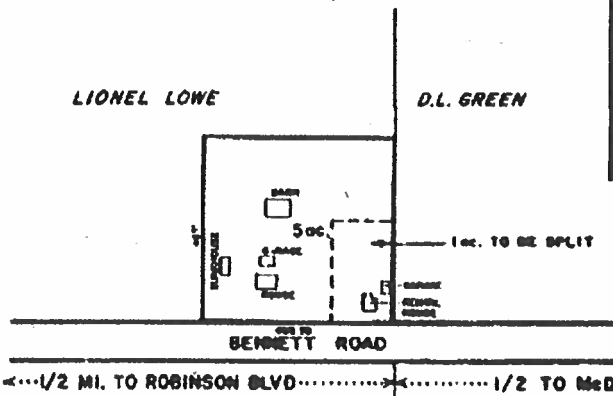
Section 29-2-1

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>

Conditional Use Permit

TO SPLIT 5 ACRES INTO TWO PARCELS.

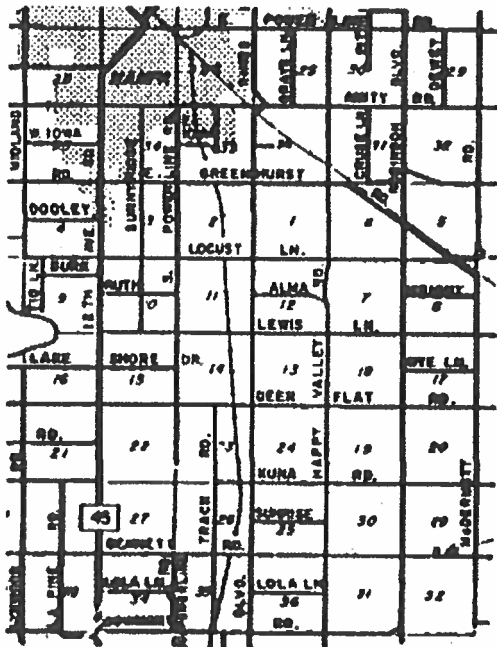
BY
JEFF SHERFICK



← 1/2 MI. TO ROBINSON BLVD → 1/2 TO McDERMOTT ROAD →

COLE'S, INC.

GEORGE JOHNSTON



THIS REQUEST

VICINITY MAP

DATE: 6-10-66

LOCATION: SW 29-2-1

ZONE: A-40

AERIAL: 6

In 1995, Parcel R29035010 replaced a mobile home with a log home (ZC2004-1060). In 2003, a residential addition was issued (BP2003-259).

CANYON COUNTY		ZONING COMPLIANCE/ BUILDING PERMIT APPLICATION	
2C2004-1060			
TO BE FILLED OUT BY APPLICANT DATE: <u>3/24/95</u>		PERMIT NO. <u>13550</u>	
PROPERTY OWNER: <u>J. Michael Reik</u>			
ADDRESS: <u>4754 Bennett Rd.</u>		PHONE: <u>466-0428</u>	
CITY: <u>Kuna Idaho</u>		ZIP: <u>83634</u>	
PROPERTY ADDRESS: <u>Same</u>			
CITY: _____ ZIP: _____			
SUBDIVISION: _____ LOT: _____ BLK: _____			
LEGAL: <u>Sec 29 Twp 2 N Range 1 W 1/4 Sec SW</u> ASSR ACCT NO: <u>R29035-010</u> (Attach Long Legal)			
CONTRACTOR: <u>SAME AS ABOVE</u> PHONE: _____			
ADDRESS: _____			
CITY: _____ ZIP: _____			
PROJECT TYPE: <u>Replace MH w/site Blt Log Home</u>			
FOR OFFICE USE ONLY			
ITEM NO. <u>101</u>		ZONING COMPLIANCE PERMIT CONDITIONS	
BUILDING DEPARTMENT PROJECT INFORMATION		Proposed Use: Agri < > Res <input checked="" type="checkbox"/> Comm < > Indust < > Public < > ZONING CLASS: <u>(A)</u> R-R R-1 R-2 R-3 R-2T C-1 C-2 C-3 I-P A-P M-1 M-2 Setback Requirements: <u>60'</u> ft <u>10'</u> ft <u>20'</u> ft <u>N/A</u> FRONT SIDE REAR CORNER AIRPORT ZONING: <Y> <input checked="" type="checkbox"/> DOES PROPERTY BORDER A SECTION LINE OR 1/4 SEC LINE? <input checked="" type="checkbox"/> <N> < > CHECK HERE IF IN AREA OF CITY IMPACT <input checked="" type="checkbox"/> OUTSIDE OF FLOOD AREA < > IN FLOODWAY FRINGE (100 YR) < > WITHIN FLOODWAY DOES PROPERTY HAVE EXISTING ROAD FRONTAGE OR A PERPETUAL EASEMENT? <Y> <N>	
Project Type: <u>Key</u>			
Occupancy Type: <u>Residence</u>			
Occupancy Group: <u>R-3</u>			
Type Construction: <u>VN</u>			
PROJECT NOTES SETBACKS: <u>60'-10'-20'</u> <u>Log construction</u> <u>with 455 sq ft lot.</u>			



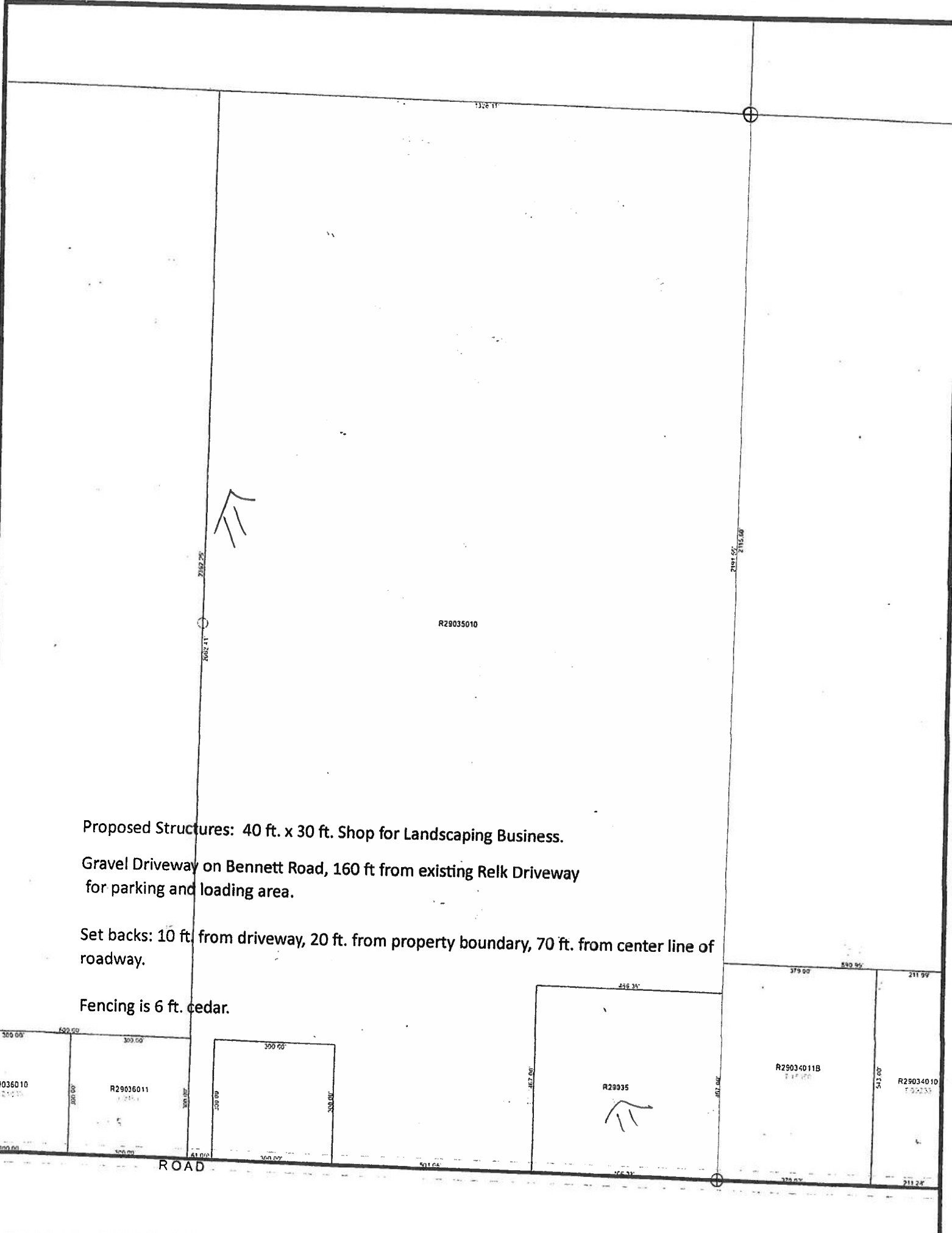
Canyon County
Development Services Department
Certificate of Zoning Compliance/Permit
 Zoning 454-7458 Building 454-7460
Permit Number: BP2003-259

Permit Record Report

Page 1 of 3
 Printed: 3/18/2003

✓

Parcel Number: R29035-010	Site Address: 4754 BENNETT ROAD Kuna, ID 83634
Section: 29	Address Assigned By City:
Township: 2N	Permit Is For: Residence Addition/Alteration
Range: 1W	Land Use Case #:
1/4 Section SW	Acreeage of Parcel: SCANNED
Zone: A	Initial _____ Date: _____
Flood Hazard Zone/Use: X - Outside SFHA	City Impact Area: NO
Subdivision:	
Lot:	
Block:	
County Set Backs: <input checked="" type="checkbox"/>	City Set Backs: <input type="checkbox"/> Sec Line: 60 Feet
Front: 30	Front: 1/4 Sec Line: 60 Feet
Side: 10	Side:
Rear: 20	Rear: # of Perm Residence: 1
Corner Lot F/S:	Corner S/F: # of Temp Residence:
Applicant: JOE WILLIAMS	
Applicant Role: Contractor	
Address: 18682 FRANKLIN ROAD	
Nampa, ID 83687 Phone: 989-7184	
Property Owner: Mr. JOHN M RELK	
Address: 4754 BENNETT ROAD Kuna, ID 83634 Phone: 486-0428	
Contractors: JOE WILLIAMS	
Address: 18682 FRANKLIN ROAD Phone: 989-7184	
Nampa, ID 83687 Primary? <input checked="" type="checkbox"/>	
App Accepted By: Susan Hunsperger	
Filing Date:	Status: Incomplete On Hold By:
Comments: ADDITION TO HOME	



Proposed Structures: 40 ft. x 30 ft. Shop for Landscaping Business.

Gravel Driveway on Bennett Road, 160 ft from existing Relk Driveway for parking and loading area.

Set backs: 10 ft. from driveway, 20 ft. from property boundary, 70 ft. from center line of roadway.

Fencing is 6 ft. cedar.

LETTER OF INTENT – Santiago Corona Gomez 4754 Bennett Rd Kuna, ID 83634

The original 80-acre parcel is located at 4754 Bennett Rd, Kuna, ID 83634 and has been surveyed into two parcels including the 2-acre parcel which is the subject of this request to take advantage of the split available. Two building permits have been designated of the three available.

The survey has been recorded and is located directly to the East of the driveway to the homesite owned by John Michael Relk. The 2-acre parcel will be identified with the number R29035-00-A and has been sold to Santiago Corona Gomez.

The intent is to use the parcel to park his trucks and possibly landscaping use and build a Shop; and sometime in the future build a home, however because of the ditch system and location of the weirs, this parcel does not have access to a water delivery system.

The location of the 2-acre parcel is across the driveway from a newly constructed home and shop on parcel R29036011, which has increased concerns about farming near this parcel. This was the impetus to sell a matching parcel. The parcel will be accessible by a driveway, 160 feet east of the current Relk driveway.

The new owner will be required to have a 6" casing well drilled for any irrigation or water to this property. The well driller has experience in drilling wells in this area and plans a 218 ft. well.

06-01-07: DEFINITIONS:

All words and phrases used in this article shall be given their ordinary, commonly understood and accepted meanings unless otherwise noted. The following terms shall have the following meanings in the interpretation and construction of this article:

AGRICULTURAL BUILDING: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products on Agriculturally zoned land which Agriculturally zoned land shall consist of at least a single parcel of land of more than five (5) acres in size, exclusive of any public right-of-way. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, packaged or sold, nor shall it be a place used by the public. Notwithstanding this definition, the Director or Director's designee has the discretion to determine that an agricultural building, proposed to be located on Agriculturally zoned land of less acreage than provided herein, qualifies for inclusion in this definition.



Thomas J. Wellard, PLS
Rodney Clark, PE

October 19, 2023

Legal Description for
Mike Relk
Job No. SE0323

Parcel 1

This parcel is a portion of the E ½ SW ¼ of Section 29 in Township 2 North, Range 1 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, (SW Section Corner, Section 29), a found aluminum cap monument;

thence South 88°53'04" East along the South boundary of the W ½ SW ¼ a distance of 1328.45 feet to the **TRUE POINT OF BEGINNING**, the Southwest corner of the E ½ SW ¼, witnessed by a found 5/8 inch diameter rebar bearing North 00°46'58" East a distance of 25.00 feet;

thence North 00°46'58" East along the West boundary of the E ½ SW ¼ a distance of 2662.41 feet to the Northwest corner of the E ½ SW ¼, a found 5/8 inch diameter rebar;

thence South 88°43'03" East along the North boundary of the E ½ SW ¼ a distance of 1328.11 feet to the Northeast corner of the E ½ SW ¼, a found 5/8 inch diameter rebar;

thence South 00°46'29" West along the East boundary of the E ½ SW ¼ a distance of 2191.55 feet to a found 5/8 inch diameter rebar;

thence North 88°53'04" West, parallel with the South boundary of the E ½ SW ¼, a distance of 466.38 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 00°46'29" West, parallel with the East boundary of the E ½ SW ¼, a distance of 467.00 feet to a point on the South boundary of the E ½ SW ¼, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 00°46'29" East a distance of 20.00 feet;

thence North 88°53'04" West along said South boundary a distance of 501.06 feet to a point witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 00°46'58" East a distance of 25.00 feet;

thence North 00°46'58" East, parallel with the West boundary of the E ½ SW ¼, a distance of 300.00 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 88°53'04" West, parallel with the South boundary of the E ½ SW ¼, a distance of 300.00 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;



Thomas J. Wellard, PLS
Rodney Clark, PE

Relk Legal Description
Parcel 1, Page 2 of 2

thence South 00°46'58" West, parallel with the West boundary of the E ½ SW ¼, a distance of 300.00 feet to a point witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 00°46'58" East a distance of 25.00 feet;

thence North 88°53'04" West along said South boundary a distance of 61.00 feet to the **TRUE POINT OF BEGINNING**, said parcel being 74.058 acres more or less, and being subject to any and all easements and rights of way of record or implied.





Thomas J. Wellard, PLS
Rodney Clark, PE

October 19, 2023

Legal Description for
Mike Relk
Job No. SE0323

Parcel 2

This parcel is a portion of the E ½ SW ¼ of Section 29 in Township 2 North, Range 1 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, (SW Section Corner, Section 29), a found aluminum cap monument;

thence South 88°53'04" East along the South boundary of the W ½ SW ¼ a distance of 1328.45 feet to the Southwest corner of the E ½ SW ¼, witnessed by a found 5/8 inch diameter rebar bearing North 00°46'58" East a distance of 25.00 feet;

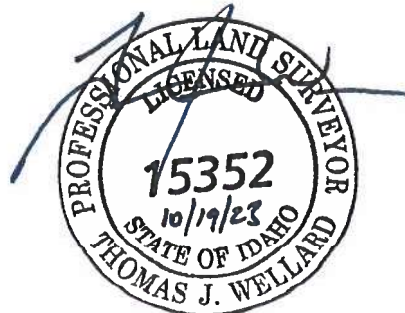
thence South 88°53'04" East along the South boundary of the E ½ SW ¼ a distance of 61.00 feet to the **TRUE POINT OF BEGINNING**, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 00°46'58" East a distance of 25.00 feet;

thence North 00°46'58" East, parallel with the West boundary of the E ½ SW ¼, a distance of 300.00 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 88°53'04" East, parallel with the South boundary of the E ½ SW ¼, a distance of 300.00 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 00°46'58" West, parallel with the West boundary of the E ½ SW ¼, a distance of 300.00 feet to a point on the South boundary of the E ½ SW ¼, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 00°46'58" East a distance of 25.00 feet;

thence North 88°53'04" West along said South boundary a distance of 300.00 feet to the **TRUE POINT OF BEGINNING**, said parcel being 2.066 acres more or less, and being subject to any and all easements and rights of way of record or implied.

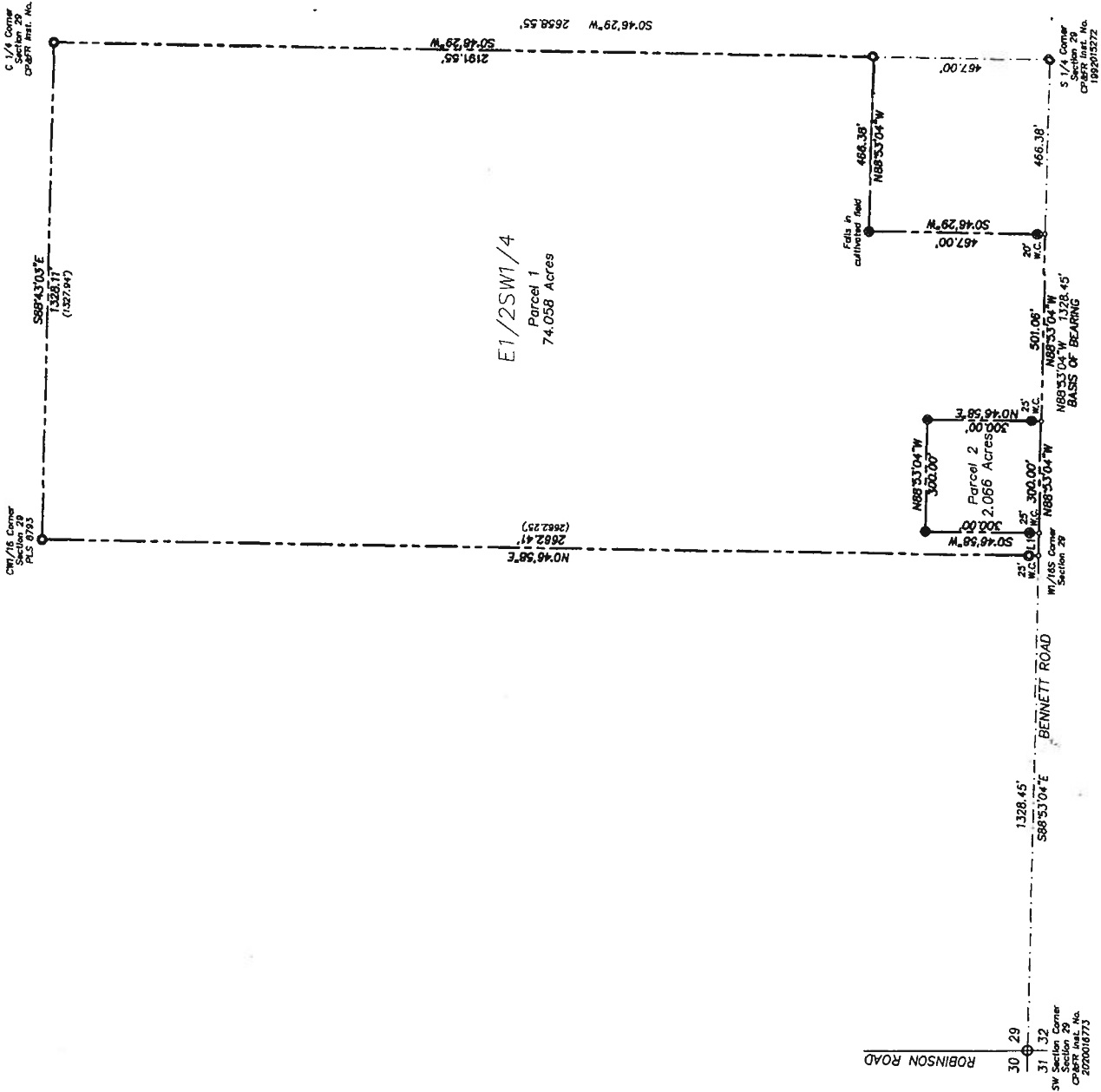


RECORD OF SURVEY

A PORTION OF THE E 1/2 SW 1/4 OF SECTION 29,
TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO

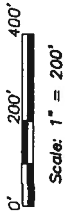
LINE TABLE

NO	BEARING	LENGTH
L1	N88°53'04"W	61.00'



Reference Surveys:
 Inst. No. 2021044746
 Inst. No. 2013032882
 Inst. No. 2007080799
 Inst. No. 2007025474
 Inst. No. 1994020150

Reference Deeds:
 Inst. No. 8605222



LEGEND

- ALUMINUM CAP MONUMENT - FOUND
- 5/8" REBAR - FOUND
- 5/8" x 24" REBAR - SET
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION/AJQUOT PART LINE
- FENCE LINE
- W.C. WITNESS CORNER
- (xxxx) DATA OF RECORD

Surveyor's Narrative:
 This survey was performed at the request of Mike Relk to divide the parcel as shown. Section control and existing property corner monuments were located, verified and held as shown. Missing corners were reset holding the controlling deed coils and retracing reference surveys. The parcel was then divided of the client direction. The basis of bearing for this survey was established by GNSS observations, projected to the Idaho State Plane Coordinate system, West Zone, NAD83 datum. All bearings shown are on grid azimuth and all distances are ground or project elevation.

CERTIFICATION

I, Thomas J. Wellard, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground under my direct supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Perpetuation Act, Idaho Code 55-1601 through 55-1612.



INDEX No. 214-29-9-0-0-00-00
 SURVEY POIR

MIKE RELK

**Skinner
 Land Survey**

17442 Sand Hollow Road
 Caldwell, Idaho 83407
 (208)-454-0933
 WWW.SKINNERLANDSURVEY.COM
 survey@skinnerlandsurvey.com

Drawn By: ZCL
 Date: Oct. 19, 2023
 Surveyed By: ZCL
 Job No. SEC0323



Imagery ©2023 Airbus, Maxar Technologies, State of Oregon, U.S. Geological Survey, USDA/FPAC/GEO



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.

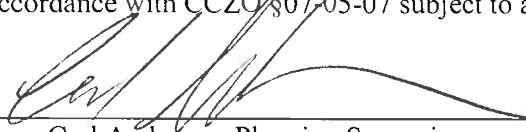
Based on the division history, the request would create a division that exceeds the number of parcels allowed to be created from an 80-acre parcel located in the "A" Zone. The following division options were provided as part of PI2023-0182 (Attachment C):

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)

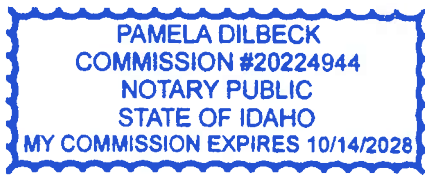
SS

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 JWINSL0W \$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

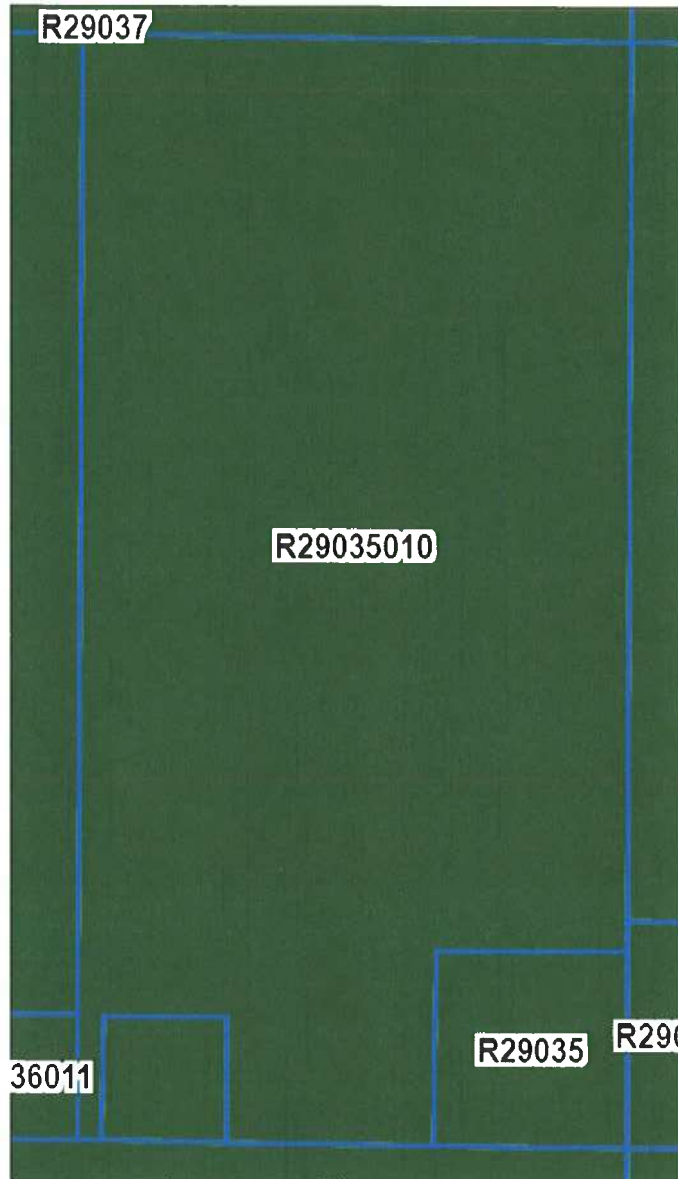
This record was acknowledged before me on 10-27-23 by J. Michael Relk

[Signature]
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.canyoncountyid.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 9 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.

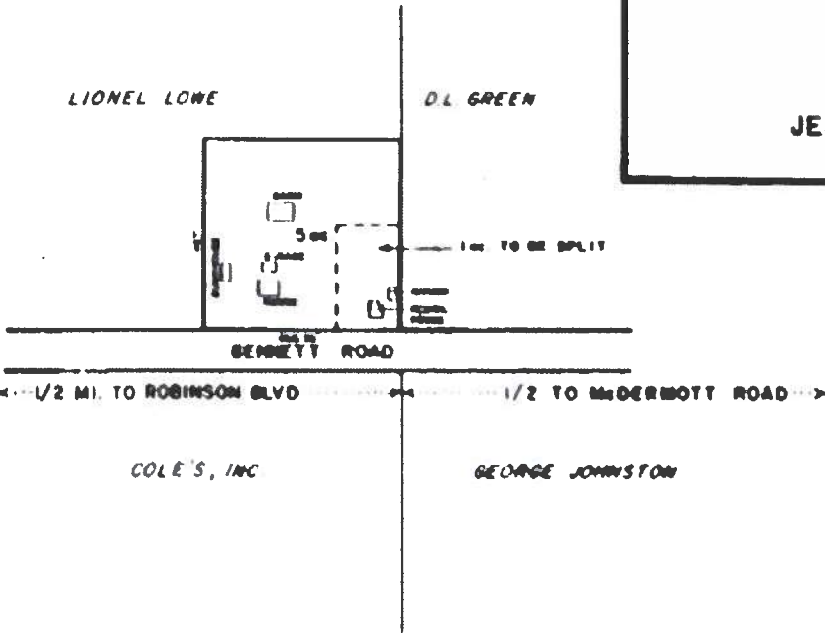
Special Conditions Imposed:

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 Santiago Corona Gomez
NAME OF APPLICANT SIGNATURE OF APPLICANT
434 East Chaparrosa DR. 10-31-23
ADDRESS DATE
Anna TX 78654 (208) 870-3182
CITY STATE ZIP 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
 CULVERTS REQUIRED: Yes No Collector
 MEETS ACCESS CONTROL STANDARDS?: Yes No Other Local

ADDITIONAL REMARKS/CONDITIONS: (If NONE, SO STATE)

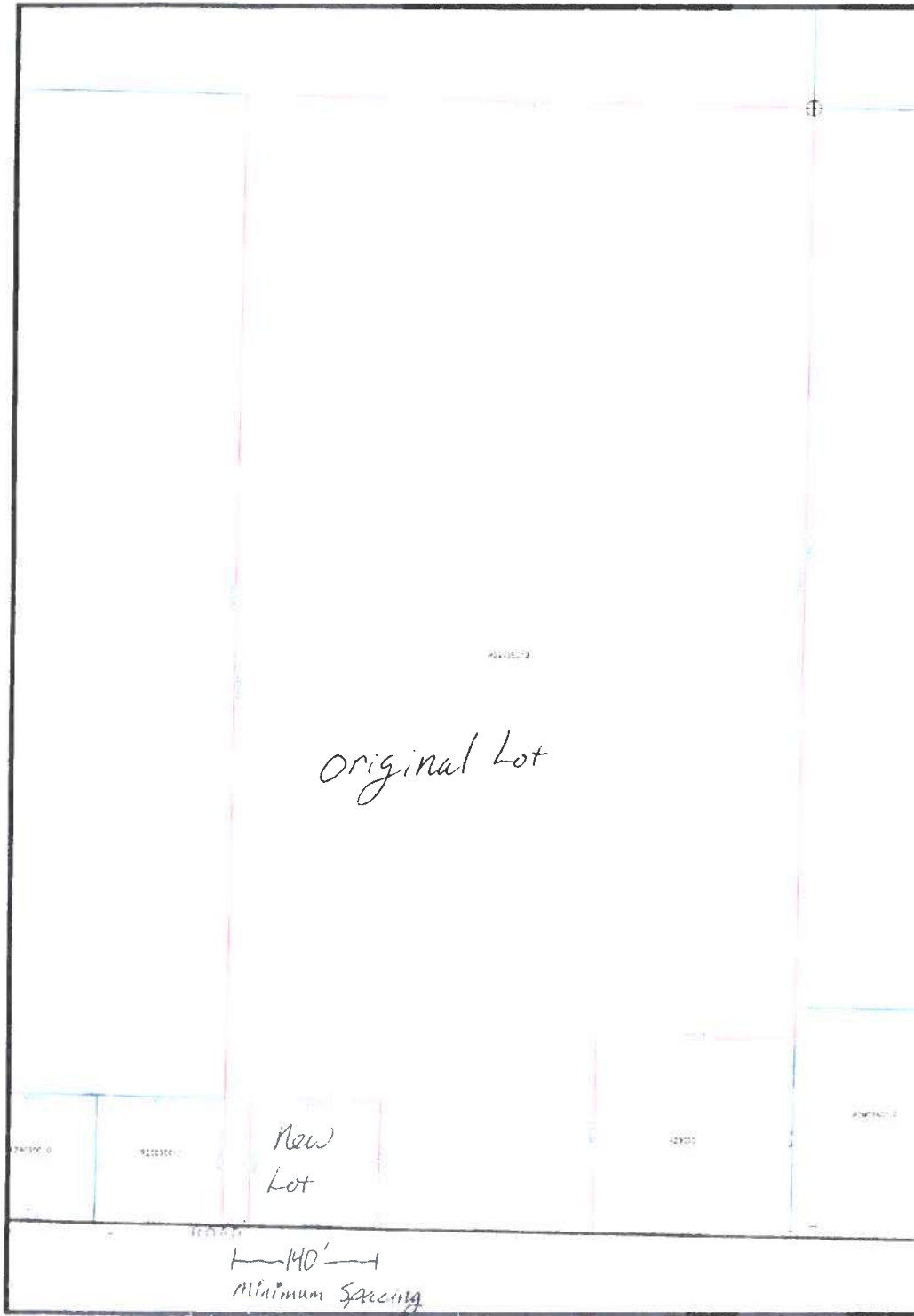
The new point of access is required to be 140' from any other residential access for the new lot. No other access will be permitted per section 3061.020 of the ACC#17 Standards Manual.

THIS LAND SPLIT IS:

- Recommended for approval, subject to the above conditions
 Not recommended


 SIGNATURE – HIGHWAY DISTRICT OFFICIAL

11-1-23
 DATE



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.

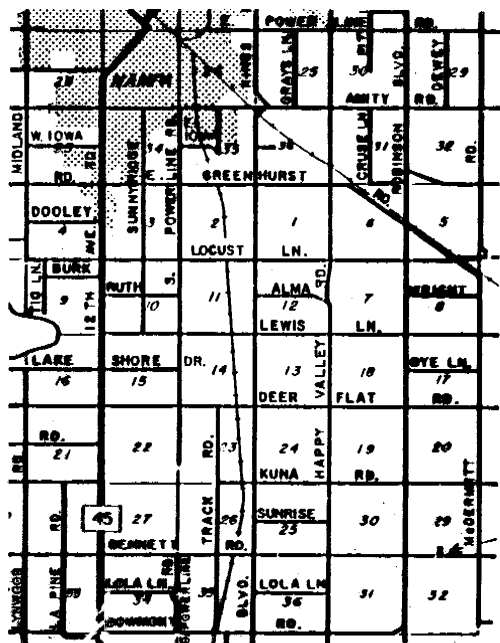
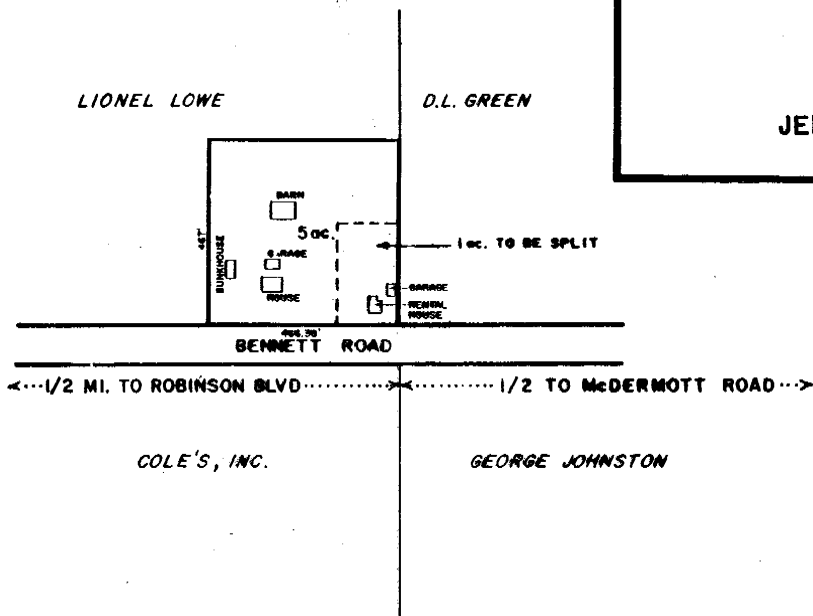
Special Conditions Imposed:

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



VICINITY MAP

ZONE: A-40

DATE: 6-10-86

LOCATION: SW 29-2-1

AERIAL: 6

NOTICE OF PUBLIC HEARING

POSTED JULY 8, 1986

LEGAL NOTICE

LEGAL NOTICE IS HEREBY GIVEN, THAT THE CANYON COUNTY PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING ON JULY 17, 1986, AT 8:00 P.M., IN THE PUBLIC MEETING ROOM OF THE CANYON COUNTY COURTHOUSE, 1ST FLOOR, AT 1115 ALBANY, CALDWELL, IDAHO, TO HEAR A REQUEST BY JOHN SHERFICK FOR A CONDITIONAL USE PERMIT TO SUBDIVIDE 5 ACRES INTO 2 PARCELS. LOCATED ON THE NORTH SIDE OF BENNETT ROAD, APPROXIMATELY 1/2 MILE EAST OF ROBINSON, AND IS FURTHER DESCRIBED AS BEING SITUATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 WEST.

ALL INTERESTED CITIZENS ARE INVITED TO ATTEND THIS PUBLIC HEARING AND PRESENT ORAL OR WRITTEN TESTIMONY CONCERNING THIS MATTER.

DICK WINDER, CHAIRMAN

PUBLISH: JUNE 25, 1986

file

LEGAL NOTICE

LEGAL NOTICE IS HEREBY GIVEN, that the Canyon County Planning and Zoning Commission will hold a Public Hearing on July 17, 1986, at 8:00 p.m., in the Public Meeting Room of the Canyon County Courthouse, 1st Floor, at 1115 Albany, Caldwell, Idaho, to hear the following requests:

ITEM 1: Request by John Sherfick for a Conditional Use Permit to subdivide 5 acres into 2 parcels. Located on the North side of Bennett Road, approximately 1/2 mile East of Robinson, and is further described as being situated in the SE 1/4 of the SW 1/4 of Section 29, Township 2 North, Range 1 West.

ITEM 2: Request by Barbara Newland for a Conditional Use Permit to change the land use of Lot 9, Block 2, Wild Rose Ranchettes from a non-building lot to a residential building lot. Located south of Lake Lowell Road, on the south side of Wild Rose Lane, and is further described as being situated in the NE 1/4 of the NW 1/4 of Section 36, Township 3 North, Range 3 West.

All interested citizens are invited to attend this Public Hearing and present oral or written testimony concerning this matter.

DICK WINDER, Chairman

Publish: June 25, 1986

June 6, 1986

Jeff Sherfick
Rt. #1 Bennett Rd.
Kuna, Idaho 83634

To Whom it May Concern;

We own five (5) acres at Route #1, Bennett Rd., Kuna, with two older homes on the acreage. We live in the larger home and have renters in the smaller one. We have lived here a little over four years.

I am being transferred out of state. My employer, Idaho Power, will purchase our home from us through Home Purchase Corp., but will not purchase the smaller home. We are requesting that we be permitted to divide the property, so that the smaller home and one acre could be sold separately.

Thank-you for your consideration in this matter.

Sincerely,

Jeff Sherfick
Jeff Sherfick

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.

TESTIMONY IN FAVOR

Macla Sherfick

TESTIMONY IN OPPOSITION

Property owners within 300 feet of the property:

Gary Green
1831 N.W. 10th
Meridian, Idaho 83642

J. Michael Relk
Rt. #1 Bennett Rd.
Kuna, Idaho 83634

Jerry Summerall
Robinson Blvd.
Kuna, Idaho 83634

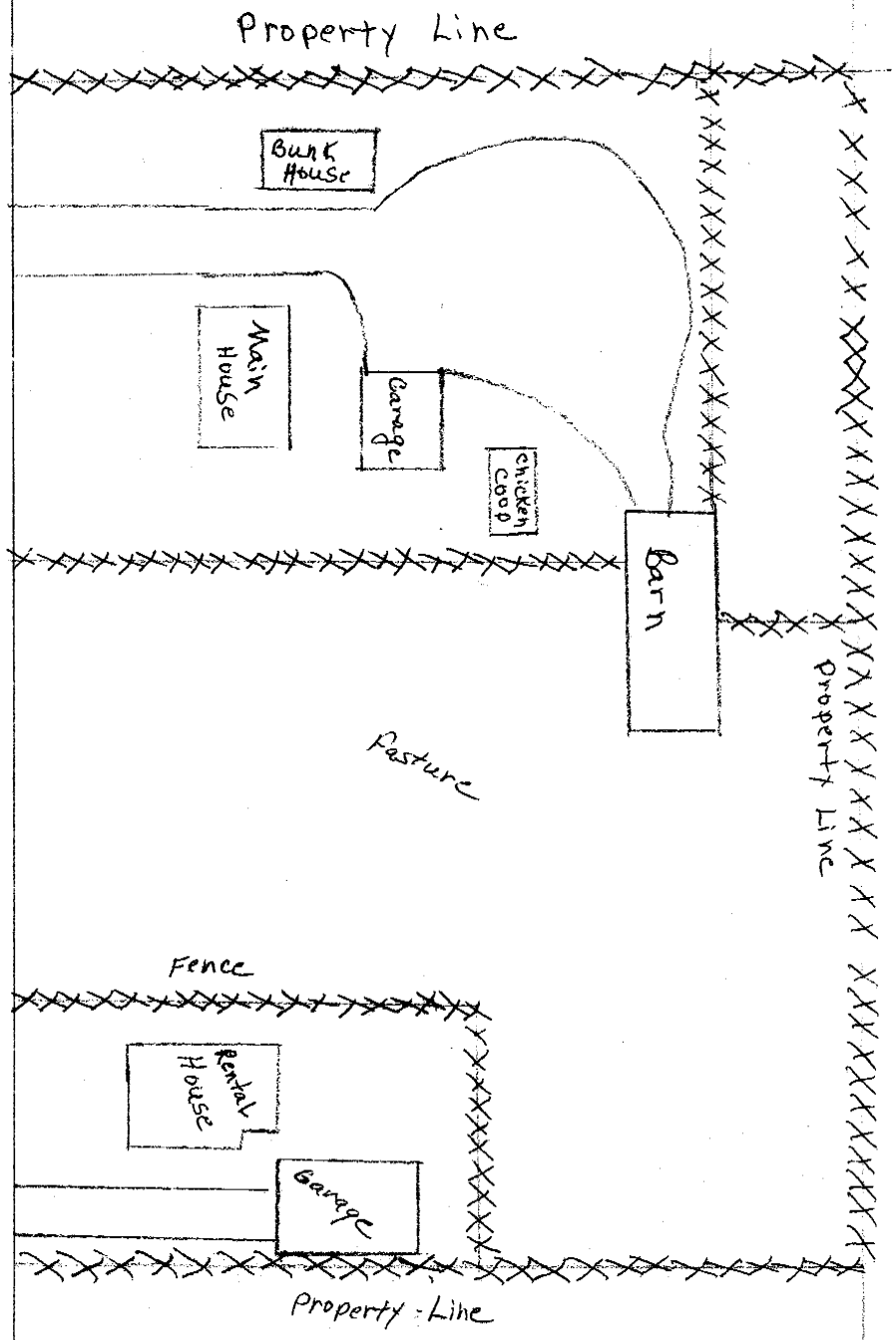
EXHIBIT "A"

A part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 2 North, Range 1 West, Boise Meridian, Canyon County, Idaho; more particularly described as follows:

BEGINNING at the SE corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ (South 1/4 corner), monumented with a rebar, 30 ins. long, 5/8 ins. diam., with an aluminum cap mkd. LS-832 1981; thence N. 89°45'00" W., 466.38 feet along the South boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence N. 0°04'22" W., 467.00 feet parallel with the East boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence S. 89°45'00" E., 466.38 feet parallel with the South boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence S. 0°04'22" E., 467.00 feet along the East boundary to the Point of Beginning.

2

Bennett Road



N

S

PLANNING AND ZONING ADMINISTRATION

TELEPHONE 454-7458

1115 Albany Street • Caldwell, Idaho 83605

July 1, 1986

Dear Property Owner,

This is an official notice of a Public Hearing for a 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 and is further described as being situated in the SW 1/4 of Section 29, Township 2 North, Range 1 West.

Since you are an adjacent property owner within this vicinity, you have an opportunity to voice your opinion on this request at the Public Hearing to be held July 17, 1986, at 8:00 p.m., in the Public Meeting Room of the Canyon County Courthouse, 1st Floor, at 1115 Albany, Caldwell, Idaho.

Cordially yours,

George A. Ottens
George A. Ottens, *By: Loren Walker*
Administrator

Canyon County Planning
and Zoning Commission

GAD:11w

cc

PLANNING AND ZONING ADMINISTRATION

TELEPHONE 454-7458

1115 Albany Street • Caldwell, Idaho 83605

July 1, 1986

Dear Property Owner,

This is an official notice of a Public Hearing for a 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 and is further described as being situated in the SW 1/4 of Section 29, Township 2 North, Range 1 West.

Since you are an adjacent property owner within this vicinity, you have an opportunity to voice your opinion on this request at the Public Hearing to be held July 17, 1986, at 8:00 p.m., in the Public Meeting Room of the Canyon County Courthouse, 1st Floor, at 1115 Albany, Caldwell, Idaho.

Cordially yours,

George A. Ottens
George A. Ottens, *by Lora Walker*
Administrator

Canyon County Planning
and Zoning Commission

GAO:llw

cc

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: <i>Bartolo Corona Gomez</i>
	MAILING ADDRESS: <i>2419 W. Herron Loop Nampa, ID 83686</i>
	PHONE: <i>208-899-9232</i> EMAIL: <i>dferdinandii@gmail.com</i>
<p>I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owners are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.</p> <p>Signature: _____ Date: _____</p>	

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: <i>David Ferdinand</i>
	COMPANY NAME: <i>Byme Commercial</i>
	MAILING ADDRESS: <i>2419 W. Herron Loop Nampa, ID 83686</i>
	PHONE: <i>208-899-9232</i> EMAIL: <i>dferdinandii@gmail.com</i>

SITE INFO	STREET ADDRESS: <i>D BENNETT RD</i>			
	PARCEL #: <i>R29035010A</i>	LOT SIZE/AREA: <i>2.62 AC</i>		
	LOT:	BLOCK:	SUBDIVISION:	
	QUARTER:	SECTION:	TOWNSHIP:	RANGE:
	ZONING DISTRICT:		FLOODZONE (YES/NO):	

HEARING LEVEL APPS	<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER _____		

CASE NUMBER: <i>AD 2023-0133-ARL</i>	DATE RECEIVED: <i>2/2/24</i>
RECEIVED BY: <i>LISTER</i>	APPLICATION FEE: <i>4650</i> <input type="checkbox"/> CK <input type="checkbox"/> MO <input type="checkbox"/> CC <input type="checkbox"/> CASH

1477

NOTICE OF APPEAL

CANYON COUNTY COMMISSIONERS

CASE NUMBER: AD2024-0133

PARCEL #: R29035010A

PROPERTY OWNER/APPLICANT: SANTIAGO CORONA GOMEZ

FEBRAURY 1, 2024

We are appealing the decision of the Canyon County Development services department director, Sabrina Minshall, signed by Carl Anderson, in an Administrative decision by not approving the available Administrative Split.

The incorrect application of the term "Conditional Use Permit" in the 5-acre parcel was inappropriately applied to the available 3rd Administrative Split rather than the remaining 75-acre parcel. The definition of a Conditional Use Permit is not synonymous with the then available Administrative Split.

A Conditional Use Permit process was the mechanism to split property in the 1980s and 1990s and is a quasi-judicial process not an Administrative process.

David Ferdinand, Agent
Ferdinand Commercial Real Estate Services
2419 W Herron Loop
Nampa, Idaho 83686
208-899-9232

APPEAL CHECKLIST

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



APPEAL: An appeal must be filed within 15 calendar days of the date the FCO's (Finding of facts, conclusions of law and order) were signed or the date the final decision for a Director's Decision was signed. **CCZO 07-05-05 & 07-05-07**

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST:

<input checked="" type="checkbox"/>	Master Application completed and signed
<input checked="" type="checkbox"/>	Detailed letter fully describing the reasons for an appeal.
<input checked="" type="checkbox"/>	\$600 non-refundable fee

1. An Appeal will be heard in a public hearing before the Board of County Commissioners.

PROCESS: PUBLIC HEARING

Revised 6/21/22

Case Number AD2023-0133
Parcel #: R29035010A
Property Owner/Applicant: SANTIGO CORONA GOMEZ

To the Honorable Board of Commissioners of Canyon County. I am David Ferdinand, 2419 W. Herron Loop, Nampa 83686 and I come before you today to Appeal a Development Services Department (DSD) Administrative decision denying the entitled 3rd building permit with the Administrative Split on the original 80-acre parcel.

In July of 2021 I visited the Canyon County Development Services Department Planning office to ask about an available split on the John Michael Relk farm at 4754 Bennett Road, Kuna, Idaho. This is what I found.

Mike Relk purchased the farm on March 5, 1982, Splitting off Parcel R29035010 (76.11 Acres) creating Parcel R29035 (5 Acres) This would entitle a third building permit on a third parcel. (See attached Aerial view) This was discovered in the research and history of the 80 acres while we were preparing to sell a portion of the 76-acre parcel and wanted to confirm the split was available. Understand the Development Service Department was under much turmoil at this time, not enough staff and overrun with applications.

The property owner to the immediate west bordering Mr. Relk's property had split a 2-acre parcel and sold it creating a home and shop next to his driveway to his property. This made it difficult to farm close to his new neighbor's house, shop, and equipment. Relk then made the decision to sell the lower portion of his property on Bennett Road and continue to farm the rest of his property.

In August of 2023 we negotiated a sale of a 2-acre parcel to Santiago Corona Gomez with the building permit that was available This 2-acres matched the neighbor's property to the west. (See survey of both 2-acre parcels.) We understood we would apply the 3rd building permit to the 2-acre parcel in the application under the new owner's name giving him all the legal rights to the newly created parcel and the final available split to the original 80. Currently, Mr. Gomez intends to utilize the property for his

landscaping business, Union Landscaping of Kuna. We also had been speaking to DSD Staff member, Ivan Kowalczyk and wanted to file the Property Inquiry in Santiago's name September 5, 2023 and received on October 16, 2023. The application was ready to submit on October 31, 2023 but was not accepted by DSD until December 19, 2023.

After many meetings with Staff and Administration from August through December 2023 the director, Sabrina Minshall did not get a determination from legal counsel, as requested, but only spoke to staff. Their determination was that I could not submit the application under the Administrative split/building permit.

I would therefore have to submit my application and then appeal the denial. The claim was the Administrative Split/Building Permit is not available claiming a Conditional Use Permit (CUP) Hearing was applied for by the 5-Acre parcel owners in 1986 and granted to R29035, to split the property but never used. However, that would be counting the CUP, which is a Quasi-Judicial Public Hearing before Planning and Zoning Commission for a recommendation and to the County Commissioners for approval or denial, as an Administrative decision. This decision from DSD Staff would reverse the Administrative Split entitled to the original 80-acre parcel and by doing so would remove Relk and Gomez's private property rights.

A complete application was accepted on December 19, 2023. Because DSD would not approve the Administrative Split, the subject property now does not comply with the County Code. Approval of this request would make the parcel consistent with the County Code and provide the entitled building permit to the third Administrative Split. DSD's entire decision rests on the DSD Staff determination that the CUP in 1986 is counted as an Administrative Split.

We are asking for the Canyon County Board of County Commissioners to reverse DSD's decision and approve the request for the 3rd Administrative Building Permit and apply it to the 2-acre parcel R29035010A. As stated under findings from Page 1 of 11 of AD2023-0133: Gomez, bullet point #3, "Approval of this request would make the parcel consistent with the County Code."

Note: In the property inquiry report received October 16, 2023, Staff did say the option would be available to divide the parcel further: Land Division – Nonviable Farmland (\$600 application fee). The parcel may be divided one more time subject to the requirements of CCZ) Section 07-18-09.

Really, Mr. Relk is a farmer and by selling off 2-acres DSD appears the want him to stop farming the rest of his property?

Another Land Division was suggested from the 5-acre CUP parcel – Relocation (\$600 application fee). Subject to the requirements of CCZO Section 07-18-11. There is no ordinance or process to facilitate such a purchase and who would be able to determine the value.

- END -

David J Ferdinand, II
208-899-9232
dferdinandii@gmail.com



Imagery ©2023 Airbus, Maxar Technologies, State of Oregon, U.S. Geological Survey, USDA/FPAC/GEO

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 83634

SITE ADDRESS: 4754 BENNETT RD

TAX CODE: 0990000

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

ACRES: 76.08

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: 16027C0525F

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 E1/2 SW1/4 LESS TX 7



Tax 7, 1st split creating R29035 in 1982

**Findings of Fact, Conclusions of Law, and Order****Findings of Fact**

1. The applicant, David Ferdinand, representing Santiago Gomez, is appealing Case #AD2023-0133 the denial of an Administrative Land Division to make Parcel R29035010A a buildable parcel. The subject property is located adjacent to 4754 Bennett Road, Kuna, also referenced as a portion of the SW¼ of Section 29, T2N, R1W, BM, Canyon County, Idaho.
2. On September 5, 2023, the applicant submitted a Parcel Inquiry Request, PI2023-0182, for research of the history of R29035 and if the subject parcel, R29035010A, has a building permit available (Exhibit 2 of the staff report). The subject parcel, R29035010A was created by deed in 2023 when the owner of Parcel R29035010, Mr. Relk, sold the 2.07-acre parcel to Mr. Santiago (Instrument No. 2023-035238, Exhibit 3 of the staff report). The subject parcel was not created per the Canyon County Zoning Ordinance (CCZO §07-17-03 and Chapter 7, Article 18 of the County Code (Administrative Land Division). To abate the unauthorized division, the applicant was given the option to apply for a non-viable land division subject to CCZO §07-18-09, building permit relocation subject to CCZO §07-18-11, or a comprehensive plan amendment and rezone.
3. On December 19, 2023, the applicant submitted an Administrative Land Division application to correct the creation of R29035010A subject to CCZO §07-18-07 (Exhibit 4 of the staff report). Per the applicant's letter of intent, the applicant believes there is a division available to create the 2.07-acre parcel. The original parcel was 80 acres. Per CCZO §07-18-07(2), an 80-acre parcel is allowed two divisions (three parcels).
4. On January 24, 2024, Case AD2023-0133 was denied by the Director of DSD due to the request not being able to meet CCZO §07-18-07 (Exhibit 5 of the staff report).
5. On February 2, 2024, the applicant submitted an appeal of the decision by the Director of DSD requesting the Board of County Commissioners approve AD2023-0133 (Exhibit 7 of the staff report). The applicant finds, per CCZO Section 07-18-07(2), that an 80-acre parcel is allowed two divisions (three parcels). The second division was created by conditional use permit (CU2002-386, Exhibit 6 of the staff report) which is not synonymous with the Administrative Land Division Chapter of the County Code.
6. The 2.07-acre parcel, R29035010A, is zoned "A" (Agricultural).
7. The Canyon County Future Land Use Plan within the 2030 Canyon County Comprehensive Plan designates the subject property as "agriculture".
8. The request was noticed/published per Canyon County Code §07-05-01. Property owners within 600' of the external boundaries of the parcel and affected agencies were notified per CCZO §07-05-01 on March 4, 2024.
9. All record herein consists of exhibits provided in the public hearing staff report, testimony, and exhibits provided during the public hearing on April 16, 2024, and all information in case file AD2023-133-APL.

Conclusions of Law

Upon review, the Board of County Commissioners finds and concludes the following regarding the Standards of Review for Appeal of Director Administrative Decision (CCZO §07-05-07):

- (1) *Appeal To Board: An affected person aggrieved by a final administrative decision or action of the director that was made pursuant to the provisions of this chapter may appeal to the board.*
- (2) *Appeal Procedures:*
 - A. *Appeals shall be filed with DSD within fifteen (15) calendar days after the date of the decision. A notice of appeal should include a statement of the reasons for the appeal and must be accompanied with all appropriate fees as established by the adopted fee schedule.*
 1. On December 19, 2023, the applicant submitted an Administrative Land Division application to correct the creation of R29035010A subject to CCZO §07-18-07 (Exhibit 4 of the staff report). Per the applicant's letter of intent, the applicant believes there is a division available to create the 2.07-acre

parcel. The original parcel was 80 acres. Per CCZO §07-18-07(2), an 80-acre parcel is allowed two divisions (three parcels).

2. On January 24, 2024, Case AD2023-0133 was denied by the Director of DSD due to the request not being able to meet CCZO §07-18-07 (Exhibit 5 of the staff report). Per CCZO Section 07-18-07(2), an 80-acre parcel is allowed two divisions (three parcels). Per PI2023-0182 (Exhibit 2 of the staff report), the first division was in 1982 when the division created a 5-acre parcel (R29035) and a 75-acre parcel (R29035010). In 1986, Parcel R29035 was granted another division via a conditional use permit (CU2002-386, Exhibit 6 of the staff report). The owners of R29035 have not used the division. However, the CU2002-386 and the County Code at that time did not have expiration dates or a condition expiring the division if not utilized within a certain timeframe. Therefore, the division is permanent unless terminated by that owner. Because of that, the original 80 acres have been approved for two divisions. Therefore, there are no divisions available per CCZO §07-18-07. The denial provided the following options to gain approval which were provided in PI2023-0182:

- a. *Land Division – Nonviable (\$600 application fee). The parcel may be divided one more time subject to the requirements of CCZO Section 07-18-09.*
- b. *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.*
- c. *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).*

3. On February 2, 2024, the applicant submitted an appeal of the decision by the Director of DSD requesting the Board of County Commissioners approve AD2023-0133 (Exhibit 7 of the staff report). The applicant finds, per CCZO Section 07-18-07(2), that an 80-acre parcel is allowed two divisions (three parcels). The second division was created by conditional use permit (CU2002-386, Exhibit 6 of the staff report) which is not synonymous with the Administrative Land Division Chapter of the County Code.

B. *At the public hearing held in accordance with this article, the board shall consider the decision of the director and any additional evidence that may be offered by the public, applicant, or director.*

1. All record herein consists of exhibits provided in the public hearing staff report, testimony, and exhibits provided during the public hearing on April 16, 2024, and all information in case file AD2023-133-APL.
2. Property owners within 600' of the external boundaries of the parcel and affected agencies were notified per CCZO §07-05-01 on March 4, 2024. No comments were received.

C. *The board may affirm, reverse, or modify, in whole or in part, the director's decision.*

After reviewing all applicable codes (CCZO Sections 07-05-07, 07-17-03, 07-18-05, and 07-18-07) and considering all information a duly noticed hearing, the Board of County Commissioners affirms the decision made by the Director of DSD on January 24, 2024 (Exhibit 5 of the staff report).

Order

Based upon the Findings of Fact and Conclusions of Law enumerated above, the Board of County Commissioners hereby **denies** the appeal **affirming** the decision by the Director of DSD for Case No. AD2023-0133-APL.

According to Idaho Code §67-6519, the following actions may be taken to obtain approval:

- 1) *Terminate CU2002-386. The applicant can work with the property owner for Parcel R29035 to see if they would terminate their approved land division (CU2002-386). The termination can be completed through an Administrative Land Division (\$330 application fee).*
- 2) *Land Division – Nonviable (\$600 application fee). The parcel may be divided one more time subject to the requirements of CCZO Section 07-18-09.*
- 3) *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.*

4) *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).*

According to §67-6535 of the Idaho Code, the applicant has 14 days from the final decision to seek reconsideration before seeking judicial review.

APPEAL DENIED this ____ day of _____, 2024.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY,**

Yes No Did Not Vote

Commissioner Brad Holton _____ _____ _____

Commissioner Zack Brooks _____ _____ _____

Commissioner Leslie Van Beek _____ _____ _____

Attest: Rick Hogaboam, Clerk

By: _____