



Planning and Zoning - Staff Report
Marlia Subdivision, SD2021-0001
Development Services Department - May 6, 2021

Applicant: Gene King

Representative:
Skinner Land Survey, TJ Wellard

Staff: Dan Lister, Planner III

Tax ID: R36132011A

Lot Size: 7.83 acres

Impact Area: Greenleaf

Current Zone:
"CR-R-R" (CR2019-0013)

Applicable Zoning Land Use Regulations: CCZO Section 07-17-17

Notification:

- 2/4/2021: Agency
- 4/12/2021: JEPA
- 4/20/2021: Radius
- 4/20/2021: Publication
- 4/27/2021: Posting

Exhibits:

1. Findings, Conclusions, Conditions, Order including:
 - Attachment A:** Preliminary Plat
 - Attachment B:** Keller Associates Comments
 - Attachment C:** Golden-Gate Highway District
2. Subdivision Worksheet
3. City of Greenleaf
4. Small Aerial Map
5. Small Vicinity Map

Request

A request by Skinner Land Survey, representing Gene King, for approval of **Marlia Subdivision**. The development consists of one (1) residential lot. The subject property, Parcel No. R36132011A, is located adjacent to 21758 Van Slyke Road, Wilder; also referenced as a portion of the NW¼ of Section 17, T4N, R4W; Canyon County, Idaho.

Background

In 2019, the subject parcel, approximately 7.83 acres, was divided from Parcel R36132011 without County approval. The parcel requires rezoning and platting in order to become a buildable parcel.

On June 8, 2020, the parcel was rezoned to "CR-R-R" (Conditional Rezone – Rural Residential; CR2019-0013) subject to a development agreement (#20-084) with the following conditions:

1. All development shall comply with all applicable federal, state and county laws, ordinances, rules and regulations that pertain to the Subject Properties.
2. The subject property, Parcel R36132011A, containing approximately 7.83 acres, shall be platted in accordance with Chapter 7, Article 17 of the Canyon County Zoning Ordinance (Subdivisions). The plat shall include a two acre building envelop where residential and accessory structures are allowed. The remaining acreage, approximately 5.83 acre, shall remain farm ground. No structures are allowed within the 5.83 acre portion of the parcel.
3. The plat shall commence within two (2) years of the approval by the Board of County Commissioners (CCZO Section 07-06-07(4)). Commencement shall be the acceptance by the Development Services Department of a complete application for a short plat (CCZO Section 07-02-03).
4. No further divisions of the subject property shall be allowed.
5. Historic irrigation lateral, drain and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.

Analysis

Pursuant to CCZO §07-17-09(4), the Planning and Zoning Commission shall hold a noticed public hearing regarding the preliminary plat. The Commission shall recommend that the Board of County Commissioners approve, approve conditionally, modify, or deny the preliminary plat. "The reasons for action taken shall specify:

1. The ordinance and standards used in evaluating the application;
2. Recommendations for conditions of approval that would minimize adverse conditions, if any;
3. The reasons for recommending the approval, conditional approval, modification, or denial; and
4. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision."

Marlia Subdivision (Exhibit 1, Attachment A)

- **Acreage:** 7.83 acres
- **Zoning:** “CR-R-R”
 - The preliminary plat is consistent with the conditions of development agreement #20-084.
- **Residential Lots:** 1
- **Access:** The property has frontage along Van Slyke Road. Upon review by Golden Gate Highway District (Exhibit 1, Attachment C), a list of conditions regarding dedication, access, and final plat notes shall be addressed prior to District signature of the final plat.
- **Potable Water:** Individual domestic wells
- **Sewage Disposal:** Individual septic systems
- **Irrigation:** Surface water rights available from Wilder Irrigation District via existing pipe. Future property owner will be required to install an irrigation system in accordance with Idaho Law Section 31-3805 and as required by Wilder Irrigation District.
- **City Impact Area:** Greenleaf (No opposition; Exhibit 3).

Upon review by the County Surveyor and Engineer (Keller Associates) the plat meets subdivision review standards subject to conditions of approval (Attachment B). The plat meets the following requirements and standards:

- A. Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions);
- B. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- C. Idaho Code, Section 31-3805 (Irrigation);
- D. Canyon County Zoning Ordinance, Article 17 (Subdivision Regulations); and
- E. Canyon County Code Chapter 9, Article 3 (Areas of City Impact - Greenleaf).

Comments

Public Comments

At the time of this report staff had not received any letters of support or concern regarding the proposed development.

County Agency Comments

Staff informed applicable agencies of the proposed development the responses are attached as exhibits.

Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed plat.

Staff is recommending approval of the application as conditioned and has provided findings of fact, conclusions of law for The Planning and Zoning Commission’s consideration found in Exhibit 1.



FINDINGS, CONCLUSIONS, CONDITIONS, ORDER
Marlia Subdivision – SD2021-0001

Findings

1. A request by Skinner Land Survey, representing Gene King, for approval of Marlia Subdivision. The development consists of one (1) residential lot. The subject property, Parcel No. R36132011A, is located adjacent to 21758 Van Slyke Road, Wilder; also referenced as a portion of the NW¼ of Section 17, T4N, R4W, B-M; Canyon County, Idaho.
2. The property is zoned “CR-R-R” (Conditional Rezone - Rural Residential; CR2019-0013) subject to a development agreement (#20-084).
3. The subdivision contains one residential lot (7.83 acres).
4. The property is located within the Greenleaf Area of City Impact. Upon review by the City of Greenleaf, the City has no comments or opposition regarding the plat.
5. The property has frontage along Van Slyke Road. Upon review by Golden Gate Highway District (Attachment C), a list of conditions regarding dedication, access, and final plat notes shall be addressed prior to District signature of the final plat.
6. Surface water rights are available from Wilder Irrigation District via existing pipe located on the west boundary of the property. Future property owner will be required to install an irrigation system in accordance with Idaho Law Section 31-3805 and as required by Wilder Irrigation District.
7. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on February 4, 2021. City of Greenleaf was noticed on April 12, 2021. Newspaper notice was published on April 20, 2021. Property owners within 300’ were notified by mail on April 20, 2021. The property was posted on April 27, 2021.
8. The record includes all testimony, the staff report, exhibits, and documents in case file SD2021-0001.

Conclusions of Law

Pursuant to CCZO §07-17-09(4), the Planning and Zoning Commission shall hold a noticed public hearing regarding the preliminary plat. The Commission shall recommend that the Board of County Commissioners approve, approve conditionally, modify, or deny the preliminary plat. “The reasons for action taken shall specify:

1. The ordinance and standards used in evaluating the application;
2. Recommendations for conditions of approval that would minimize adverse conditions, if any;
3. The reasons for recommending the approval, conditional approval, modification, or denial; and
4. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.”

Upon review by the County Surveyor and Engineer (Keller Associates) the plat meets subdivision review standards subject to conditions of approval (Attachment B). The plat meets the following requirements and standards:

- A. Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions);
- B. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- C. Idaho Code, Section 31-3805 (Irrigation);
- D. Canyon County Zoning Ordinance, Article 17 (Subdivision Regulations); and
- E. Canyon County Code Chapter 9, Article 3 (Areas of City Impact - Greenleaf).

Conditions of Approval

1. Any subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner’s signature on the final plat.
2. Prior to final plat signature by the Board of County Commissioners, all conditions listed in the Keller Associates review letter (Attachment B) shall be met.

- All conditions required by Golden-Gate Highway District (Attachment C) shall be met prior to the signing of the final plat.
- Prior to final plat signature, a plat note shall be added referencing Development Agreement #20-084 (Instrument #2020-030735).

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0001, the Planning & Zoning Commission recommends **approval** of the Preliminary Plat for Marlia Subdivision, one lot development on parcel R36132011A subject to conditions as enumerated herein.

RECOMMENDED FOR APPROVAL on this _____ day of _____, 2021.

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Rob Sturgill, Chairman

State of Idaho)

SS

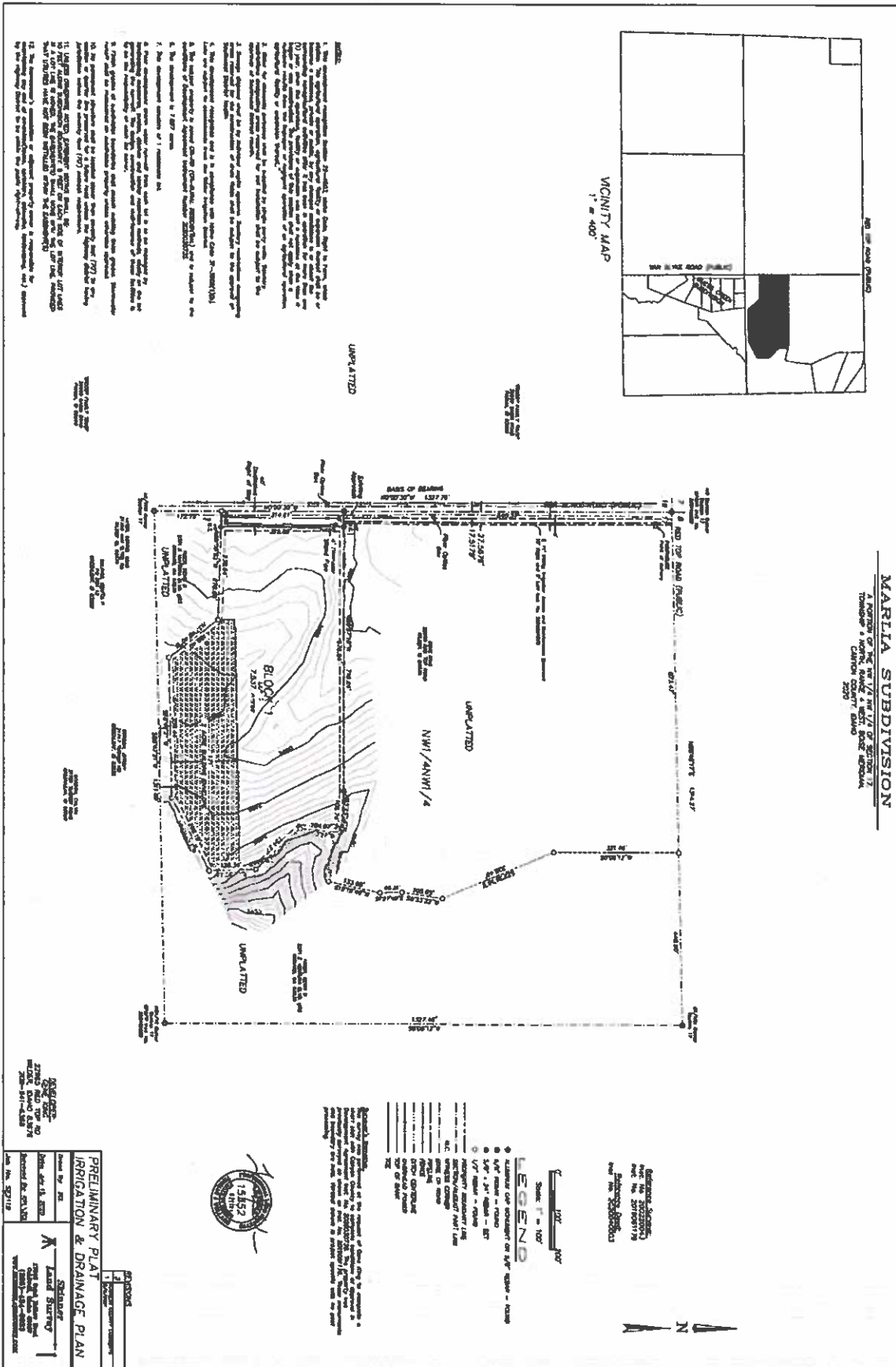
County of Canyon County)

On this _____ day of _____, in the year 2021, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary: _____

My Commission Expires: _____

ATTACHMENT A



MARLIA SUBDIVISION

A PORTION OF THE NE 1/4 NE 1/4 OF SECTION 13
TOWNSHIP 4 NORTH, RANGE 1 WEST, ZONE 10 WEST
CANTON COUNTY, COLORADO

VICINITY MAP
1" = 400'

Scale: 1" = 100'

- LEGEND**
- Submain - 1/2" solid line
 - Main - 3/4" solid line
 - Lateral - 1/4" dashed line
 - Drainage - 1/4" dashed line
 - Structure - 1/4" solid line
 - Proposed Structure - 1/4" solid line
 - Proposed Drainage - 1/4" dashed line
 - Proposed Lateral - 1/4" dashed line
 - Proposed Main - 3/4" solid line
 - Proposed Submain - 1/2" solid line

Special Note: The engineer is not responsible for the accuracy of the data provided by the applicant or for the results of the survey. The engineer is not responsible for the results of the survey conducted by the applicant or for the results of the survey conducted by the applicant.



**PRELIMINARY PLAT
IRRIGATION & DRAINAGE PLAN**

Drawn by: [Name]
Checked by: [Name]
Date: 11/15/2019

REGISTERED PROFESSIONAL ENGINEER
State of Colorado
No. 15452
Expiration Date: 11/15/2019

ATTACHMENT B

KELLER
ASSOCIATES



Meridian, ID 83642

(208) 288-1992

March 17, 2021

Mr. Dan Lister
Canyon County Planner
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Marlia Subdivision Preliminary Plat Application

Dear Mr. Lister:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Marlia Subdivision dated March 9, 2021. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:

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

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

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

Sincerely,

KELLER ASSOCIATES, INC.

Ryan V. Morgan, P.E.
County Engineer

cc: File

CANYON COUNTY PLAT REVIEW

Plat: Marlia Subdivision

Preparing Surveyor: Skinner Land Survey, Caldwell, Idaho

Reviewed By: Keller Associates, Inc. acting as Canyon County Surveyor

February 10, 2021

Sheet 1 of 2

- 1 Add "Unplatted" to the area outside the subdivision.
- 2 It isn't clear whether the 15' Easement along Van Slyke Road is new or existing.
If existing, add the instrument number of the easement record. If new, it requires a separate easement document.

Sheet 2 of 2

- 1 Get the Owners signature on the mylar before submitting then mylar for the County Surveyor signature.

ATTACHMENT C

Golden Gate Highway District No. 3

Commissioners: Virgil Holsclaw, David Lincoln, Fred Sarceda

February 24, 2021

To: Dan Lister, Planner II
Canyon County Development Services

From: Gordon Bates, Director of Highways

Re: SD-2021-0001 Marlia Subdivision
Preliminary and Final Plat

Subdivision application forms and fees of \$306.00 Final Plat review are due to the Highway District. The Board of Highway District Commissioners must also approve the Final Plat.

I have reviewed the Preliminary and Final Plat submitted by Skinner Land Survey which are stamped and signed by Thomas J. Wellard, PLS, dated 1/4/21. The developer is proposing Lot 1 new residential. Said parcel fronts Van Slyke Road and a 40-ft public right-of-way dedication is proposed on the plat.

At this time and based upon the above referenced written information, the following comments are applicable:

1. Frontage improvement son Van Slyke Road are not required for this one lot subdivision.
2. All encroachments within the 40-ft dedicated right-of-way shall be depicted on the preliminary plat and shall be removed (including irrigation) prior to final plat approval.
3. Preliminary plat should include access point(s) to the subject lot. Multi access, if desired, shall meet spacing requirements and be pre-approved.
4. ADD final plat note:
"The Homeowner's Association or adjacent property owner is responsible for maintaining any and all amenities (lawns, sprinklers, sidewalks, landscaping, etc.) approved by the Highway "District to be within the public right-of-way."

Cc: TJ Wellard (via email)



Street Address
500 Golden Gate Ave
Wilder, ID 83676

Phone (208) 482-6267
Fax (208) 482-6100
Email office@gghd3.org

CANYON COUNTY DEVELOPMENT SERVICES

111 North 11th Avenue, Caldwell, ID 83605 Phone: 208-454-7458 Fax: 208-454-6633



SUBDIVISION WORKSHEET

GENERAL

- 1. How Many Lots are you proposing? 1
- 2. Average Lot Size of the Residential Parcels? 7.537 Acres

IRRIGATION

- 1. Irrigation Water is Provided via Irrigation Well Surface Water
- 2. What percentage of the property has water? 100 %
- 3. How many inches of water are available to property? VARIES
- 4. How do you plan to retain storm and excess water on each lot?
SEE NOTE #8 ON PLAT
- 5. How do you plan to process storm water / excess irrigation water prior to it entering the established drainage system?
N/A

ROADS

- 1. Roads within the Development will be: Public Private N/A

HILLSIDE DEVELOPMENT

- 1. Of the total lots requested, how many of the lots will contain slopes greater than 15%?
0 Residential 0 Non-Buildable 0 Common
- 2. Will the proposed Road(s) be located within any area that has slopes greater than 15%
 Yes No

SUBDIVISIONS WITHIN AN AREA OF CITY IMPACT

- 1. Will you be requesting waivers of Subdivision Improvements from the City? N/A
 Yes No
- 2. If yes, which waivers will you be requesting?
 Curbs Gutters Sidewalks Streetlights Landscaping



Dan Lister

From: City Clerk - Greenleaf, Idaho <clerk@greenleaf-idaho.us>
Sent: Tuesday, April 13, 2021 1:40 PM
To: Kathy Frost; Dan Lister
Cc: Amy Woodruff
Subject: Fwd: Marlia Sub SD2021-0001
Attachments: DOC002.pdf

Hi Kathy and Dan!

Please accept this e-mail as a waiver of the 60 day requirement in the City of Greenleaf Joint Exercise of Power Agreement for this application.

Dan - The city will probably not submit comments on the application.

Thank you,

Lee C. Belt
City Clerk
City of Greenleaf
208/454-0552 phone
208/454-7994 fax
208/880-4061 cell

----- Forwarded Message -----

Subject: Marlia Sub SD2021-0001
Date: Mon, 12 Apr 2021 17:46:05 +0000
From: Kathy Frost <kfrost@canyonco.org>
To: 'clerk@greenleaf-idaho.us' <clerk@greenleaf-idaho.us>

Lee,
Attached is the notice we discussed, it is scheduled for May 6th, let me know if I need to table that to a later date.
Thank you so much,
Kathy

Kathy Frost
Lead Admin Specialist
208-455-5961
kfrost@canyonco.org



IMAGES WERE FLOWN IN THE FALL OF 2018.

Marlia Subdivision Small Air Photo 1 Mile

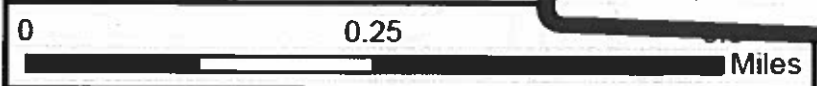
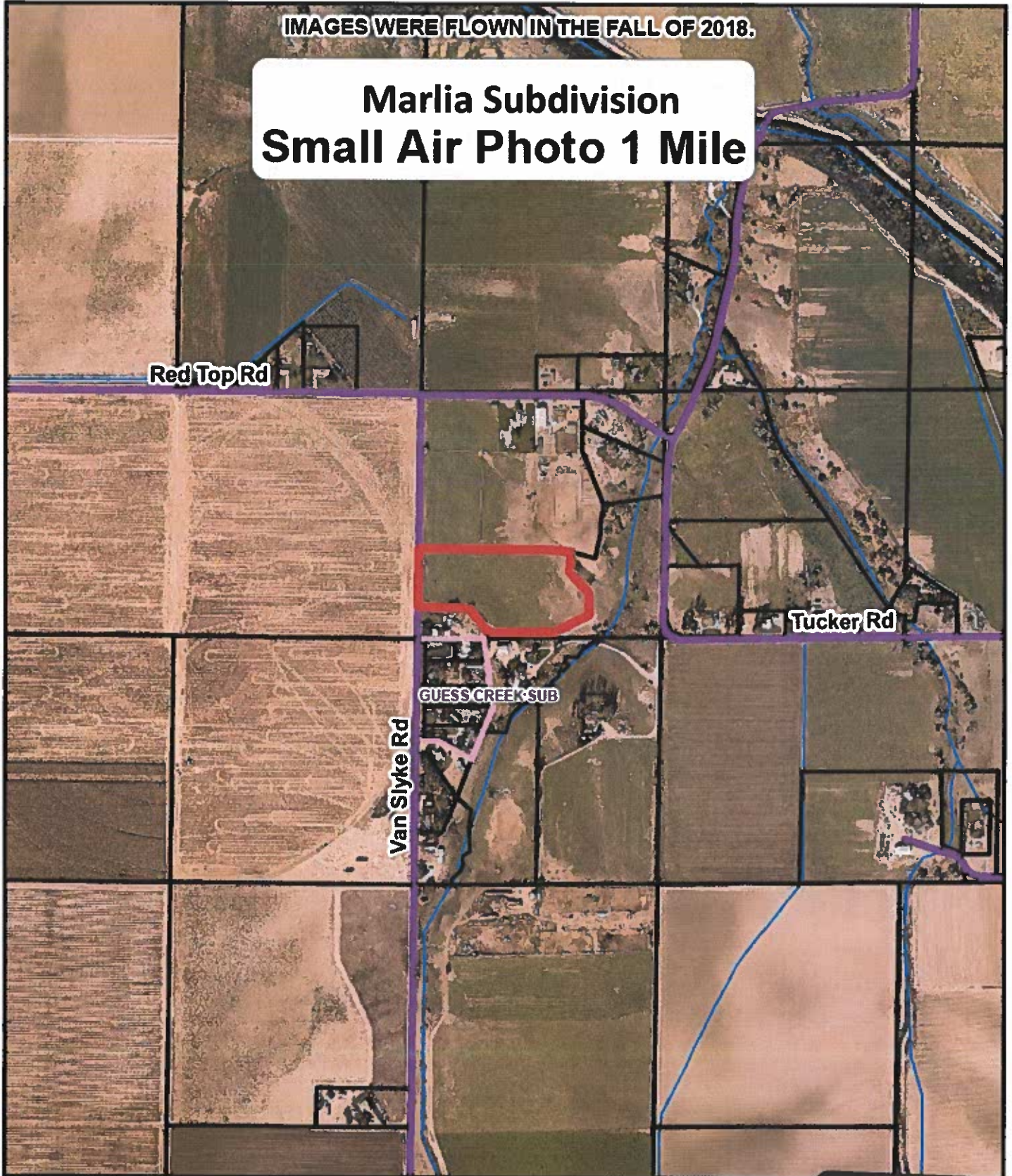


EXHIBIT
4

Marlia Subdivision Small Vicinity Map

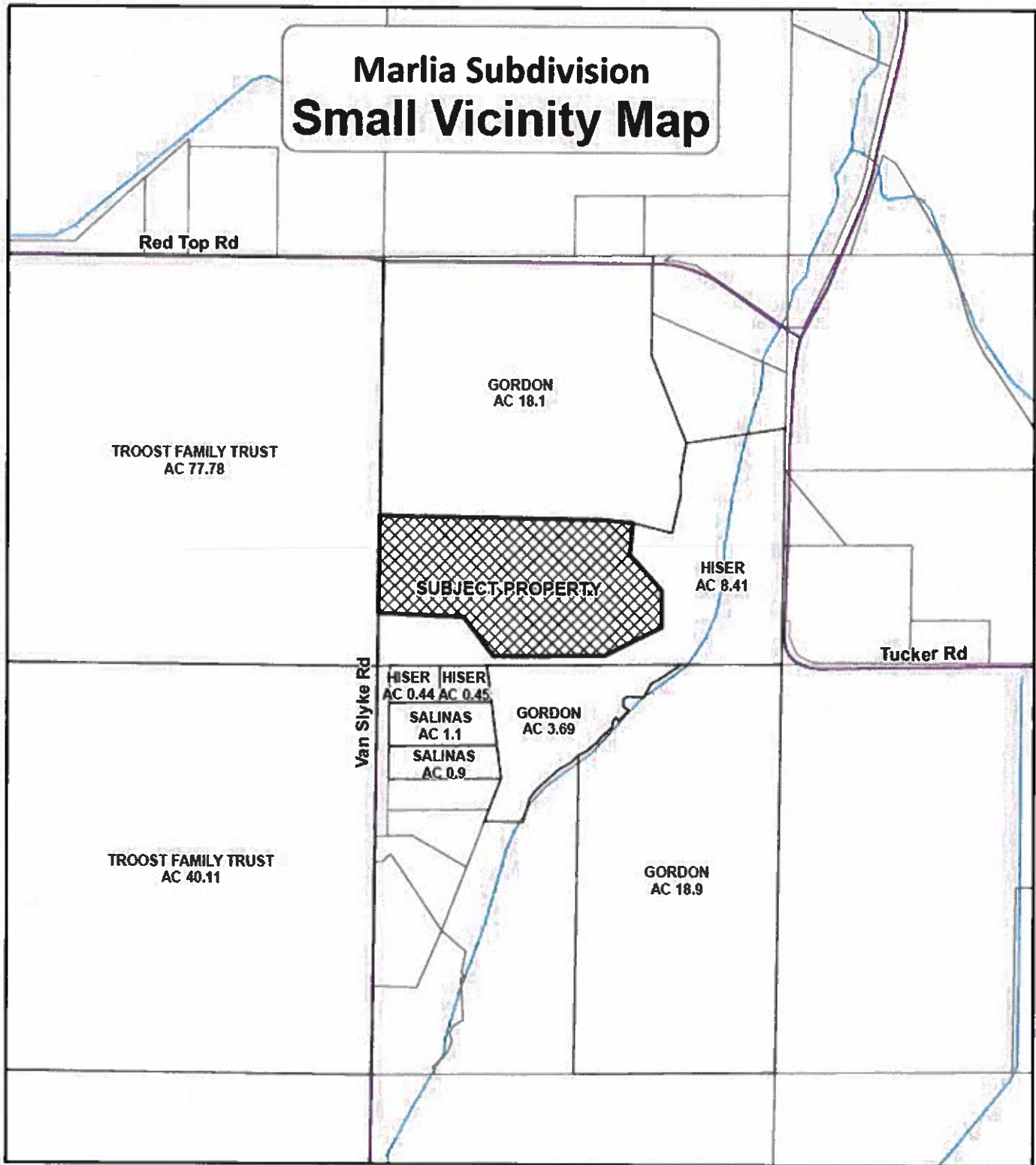


EXHIBIT
5

