

SD2023-0012

Bow-Tie Estates Subdivision

OWNER: JAGGERS/AVERY

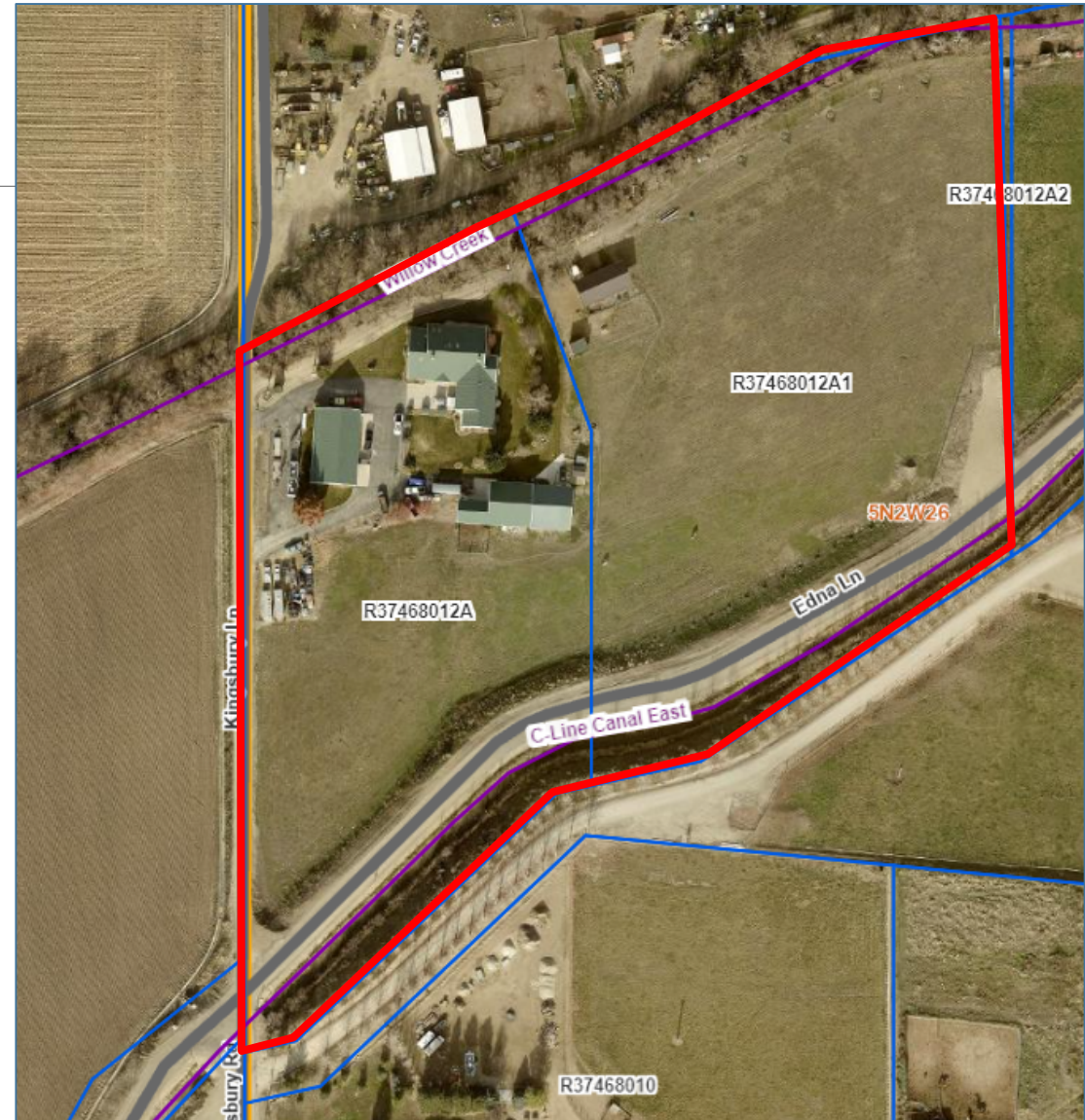
APPLICANT: TREASURE VALLEY PLANNING



REQUEST

The applicant requests approval of the Bow-Tie Estates Subdivision preliminary plat consisting of two residential lots. The request includes a waiver of City of Star subdivision improvements (**Exhibit 3.A**).

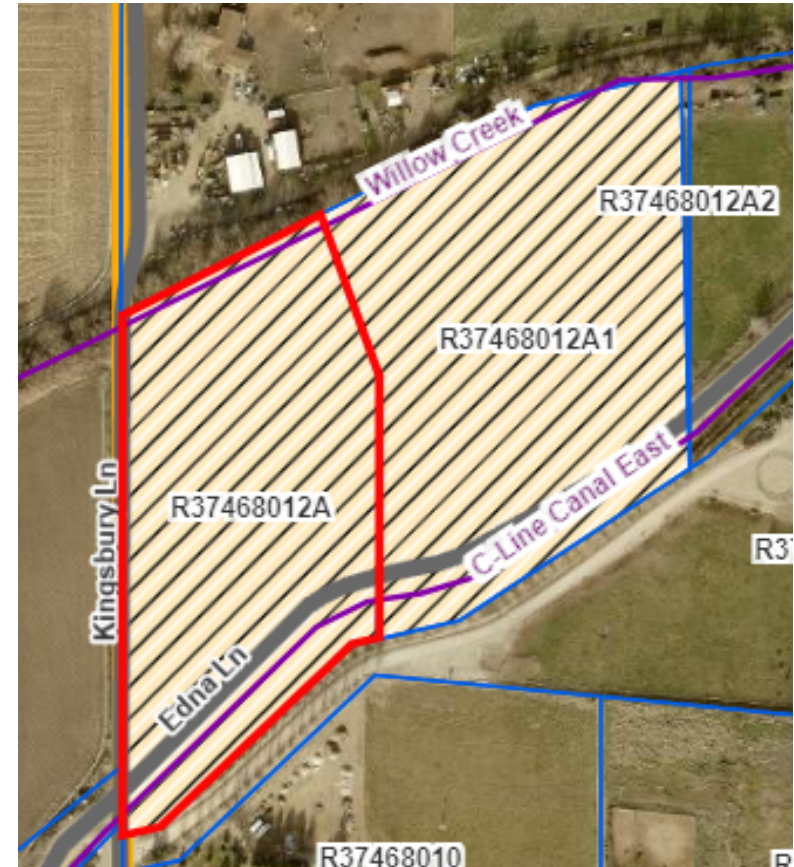
Address: 25744 Kingsbury Lane,
Middleton; Parcels R37468012A1 and
R37468012A



BACKGROUND

The subject parcels were rezoned to “CR-R-R” (Conditional Rezone – Rural Residential) on May 8, 2025, subject to conditions of a development agreement (RZ2023-0003/ Development Agreement (DA) No. 25-172, **Exhibit 3.B.3**). The conditions are as follows:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The subject parcels, R37468012A and R37468012A1 shall be recognized through the division application process in compliance with Chapter 7, Article 17 of the Canyon County Code of Ordinances (CCCO), subject to the following restrictions:
 - a. The parcels shall maintain a five-acre average lot size.
 - b. Other than the minimum lot size, the subject parcels shall meet the uses and minimum requirements of the “A” (Agricultural) Zone.
 - c. Future division of the subject parcels is prohibited.
 - d. Secondary residences per CCCO §07-02-03, §07-10-27, and §07-14-25 are prohibited.
3. The request shall comply with CCCO §07-06-07(4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”



EVALUATION CRITERIA - CCCO 07-17-09(5)

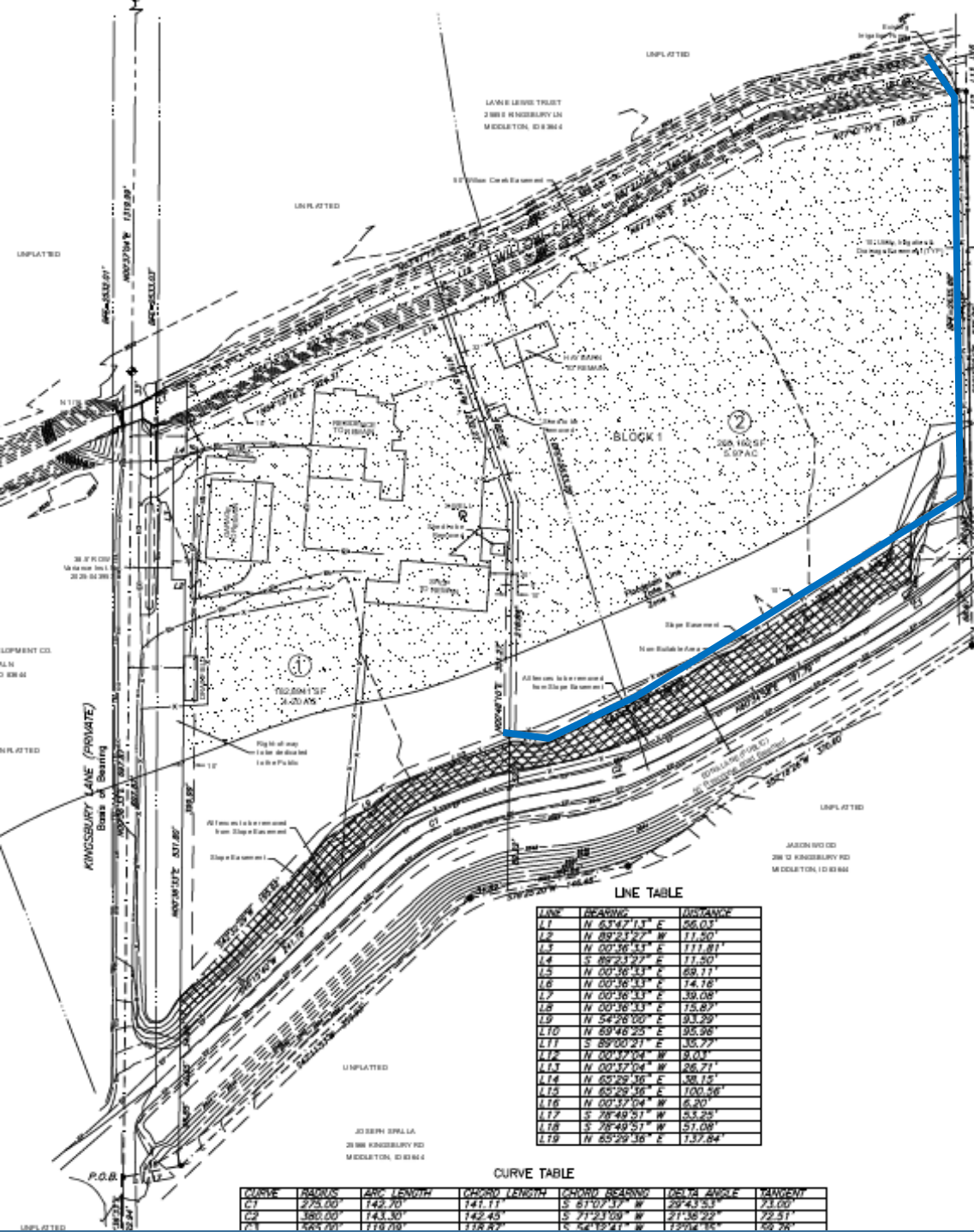
Board Action:

- A. The board shall consider the commission's recommendation at a noticed public hearing.
- B. The board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify, or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:
 - 1. The ordinance and standards used in evaluating the application;
 - 2. The reasons for approval or denial; and
 - 3. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.



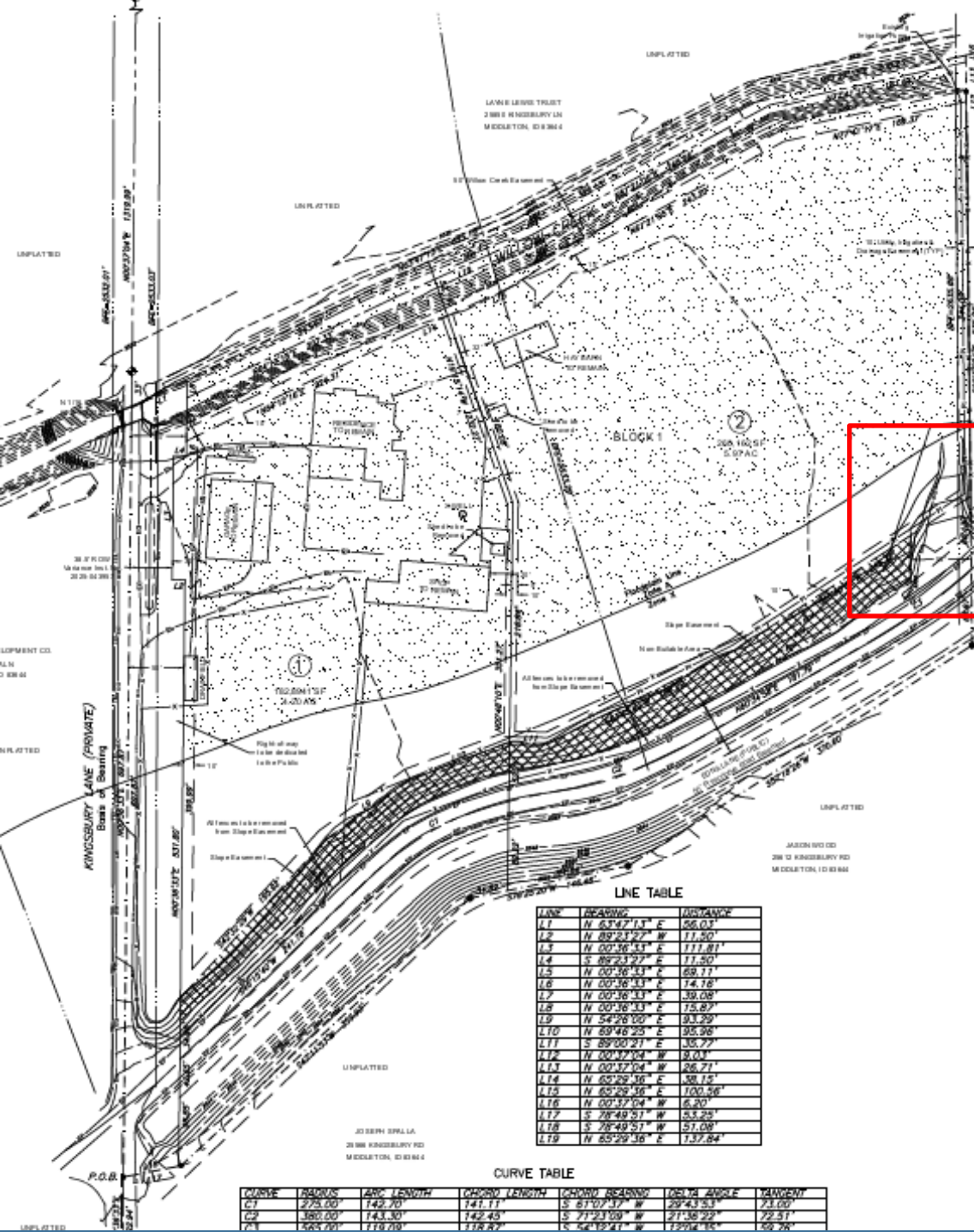
Bow-Tie Heights Subdivision (Exhibit 3.A.2)

- Total Acreage: 10.97 acres (10.17 acres after dedication).
- Total Number of Lots: Two (2) residential lots.
- Water/ Sewage Disposal: Lot 2 will require a domestic well and individual septic system (Plat Notes 6 & 7). Lot 1 has a well and septic system (Exhibit 3.A.6).
- Drainage: Stormwater runoff shall be retained onsite (Plat Note #15). The Homeowner's Association, underlying property owner, or adjacent property owner is responsible for all storm drainage facilities outside the public right-of-way, including all routine and heavy maintenance (Plat Note #8). The Site Runoff Plat (Exhibit 3.A.5) demonstrates runoff flows east to west into 12" drainpipes.
- Irrigation: Irrigation water will be provided to all lots through a pressurized irrigation delivery system (Plat Note #3). The existing irrigation pump from Willow Creek is located in an easement on Lot 2. The irrigation line is located near the east and south property boundary of Lot 2 and terminates at Lot 1 via an easement. The property has surface water rights (45.5%) from Black Canyon Irrigation District (Exhibit 3.A.4).



Bow-Tie Heights Subdivision (Exhibit 3.A.2)

- Roads/Access: Lot 1 will continue to utilize the Kingsbury open, unmaintained, right-of-way. Lot 2 has frontage from Edna Lane, a public road.
- Hillside Development: Plat Note #14 states no development is allowed in areas with slopes greater than 15%, as identified as the “non-buildable” areas on this plat.
 - **Access to Lot 2** appears to have been improved after the submittal of SD2023-0012 on slopes 15% or greater (Exhibit B.5) and encroaching into a Black Canyon Irrigation District (BCID) easement (Exhibit C.4). BCID requires a user agreement; *see condition 4a*. An as-built grading and drainage plan prepared by a licensed engineer shall be submitted demonstrating consistency per CCCO §07-17-33(1)C.2, D, and E. *See condition 1a*.



NOTIFICATION (07-05-01) & COMMENTS

Agency Comments:

- DSD Engineering (Exhibit 3.B.6): The subject property is located in an “A” Zone (Floodplain without Base Flood Elevation (BFE) data). A BFE study was submitted and reviewed by the DSD Engineering Division. The study was approved (DP2025-0040). *See Condition 11*
- HD4 (Exhibit 3.C.3): Highway District #4 (HD4) initially required a 50’ right-of-way (ROW) dedication along Kingsbury Road and a license agreement for use of the Kingsbury ROW. HD4 recommends approval of the preliminary plat. Their comment letter requires final plat revisions. *See Condition 3*. A 38.5 ROW variance was approved to ensure the existing garage on Lot 1 meets minimum setbacks (Exhibit A.8).
- ITD (Exhibit 3.C.5) has no concerns and finds the request does not meet the threshold to require an impact study.



NOTIFICATION (07-05-01) & COMMENTS

Agency Comments:

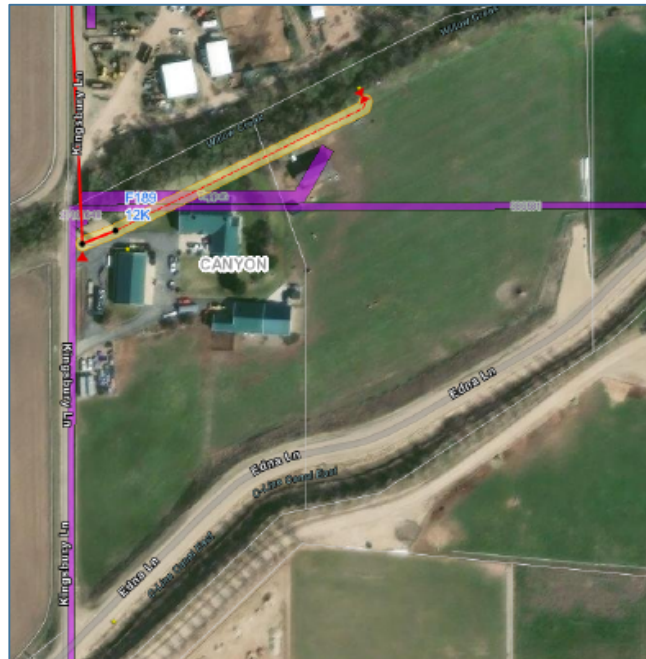
- SWHD (Exhibit 3.C.2): SWDH does not have any concerns. The SER (Subdivision Engineering Report) is approved (Exhibit A.7). A nutrient pathogen study is not required. *See Condition 5.*
- City of Star (Exhibit 3.C.1): Correspondence from the City of Star finds the request meets the city's future land use map in their comprehensive plan. The city waives city subdivision standards and improvements. *See Condition 9.*
- Idaho Department of Environmental Quality – DEQ (Exhibit 3.C.7): The letter from DEQ is informational, not project-specific.
- DSD GIS/Addressing (Exhibit 3.C.6): Subdivision name meets Idaho Code §50-1307 (No duplication/similar-sounding names).
- BCID (Exhibit 3.B.6): Willow Creek Wasteway along the north boundary has a historical 50- foot easement (25 feet from centerline). The C-Line Canal East is located on the southern property boundary with a historical 100-foot easement (50-feet from centerline). *See survey provided by applicant, Exhibit B.4a.* In February 2023, the District approved the water transfer split between Parcels R37468012A and A1(one acre of water to Parcel R37468012A and four acres of water to Parcel R37468012A1). Access created from Edna Lane (Lot 2) encroaches into the district's easement, which needs a user agreement. *See Condition 4.*



NOTIFICATION (07-05-01) & COMMENTS

Agency Comments:

- Idaho Power (Exhibit 4.a): ID Power provided comments identifying easements that will need to either be depicted on the plat or vacated before final plat signature. The request has been added as a condition of approval.



RECOMMENDED CONDITIONS

1. All subdivision improvements (public roads, shared access, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioners' signature on the final plat.
 - a. Regarding the access on Lot 2, an as-built grading and drainage plan prepared by a licensed engineer shall be submitted demonstrating consistency per CCCO §07-17-33(1)C.2, D, and E.
2. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
3. Development shall comply with the requirements of the local highway district (**Exhibits 3.C.3 & 3.A.8**). Evidence of compliance shall be the highway district's signature on the final plat.
4. Development shall comply with irrigation district requirements and agreements (**Exhibit 3.C.4**). Evidence shall include written correspondence from the irrigation district approving the final plat before the Board of County Commissioners' signature on the final plat.
 - a. Regarding the access to Lot 2, a user agreement must be approved by the irrigation district to allow access to encroach into the district's easement.
5. Development shall comply with Southwest District Health requirements (**Exhibit 3.C.2**). Evidence of compliance shall be the Southwest District Health signature on the final plat.



RECOMMENDED CONDITIONS

6. Development shall comply with Fire District requirements. Evidence shall include written correspondence from the fire district approving the final plat before the Board of County Commissioners' signature on the final plat.
7. Compliance with the recorded development agreement (**Exhibit 3.B.3**) or any future amendments shall be noted as a plat note on the final plat.
8. The shared irrigation line/delivery system must include a recorded water user's maintenance agreement. The agreement with the instrument number shall be added as a plat note on the final plat.
9. Per CCCO 09-19-09(5): For subdivisions and planned unit developments applied for in the Star area of city impact, Canyon County will require, on the face of each final plat, a certification line for execution by the City of Star engineer attesting to the plat's conformance with the city standards set forth above. Also, Canyon County will not sign a final plat or authorize the plat to be recorded before the City engineer signs the plat.
10. The final plat shall highlight areas where slopes over 15% exist and note that residential development is prohibited in the highlighted area.
11. Applicable floodplain development approval conditions per DP2025-0040 shall be met prior to final plat signing (**Exhibit 3.B.6**).
12. Idaho Power easement must be depicted on the final plat or vacated prior to the Board of County Commissioners' signature on the final plat.



RECOMMENDATION

The Planning and Zoning Commission recommends approval, subject to the recommended conditions (Exhibits 1 & 2).

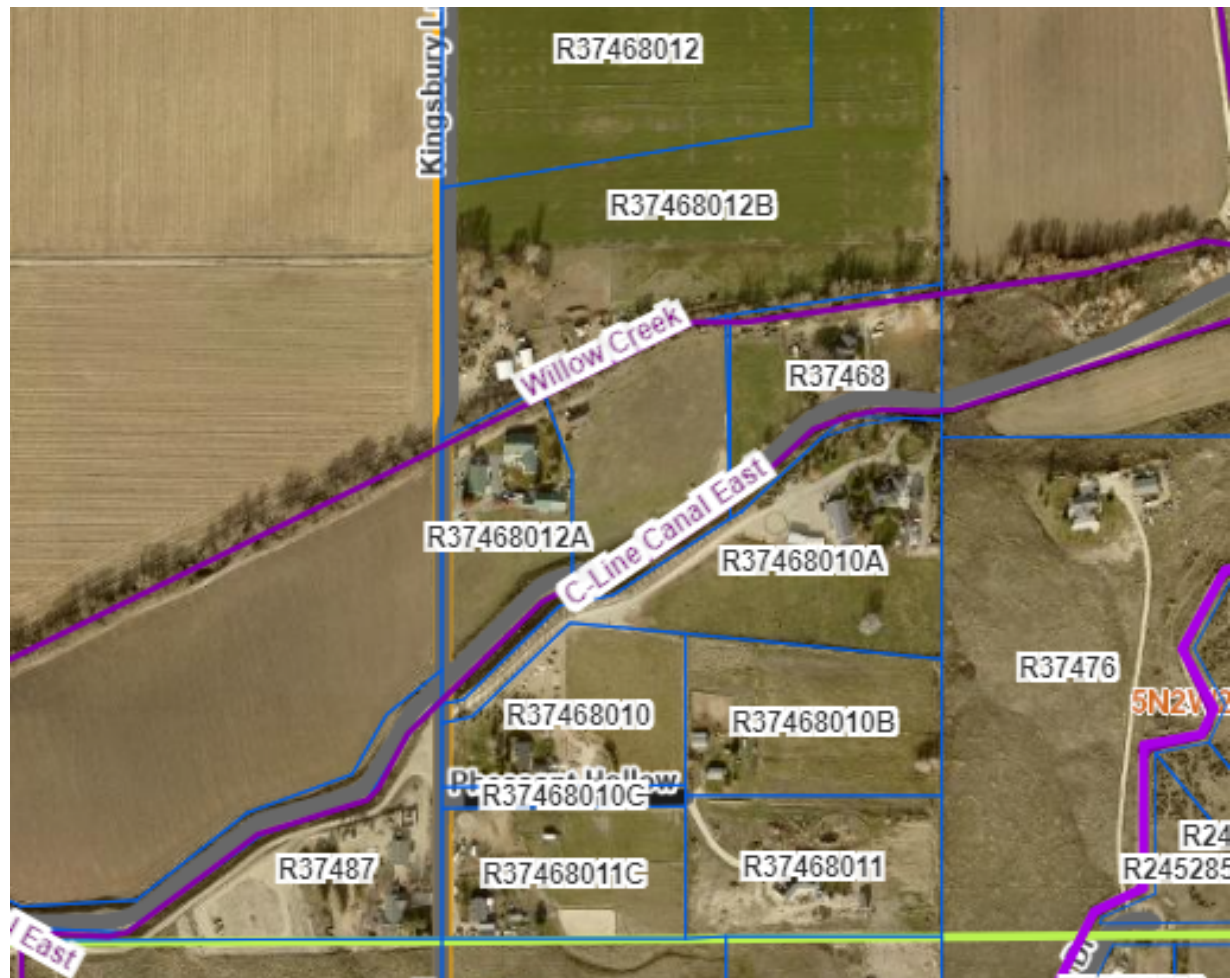
Decision Options:

- Approval with conditions (as presented or modified).
- Denial: Including reasoning and actions the applicant can take to gain approval.
- Continue the hearing to request additional information.

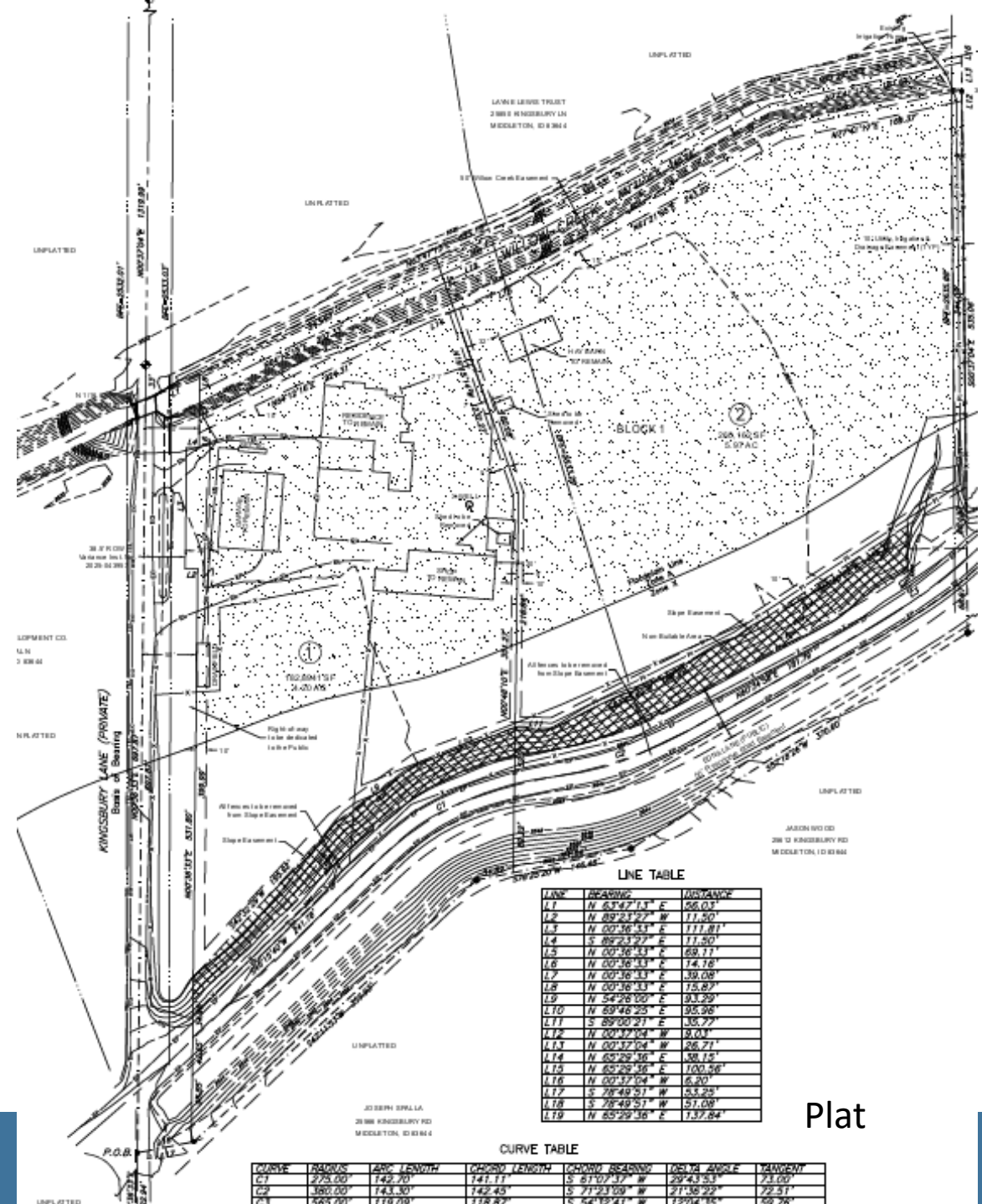


Questions?



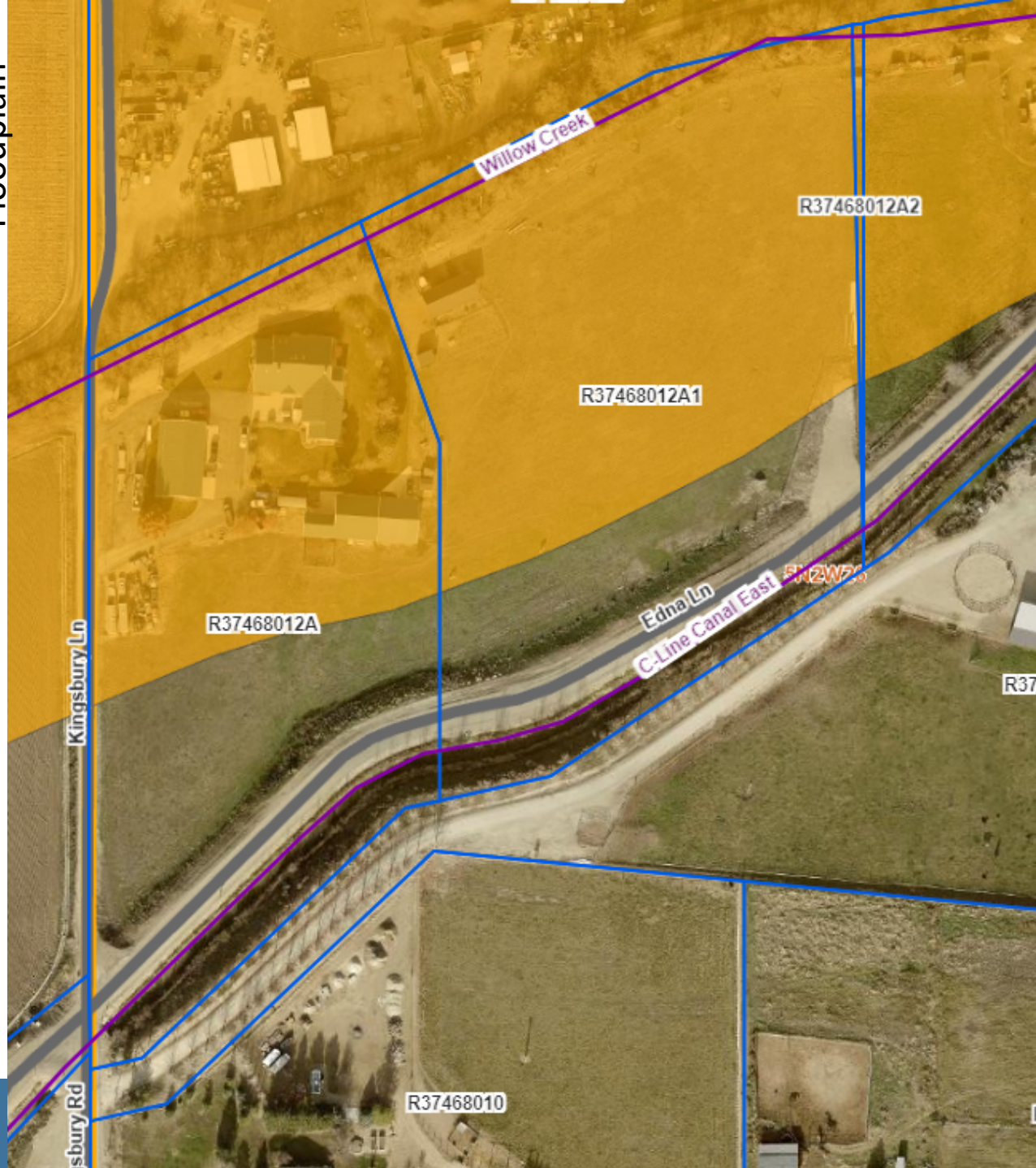


Aerial



Plat

Floodplain

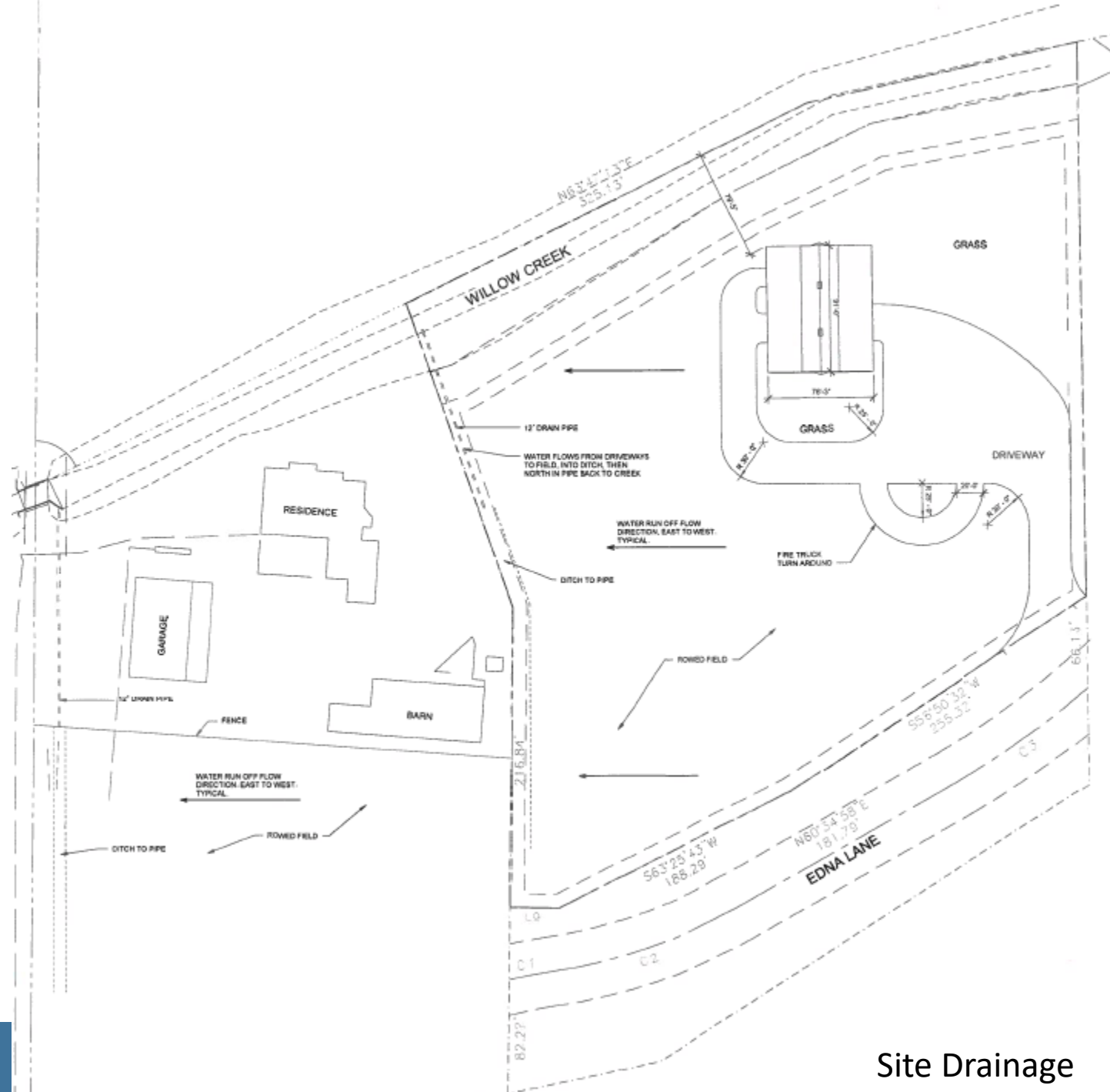


Google Earth 5/9/2023

Access on Slopes



Google Earth 5/13/2024



Site Drainage