



**Board of County Commissioners**  
**Elordi – Case No. DA2022-0003**

Development Services Department

**Findings of Fact, Conclusions of Law, and Order**  
**Elordi – DA2022-0003: Development Agreement Modification**

**Findings of Fact**

1. The applicant, Tony Elordi, is requesting a development agreement modification to agreement #16-226, approved as part of Case #PH2016-30. The modification removes the restriction for development to not exceed six (6) residential lots and for lot 5 to be designated agricultural only with no building permits available. The property consists of approximately 42.41 acres, located at 0 Andorra Ln, Caldwell; also known as Parcels R30262104 and R30262104A; a portion of the NW¼ of Section 06 Township 2N and Range 3W & NE¼ of Section 01, Township 2N, Range 04W; Canyon County, Idaho.
2. In 2016, a conditional rezone (PH2016-30) was approved subject to a development agreement (#16-226).
3. A neighborhood meeting was held on May 19, 2022, in accordance with CCZO §07-01-15
  - a. Staff was notified prior to the Planning and Zoning Commissioner hearing that the neighborhood meeting mailing list did not include all owners within a 600ft radius. The Planning and Zoning Commission decided due to the noticing done by DSD and the noticing that will be done prior to the BOCC that a new neighborhood meeting is not necessary at this point.
4. Notice of the public hearing was provided as per CCZO §07-05-01. Affected agencies were notified on October 7, 2022, and December 28, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022, and February 23, 2023. The newspaper notice was completed on October 30, 2022, and March 3, 2023. The subject property was posted with a notice on November 3, 2022, and March 8, 2023.
5. The record consists of exhibits provided as part of the public hearing staff report, testimony, and any additional evidence submitted during the public hearing on November 17, 2022, April 13, 2023, and all information contained in Case File DA2022-0003.

**Conclusions of Law**

Pursuant to CCZO §07-06-07(7)F, Modification of Development Agreements: "A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the Board after complying with the notice and hearing provisions of Idaho Code §67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification."

For this request, the Board of County Commissioners finds and concludes the following:

- 1) The requested modification is not in substantial compliance with the Findings of Fact, Conclusions of Law and Order (FCOs) approved for Case No. PH2016-30.
  - a. The approved FCOs regarding PH2016-30 approved the conditional rezone with a development agreement subject to 46.87 acres remaining in agricultural use with no building permit available (Finding #3 & #4PH2016-30). Therefore, the requested modification is a significant change to the PH2016-30 FCOs.
- 2) The applicants' need for necessity could not be found.
  - The request was found to not be a necessity. The applicant requests a modification to the development agreement to allow building permits and platting of a lot approved to remain agricultural use (Lot 5, Andorra Estates). The necessity stated by the applicant is to provide the owner and family with a place to live and a way to maintain the agricultural property. It was shown that the applicant was the original applicant for Case #PH2016-30 and understood the subject agricultural property could not be further developed. The applicant currently lives on Lot 2 of Andorra Estates; therefore, the development of the agricultural property is a desire, not a necessity.

3) Notification was completed in compliance with Idaho State Law §67-6509. Affected agencies were notified on October 07, 2022, and December 28, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022, and February 23, 2023. The newspaper notice was completed on October 30, 2022, and March 3, 2023. The subject property was posted with a notice on November 03, 2022, and March 8, 2023.

- Agency comments were received from Canyon Soil Conservation: "DA2022-0003 Tony Elordi- 24% of the soils are Class Three (3). Class Three (3) have moderate limitations and appropriate management practices can make any irrigated soil productive. 20% of the soils are Class Four (4) and 56% of the soils have no classification."

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **Denies** Case #DA2022-0003, a modification of a development agreement (#16-662) approved as part of Case No. PH2016-30 regarding Parcels R30262104 and R302622104A.

**DENIED** this 13 day of April, 2022

- ☒ Motion Carried Unanimously  
☐ Motion Carried/Split Vote Below  
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	_____	_____
<u>unavailable for signature</u> _____ Commissioner Brad Holton	_____	_____	_____
 _____ Commissioner Zach Brooks	<input checked="" type="checkbox"/>	_____	_____

Attest: Chris Yamamoto, Clerk

By:   
\_\_\_\_\_  
Deputy

Date: 4-13-23





# **BOARD OF COUNTY COMMISSIONERS**

## **STAFF REPORT ADDENDUM**

DA2022-0003

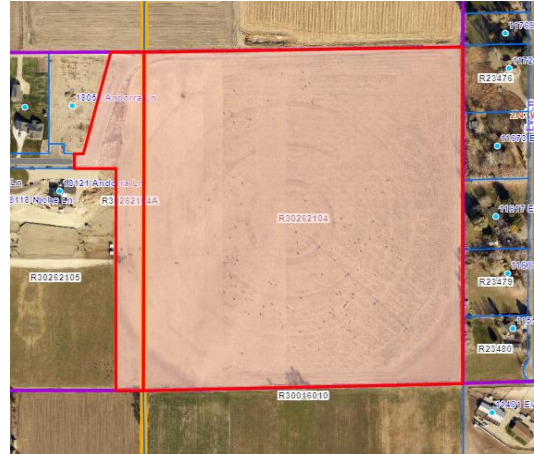
**HEARING DATE:** April 13, 2023

**OWNER:** Tony Elordi

**APPLICANT/REP:** N/A

**PLANNER:** Samantha Hammond, Planner I

**CASE NUMBER:** DA2022-0003



### **EXECUTIVE SUMMARY:**

- The applicant Tony Elordi, is requesting a development to agreement number #16-226 associated with Case No. PH2016-30. The modification is to allow Lot 5 of Andorra Estates Subdivision to be divided to create a total of two buildable parcels.
- The Planning and Zoning Commission recommended **denial** of the request on 11/17/2022 with the FCOs signed on 12/1/2022.

### **EXHIBITS:**

Attachment A: BOCC FCOs

Attachment B: Planning and Zoning Staff Report

1. Draft FCOs:
  - A. Draft Revised Development Agreement Conditions
2. Letter of Intent – Elordi
3. Letter of Intent – Cowman
4. Letter – Current Agricultural Production
5. Letter – Effect on neighboring properties
6. Irrigation Letter.
7. Site Plan 1
8. Site Plan 2
9. BOCC FCOs: PH2016-30
10. Approved Development Agreement #16-226-Exhibit B
11. Neighborhood Meeting
12. Maps:
  - A. Aerial
  - B. Vicinity
  - C. Zoning
  - D. Future Land Use
  - E. Lot Report
  - F. Soil Map & Report

13. Site Photos
14. Hydro Logic Inc. Report
15. Andorra Estates Sub. Plat
16. Agency Notification:
  - A. Canyon Soils Conservation District
  - B. Boise Project Board of Control
17. Property Owner Notification
  - A. Jon Minkoff

Attachment C: Planning and Zoning Signed FCOs

Attachment D: Planning and Zoning 11/17/2022 Minutes

Attachment E: Jon Minkoff Letter (New Exhibit)

Attachment F: Idaho Transportation Department Response (New Exhibit)

Attachment G: Letter from Tony Elordi (Late Exhibit)

Attachment H: Letter from Wes Archer (Late Exhibit)





## Board of County Commissioners Elordi – Case No. DA2022-0003

Development Services Department

### **Findings of Fact, Conclusions of Law, and Order** Elordi – DA2022-0003: Development Agreement Modification

#### **Findings of Fact**

1. The applicant, Tony Elordi, is requesting a development agreement modification to agreement #16-226, approved as part of Case #PH2016-30. The modification removes the restriction for development to not exceed six (6) residential lots and for lot 5 to be designated agricultural only with no building permits available. The property consists of approximately 42.41 acres, located at 0 Andorra Ln, Caldwell; also known as Parcels R30262104 and R30262104A; a portion of the NW¼ of Section 06 Township 2N and Range 3W & NE¼ of Section 01, Township 2N, Range 04W; Canyon County, Idaho.
2. In 2016, a conditional rezone (PH2016-30) was approved subject to a development agreement (#16-226).
3. A neighborhood meeting was held on May 19, 2022, in accordance with CCZO §07-01-15
  - a. Staff was notified prior to the Planning and Zoning Commissioner hearing that the neighborhood meeting mailing list did not include all owners within a 600ft radius. The Planning and Zoning Commission decided due to the noticing done by DSD and the noticing that will be done prior to the BOCC that a new neighborhood meeting is not necessary at this point.
4. Notice of the public hearing was provided as per CCZO §07-05-01. Affected agencies were notified on October 7, 2022, and December 28, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022, and February 23, 2023. The newspaper notice was completed on October 30, 2022, and March 3, 2023. The subject property was posted with a notice on November 3, 2022, and March 8, 2023.
5. The record consists of exhibits provided as part of the public hearing staff report, testimony, and any additional evidence submitted during the public hearing on November 17, 2022, April 13, 2023, and all information contained in Case File DA2022-0003.

#### **Conclusions of Law**

Pursuant to CCZO §07-06-07(7)F, Modification of Development Agreements: "A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the Board after complying with the notice and hearing provisions of Idaho Code §67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification."

For this request, the Board of County Commissioners finds and concludes the following:

- 1) The requested modification is not in substantial compliance with the Findings of Fact, Conclusions of Law and Order (FCOs) approved for Case No. PH2016-30.
  - a. The approved FCOs regarding PH2016-30 clearly approved the conditional rezone with a development agreement subject to 46.87 acres remaining in agricultural use with no building permit available (Finding #3 & #4PH2016-30). Therefore, the requested modification is a significant change to the PH2016-30 FCOs.
- 2) The applicants' need for necessity could not be found.
  - The request was found to not be a necessity. The applicant requests a modification to the development agreement to allow building permits and platting of a lot approved to remain agricultural use (Lot 5, Andorra Estates). The necessity stated by the applicant is to provide the owner and family with a place to live and a way to maintain the agricultural property. It was shown that the applicant was the original applicant for Case #PH2016-30 and understood the subject agricultural property could not be further developed. The applicant currently lives on Lot 2 of Andorra Estates; therefore, the development of the agricultural property is a desire, not a necessity.

- 3) Notification was completed in compliance with Idaho State Law §67-6509. Affected agencies were notified on October 07, 2022, and December 28, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022, and February 23, 2023. The newspaper notice was completed on October 30, 2022, and March 3, 2023. The subject property was posted with a notice on November 03, 2022, and March 8, 2023.
- Agency comments were received from Canyon Soil Conservation: *"DA2022-0003 Tony Elordi- 24% of the soils are Class Three (3). Class Three (3) have moderate limitations and appropriate management practices can make any irrigated soil productive. 20% of the soils are Class Four (4) and 56% of the soils have no classification."*

### **Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **Denies** Case #DA2022-0003, a modification of a development agreement (#16-662) approved as part of Case No. PH2016-30 regarding Parcels R30262104 and R302622104A.

**DENIED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_ Motion Carried Unanimously

\_\_\_\_\_ Motion Carried/Split Vote Below

\_\_\_\_\_ Motion Defeated/Split Vote Below

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

Attest: Chris Yamamoto, Clerk

By: \_\_\_\_\_

Date: \_\_\_\_\_

Deputy





# Attachment B

## Planning and Zoning Staff Report Elordi: DA2022-0003

Hearing Date: November 17, 2022

Development Services Department

### Property Owner

Teresa & Tony Elordi

### Staff

Samantha Hammond, Planner I

### Tax ID

R30262104

R30262104A

(Split by section line)

### Lot Size

R30262104: 38.19 acres

R30262104A: 4.22 acres

Total: 42.41 acres

### Current Zone

“CR-R-R” (Conditional Rezone-  
Rural Residential)

### 2020 Canyon County Comprehensive Plan - Future Land Use Designation

Agricultural

### Current Uses

Agricultural: Farming

### Applicable Zoning Regulations

§07-05-01, §07-06-07(7)F

### Notification

10/07/2022: Agencies

10/31/2022: Property Owners

10/30/2022: Newspaper

11/03/2022: Property Posting

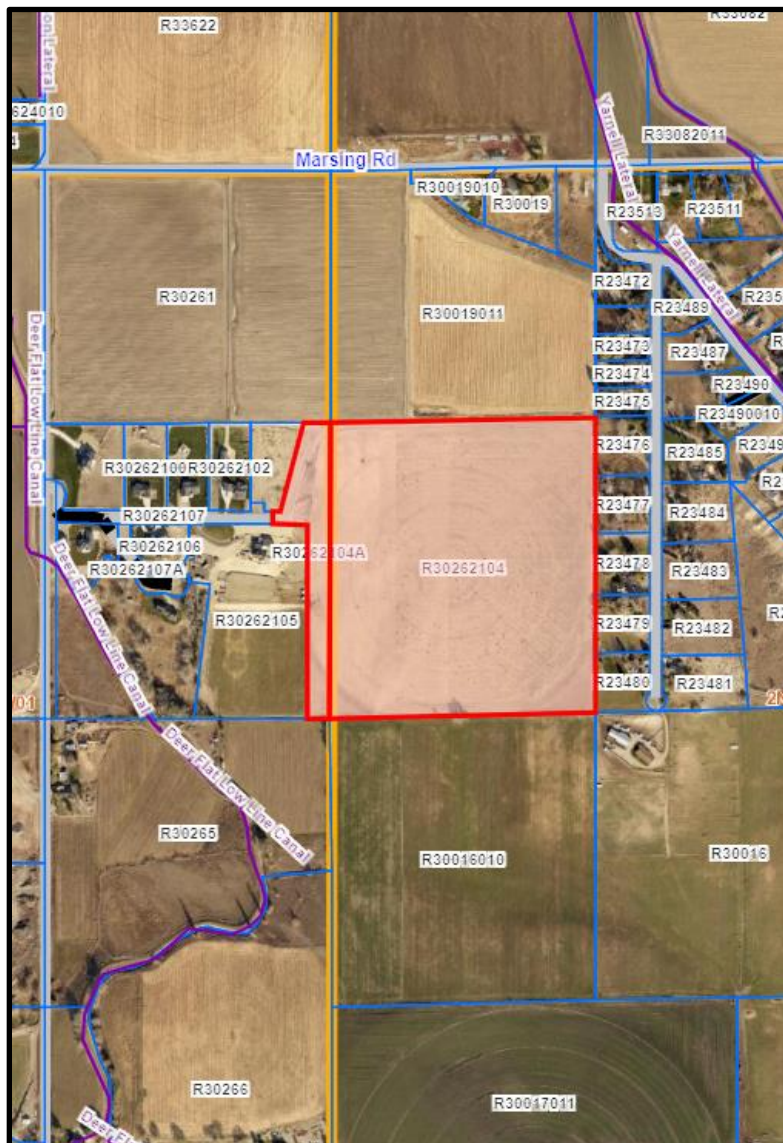
### Exhibits

1. Draft FCOs:
  - A. Draft Revised Development Agreement Conditions
2. Letter of Intent – Elordi
3. Letter of Intent – Cowman
4. Letter – Current Agricultural Production
5. Letter – Effect on neighboring properties
6. Irrigation Letter.
7. Site Plan 1
8. Site Plan 2
9. BOCC FCOs: PH2016-30
10. Approved Development Agreement #16-226-Exhibit B
11. Neighborhood Meeting
12. Maps:
  - A. Aerial
  - B. Vicinity
  - C. Zoning
  - D. Future Land Use
  - E. Lot Report
  - F. Soil Map & Report
13. Site Photos

### Request

The applicant, Tony Elordi, is requesting a development agreement modification to agreement number #16-226 associated with Case No. PH2016-30. The modification is to allow Lot 5 of Andorra Estates Subdivision to be divided to create a total of two buildable parcels. The modification includes changing three (3) of the original development agreement conditions (#16-226). The modification includes a revised site plan, intention of use, and proposed building envelopes for future building permits.

The property is located within the Andorra Estates Subdivision at 0 Andorra Ln, Caldwell, also reference as Parcel R30262104 and R30262104A, a portion of the NE¼ of Section 1, T2N, R4W and NW¼ of Section 6, T2N, R3W, BM, Canyon County, Idaho.



14. Hydro Logic Inc. Report
15. Andorra Estates Sub. Plat
16. Agency Notification:
  - A. Canyon Soils Conservation District
  - B. Boise Project Board of Control
17. Property Owner Notification
  - A. Jon Minkoff

## **Background**

Parcels R30262104 and R30262104A are currently a part of the Andorra Estates subdivision platted as “Lot 5”. This subdivision is a result from a Conditional Rezoned from “A” Agricultural to “CR-RR” Rural Residential which was approved on August 22, 2016 with all conditions to be enumerated in a Development Agreement (PH2016-30, *Exhibit 9*). The Final Plat for the Andorra Estates Subdivision was recorded in 2017.

Within the Findings of Facts (*Exhibit 9*) the Conditional Rezone on these properties is surrounded by the idea that 68% (approximately 46.87 acres which is equal to Lots 5 and 10) will remain in agricultural use. The other main Finding of Facts on this Conditional Rezone are very straight forward and standard across the board. Making this Conditional Rezone and Development agreement very contingent on maintaining the irrigated agricultural integrity within the subdivision.

In the current standing all of the conditions of this development agreement are being met and held up to adequate standard.

Note: In the current Development Agreement it states that “*Lot 9 shall not have a residential building permit available and shall remain in irrigated agricultural production*”, Lot 9 on the approved plat is the location of the Private Road and the Lot being referenced should be Lot 10 as seen on the plat.

## **Applicable Standards and Regulations**

CCZO §07-02-03, Definitions Enumerated (Development Agreement): “A commitment reduced to writing as a means of evidence, and as a means of giving formal expression to some act or contract, by which an owner or developer makes a written commitment concerning the use or development of property. This “development agreement” is also known as a “written commitment”.”

CCZO §07-06-07(2), Development Agreement: “Any condition, stipulation, restriction or limitation imposed pursuant to this article shall be incorporated as part of any site plan, plat, document of title of conveyance and building permit relating to the restricted land. Any predevelopment condition, stipulation, restriction or limitation imposed pursuant to this subsection shall be verified as being met prior to the issuance of any building permit. The applicant must execute a written development agreement to implement and be bound by any such condition, stipulation, restriction, or limitation. No final conditional rezone action shall be taken until such development agreement is recorded in the office of the county recorder. The development agreement shall have the effect and impact provided by Idaho Code section 67-6511A.”

CCZO §07-06-07(7)F, Modification of Development Agreements: “A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the board after complying with the notice and hearing provisions of Idaho Code section 67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.”



## **Request Breakdown**

### **Proposed Modifications to the Development Agreement:**

The applicant is requesting this modification of the Development Agreement to allow a land division and building permits on parcels R30262104 and R30262104A. This modification results in having to change three of the terms in the development agreement that is a result of Case No. PH2016-30.

### **The request results in the following modifications to the Development Agreement:**

Exhibit 1A, Condition 2: *“The subject properties, R30262 and R30018 shall be developed and platted in substantial conformance to the Site Plan in Attachment “A”.”*

- **Requested Change:**
- **The Subject properties, shall be developed and replatted in substantial conformance to the Andorra Estates Plat with the additions in Site Plan in Exhibit 1 Attachment “H”.**

Exhibit 1A, Condition 3: *“The development shall have six (6) residential lots with a minimum average residential lot size of two (2) acres.”*

- **Requested Change:**
- **The development shall have eight (8) residential lots with a minimum average residential lot size of two (2) acres.**

Exhibit 1A, Condition 4: *“Proposed Lots 5 and 9 shall not have residential building permits available and shall remain in irrigated agricultural production.”*

- **Requested Change:**
- **Lot 5 shall have one land division available with each new parcel obtaining one (1) building permit to be confined to a 3.5 acre building envelope. No secondary dwellings.**
- **Lot 10 shall remain in irrigated agricultural production.**

### **Letter of Intent**

Through both of the letter of intents the applicants state that the intended need/purpose of this request is so that the owners of the land can live on site and main/progress the agricultural function of the property. (See *Exhibit 2 & Exhibit 3*).

Staff requested a better understanding of the current agricultural function on that property now and the applicant responded with a letter stating that information (See *Exhibit 4*).

### **Site Plan**

The site plan (*Exhibit 7 & Exhibit 8*) shows that the proposed location of where the two new parcels would be as well as the intent of the two parcels, both contain a 3.5 acre building envelope for each building permit being requested. Parcel One has the intent of a small orchard (represent by the dots on *Exhibit 7*) and a small vineyard (represented by the hatch marking on *Exhibit 7*). Parcel two will encompass the remaining pivot irrigation that will still be utilized. With the two, 3.5-acre building envelopes, 83.84% of the property will remain in full agricultural production.

### **Surrounding Land Use/Character**

Within a mile radius there are 5 subdivisions totaling 94 lots with the average acre size equaling 2.60 acres. (See *Exhibit 12E*).

On the Future Land Use Map, in the relative vicinity there is a large area of residential including the neighboring parcel which is currently zoned “A” (Agricultural), Knighten Hills Subdivision (See *Exhibit 12D*).

### Irrigation/Water Usage

The applicant provided a letter breaking down the current irrigation system (*See Exhibit 6*).

A report from Hydro Logic was done on Lot 5 in October 2021 for a 17 Lot Subdivision stating the current well state and projected water level availability (*See Exhibit 14*).

### Comments

Public Notifications:

- Jon Minkoff
- Late Exhibit: Weasley Archer

Agency Notifications:

- Canyon Soil Conservation District (*See Exhibit 16A*): “DA2022-0003 Tony Elordi- 24% of the soils are Class Three (3). Class Three (3) have moderate limitations and appropriate management practices can make any irrigated soil productive. 20% of the soils are Class Four (4) and 56% of the soils have no classification.”
- Boise Project Board of Control (*See Exhibit 16B*): “There are no Boise Project or Wilder Irrigation District facilities located on the above-mentioned properties, however they do possess a valid water right.”

### Analysis

The applicant requests a modification to the development agreement to allow building permits and land division of an agricultural lot only (Lot 5). The request is consistent with the findings of approval made as part of the conditional rezone (Case No. PH2016-30) in the fact that lot 5 will still remain in 83.84% agricultural function. The modification provides more residential lots allowed within the subdivision with the primary purpose of these lots to remain in agricultural function allowing the owners to live on site.

### Options

The *Planning and Zoning Commission* may **approve** the Development Agreement Modification as conditioned and/or amended;

The *Planning and Zoning Commission* may **deny** the Development Agreement Modification and direct staff to make findings of fact to support this decision; or

The *Planning and Zoning Commission* may **continue the discussion** and request additional information on specific items.

### Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Development Agreement Modification.

Staff is **recommending approval** of the request and has provided findings of fact, conclusions of law, and recommended conditions of approval for the Planning and Zoning Commissions consideration found in *Exhibit 1 & Exhibit 1A*.





## Planning and Zoning Commission Elordi – Case No. DA2022-0003

Development Services Department

### **Findings of Fact, Conclusions of Law, and Order** Elordi – DA2022-0003: Development Agreement Modification

#### **Findings of Fact**

1. The applicant, Tony Elordi, is requesting a development agreement modification to agreement #16-226, approved as part of Case #PH2016-30. The modification removes the restriction for development to not exceed six (6) residential lots and for lot 5 to be designated agricultural only with no building permits available. The property, consists of approximately 42.41 acres, located at 0 Andorra Ln, Caldwell; also known as Parcels R30262104 and R30262104A; a portion of the NW¼ of Section 06 Township 2N and Range 3W & NE¼ of Section 01, Township 2N, Range 04W; Canyon County, Idaho.
2. In 2016, a conditional rezone (CR2020-0005) was approved subject to a development agreement (#16-226).
3. A neighborhood meeting was held on May 19, 2022 in accordance with CCZO §07-01-15.
4. Notice of the public hearing was provided as per CCZO §07-05-01. Affected agencies were notified on October 7, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022. Newspaper notice was completed on October 30, 2022. The subject property was posted with a notice on November 3, 2022.
5. The record consists of exhibits provided as part of the public hearing staff report, testimony and any additional evidence submitted during the public hearing on November 17, 2022 and all information contained in Case File DA2022-0003.

#### **Conclusions of Law**

Pursuant to CCZO §07-06-07(7)F, Modification of Development Agreements: "A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the Board after complying with the notice and hearing provisions of Idaho Code §67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification."

For this request, the Planning and Zoning Commission finds and concludes that the following:

- 1) The requested modification is in substantial compliance with the Findings of fact, Conclusions of law and Order approved for Case No. PH2016-30. Revised development agreement conditions were provided to the Planning and Zoning Commission.
- 2) The applicant provided a statement demonstrating the requested modification is a necessity.
  - The applicant requests a modification to the development agreement to allow building permits and land division of an agricultural lot only (Lot 5). The request is consistent with the findings of approval made as part of the conditional rezone (Case No. PH2016-30) that lot 5 will remain in 83.84% agricultural function. The modification provides more residential lots allowed within the subdivision with the primary purpose of these lots to remain in agricultural function.
- 3) Notification was completed in compliance with Idaho State Law §67-6509. Affected agencies were notified on October 07, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022. Newspaper notice was completed on October 30, 2022. The subject property was posted with a notice on November 03, 2022.
  - Agency comments were received from Canyon Soil Conservation: "*CU2022-0003 Tony Elordi- 24% of the soils are Class Three (3). Class Three (3) have moderate limitations and appropriate management practices can make any irrigated soil productive. 20% of the soils are Class Four (4) and 56% of the soils have no classification.*"

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends approval** of Case #DA2022-0003, a modification of a development agreement (#16-662) approved as part of Case No. PH2016-30 regarding Parcels R30462104 and R30462104A, subject to the amended conditions of the development agreement (Attachment A).

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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

---

Patrick Williamson, Acting Chairman

State of Idaho )

) SS

County of Canyon County )

On this \_\_\_\_\_ Day of \_\_\_\_\_ in the year of 2022, 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 executed the same.

Notary: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Exhibit 1: Attachment “A”**  
**Draft - Revised Development Agreement Conditions of Approval**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The Subject properties, shall be developed and replatted in substantial conformance to the Andorra Estates Plat with the additions in Site Plan in Exhibit 1 Attachment “H”.
3. The development shall have eight (8) residential lots with a minimum average residential lot size of two (2) acres.
4. Lot 5 shall have one land division available with each new parcel obtaining one (1) building permit to be confined to a 3.5 acre building envelope. No secondary dwellings.
5. Lot 10 shall remain in irrigated agricultural production.
6. The applicants shall have a Road User’s Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.
7. The development shall have pressurized irrigation to each lot.
8. The applicants shall have a Water User’s Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.
9. Niche Lane, a private road, shall be constructed in accordance with the Canyon County Zoning Ordinance requirements at time of development.
10. The developer shall comply with CCZO §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.”
11. The development shall comply with Boise Project Board of Control requirements as indicated in Exhibit “D”.

Tony Elordi  
18128 Andorra  
Caldwell, Id. 83607

Canyon County Development Services Dept.  
Canyon Co. P & Z Staff and Commissioners  
Caldwell, Idaho

RE: Develop Agreement 16226 dated 10/05/2016

Section 5 "this agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code 67-6509 and the requirements of Canyon County of Ordinances. The modification proposal must in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the request."

Exhibit (B)

Conditions for approval for PH2016-30

Modification of: Item (4) Proposed lots 5 and 9 (should be 10, lot 9 is a road) (exhibit C) shall not have residential building permits available and shall remain in irrigated agricultural production.

We are requesting that the reference to lot 5, in Item (4) be removed, and that the property can be split once along with two building/home sites added.  
See concept and attached Documents.

Our obligation to the Development Agreement has not been taken lightly, we have started and stopped two other requests of different natures for this property, that after further consideration we felt was not what we wanted and did not pursue the process further.

We have committed considerable resources to the development of this property to be able to farm it better, it was not in any way a productive farm when we purchased it, it was comprised of three different fields that were irrigated with 2 ¼ mile wheel lines on one field 1- 1/8 mile wheel line on one field and a ¼ mile of dirt ditch irrigating the other field, with a ridge of over 8 acres and mostly over 50

feet high splitting the property in half, this property slopes more then 5% two ways from east to west and north to south it was and still is very hard to irrigate and farm efficiently, so we invested in a completely new irrigation system, it started with leveling the hills and filling in the valley's on the 8 acres enough so we could get a pivot to negotiate the terrain and not get stuck, then we constructed more then 1.5 miles of buried main line to supply the pivot and hand lines for three corners, and brought power ½ of a mile to the pivot, and then installed a 4 tower state of the art pivot. We have farmed this ourselves for 2 years and have leased it out the past 3 years and we are now along with our daughter and son in law more committed to develop this further and make it a family operation and diversify the crops grown on the property, our daughter and son in law are both officers in the active duty Army and Army Reserve and have served are country for 20 plus years with multiple deployments, they will be retiring in two years and would like to move back here to live and work on this property, they are invested in 50% ownership of this property, my wife and I live in Andorra Estates and would like to get started on some crop projects and to also relocate our home to this property, we feel that the request and concept still adheres to the intent of the development agreement, and that we are committed to the rural and farming life style.

Best regards,

Tony Elordi



To Whom it May Concern,

I am writing this letter to express intent as to the usage of our land in Idaho. I am an Active Duty Major in the United States Army and have served for 20+ years honorably. My wife is a Captain in the United States Army Reserve and has served for 19 years. Upon acceptance of my retirement and resignation of Commission in 2024, my wife Victoria and I intend to return to Idaho in order to enjoy more time with family and pursue our dream of living and farming in our home state. We have spent the last few years imagining what this dream will look like for us, and are now in the initial stages of putting action to those dreams.

During my time stationed at Fort Bragg, NC, Victoria was employed as a Cidery Assistant, working with a wonderful couple who had started their own orchard and cider business after leaving military service. It was a regional level business, with distribution within the state of North Carolina along with a farm/orchard of approximately 10+ acres of fruit trees that more than sufficed for their cider business. We found not only a friendship, mentorship, and camaraderie with these great folks, but also a framework for what we could envision for ourselves.

We are 50% owners of lot 5 blk 1 Andorra Estates 42.36 acres with Tony and Terry Elordi, Victoria's parents. We envision a family business, a home, and a small farm to share with family and friends. The development agreement does not allow for a building permit; thus, we are requesting a modification of the agreement to allow a split with availability of two (2) building permits as shown on the concept map attached to this letter.

Victoria and I look forward to our return home to Idaho and the opportunity to meet each of our new neighbors in person. Thank you for your consideration and assistance.

Sincerely,

Joshua & Victoria Cowan

SCANNED

To: Canyon County Development Services

From: Tony Elordi

October 27, 2022

Samantha,

There is no crop planted at this time, the local farm family that has farmed it the last three years will not be farming it next year. They have had seed crops the previous two years and last year grew winter wheat which they harvested last July. Going forward I am working with a local farmer/rancher that grows mostly corn and hay for his cattle operation, his plan is to spray the weeds and other volunteer grasses (which he has already done) and plant alfalfa hay next spring. I have had this in alfalfa before and in my opinion have had the best results plus it is a long-term crop 5-6 years or longer and if I need to farm it myself, I can easily take over the irrigation and have it custom cut and baled. Except for the first year because of the old irrigation system, we have taken a crop off of this ground. Our plan right now is to work with the renter for the next 2-3 years with alfalfa and improve the roads extend the elec. Power and do a better job of keeping the borders clean. We will be thinking and making plans to covert some the property to other crops as my daughter and son in law get closer to retirement. I believe this to be the best course of action for the farm and for our family.

Tony Elordi

### Effect of development on neighboring property.

The development of this property will have no negative physical effect on neighboring properties in that this property is self-contained. All the improvements and or existing infrastructure are within the boundaries of this property and already service this lot, and it will not disrupt any ongoing neighboring farming or residential uses. Access and power already exist to this property by an existing private paved road and right of way that is owned by me. A gravity pressurized irrigation system will be provided by a private existing underground delivery system that is already in use by this property and Andorra Estates each on its own underground main line, the whole underground system from head gate to this property is solely for the use of this property. And we believe the future landscaping of trees and plants on the residential lots and farmed areas will further enhance the over-all benefits of living and working in and around this property.

Tony Elordi

Development Service's Canyon County

Request for ~~plot adjustment along with~~ modification of development agreement

N/A

Not  
applicable to  
application.

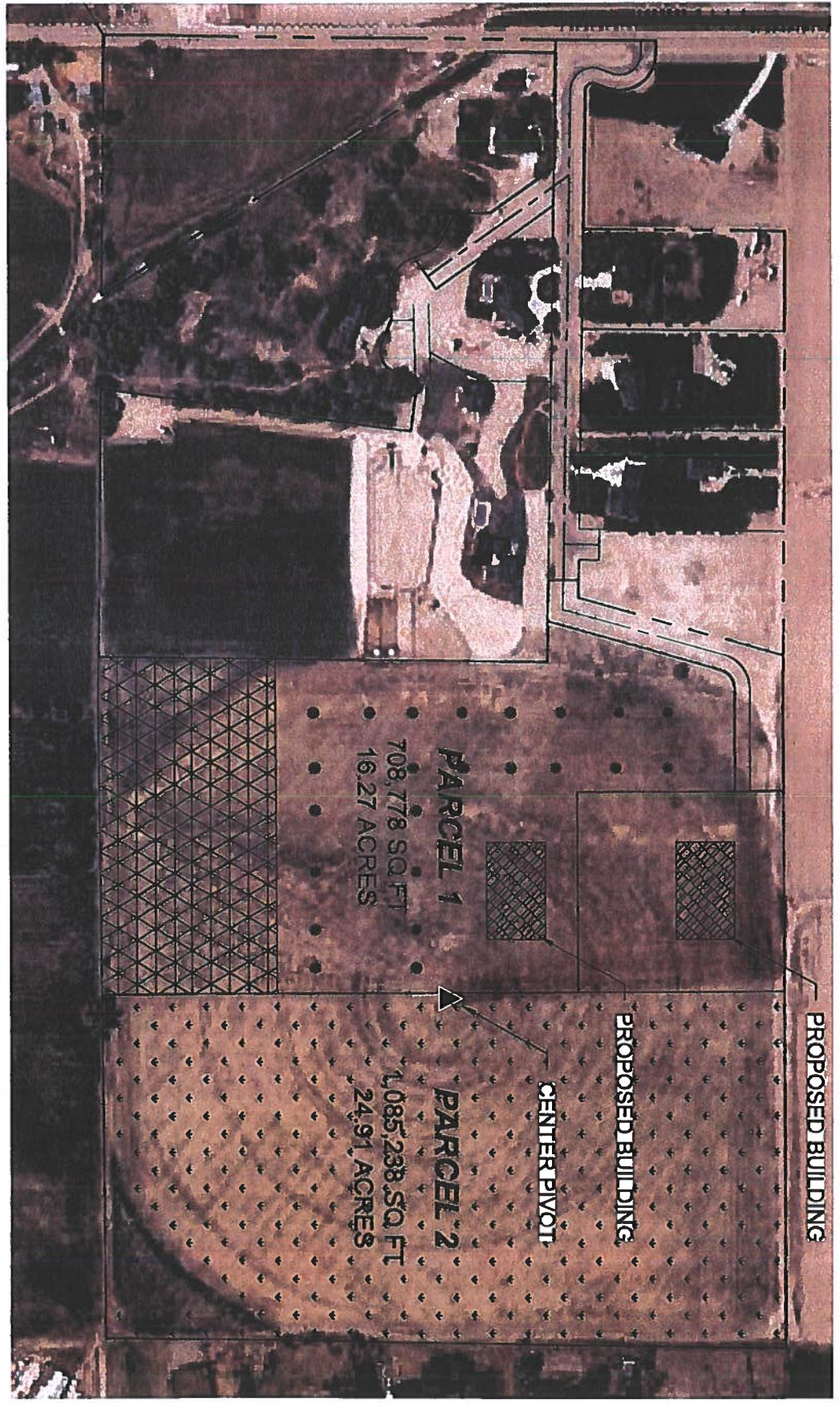
Irrigation: The existing irrigation delivery system will remain the same, this property has its own head gate from Wilder irrigation and is delivered from the Yarnell lateral via a 12-inch underground pipe to the NE corner of the property where it enters a 1200 gallon per min. filter it is then separated at the end of the filter into two mainlines controlled with a turn on/shut off valve for each mainline one to the pivot and farm ground and one to the subdivision and hand lines for the NW corner of lot 5, the entire irrigation system is gravity pressurized. Water to the subdivision is on 24/7 with 5 inches of water ordered in the spring and is on until shut off in the fall, each lot has its own water right and is paid to Wilder Irrigation each year, water for the farm is ordered on and off on a as needed basis, each lot is also accessed a yearly fee for irrigation and road maintenance. This delivery of water to the lots and farm has been approved by Wilder Irrigation Dist. The two additional lots will have their own water right.

We want to live on the farm which would be more economical and desirable. This is the only farm ground we own and we know we will need to be able to diversify in what we grow to be able to maintain, retain, and maximize production on a small farm.

Thank you for consideration,

Tony Elordi





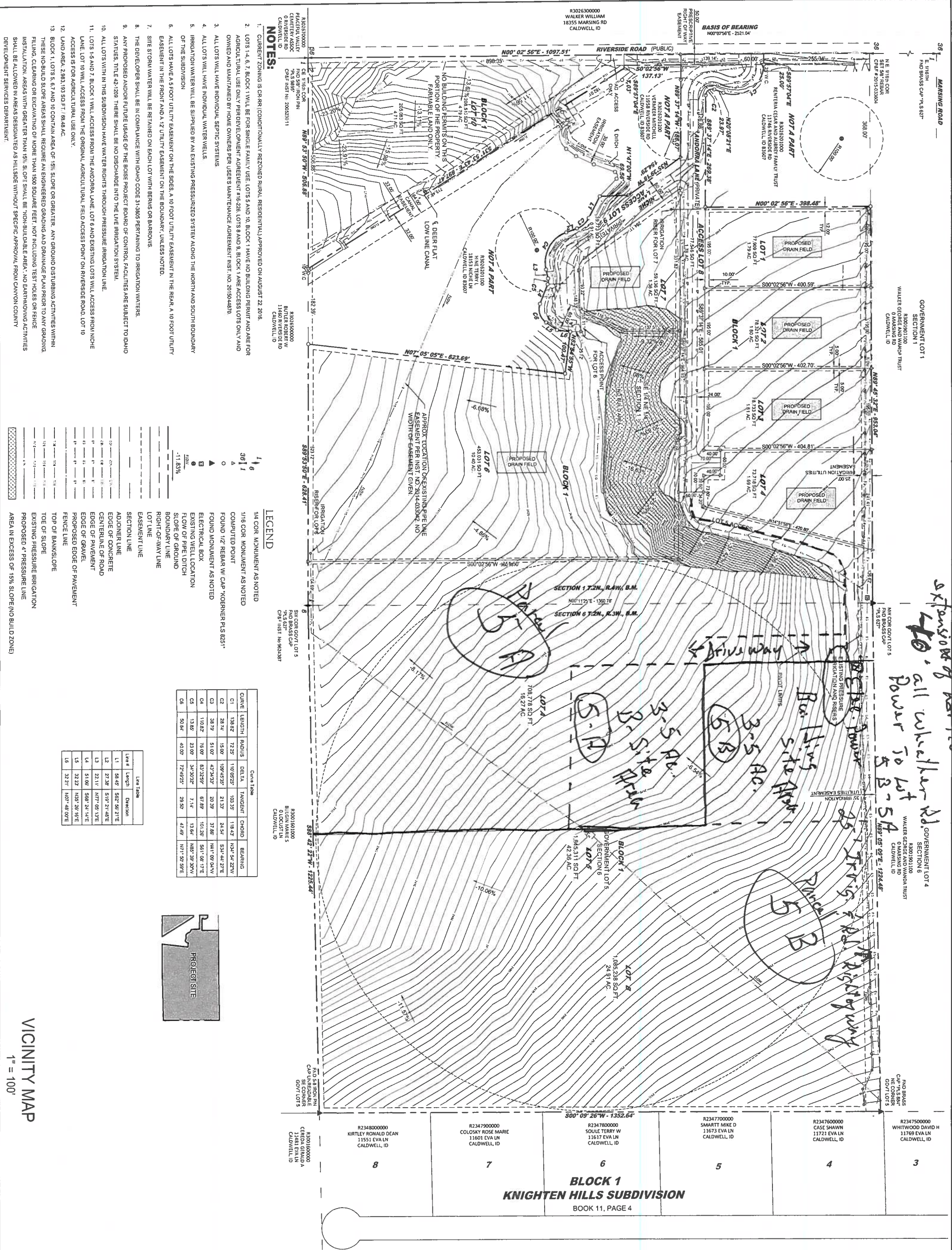
CONCEPT IMPROVEMENT PLAN  
GOV. LOT 5 SEC. 1 T2N R4W, B.M.  
CANYON COUNTY, ID

FILE: TONY CONCEPT 1.dwg



TIMBERLINE SURVEYING  
867 PARKCENTRE WAY, SUITE 1 NAMPA, IDAHO 83601  
208-465-5687





extension of Rd. Access lot. 8  
40' all wheelbar Rd. power to lot  
53-54  
WALKER SEAN  
GEM CAL  
1989 05'

<p><b>PRELIMINARY PLAT ANDORRA ESTATES SUBDIVISION</b></p> <p>GOVERNMENT LOT 5.06 SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, B.M., AND THE SE 1/4 OF THE 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 4 WEST, B.M., CANYON COUNTY, IDAHO</p> <p>2017-</p>	<p><b>DEVELOPER:</b> Tony Elordi 3304 Iowa Ave Caldwell, ID 83605 Mobile: (208) 880-8384</p>	<p><b>LEAVITT &amp; ASSOCIATES ENGINEERS, INC. STRUCTURAL / CIVIL SURVEYING</b></p> <p>1234 FIRST STREET SOUTH, MURRAY, IDAHO 83651 PHONE (208)463-4111/FAX (208)463-1670 FAX (208)463-3900</p>			<p><b>TIMBERLINE SURVEYING</b></p> <p>821 PARKCREST LANE, SHELLE, IDAHO 83801 208-856-5687</p>	<p>OFFICE PHONE</p>	<p>MOBILE</p>	<p>OFFICE FAX</p>
<p>OCTOBER, 13 2016</p>	<p>T= 100</p>	<p>1 OF 1</p>						



**Canyon County Board of Commissioners****Tony and Teresa Elordi, CR-PH2016-30 FCCO's**

Development Services Department

August 22, 2016

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

CR-PH2014-30 Elordi, Conditional Rezone A to RR

**Findings of Fact**

1. The applicant is requesting to conditionally rezone approximately 68.65 acres from "A" (Agriculture) to "CR-RR" (Rural Residential). Approximately 46.87 acres or 68% will be restricted to agricultural uses through a development agreement.
2. The applicant is requesting to enter into a Development Agreement with the County.
3. The subject property is currently zoned "A" (Agricultural) (Exhibit 7).
4. The subject property is designated "Agriculture" on the 2020 Comprehensive Plan Future Land Use Map (Exhibit 10).
5. The subject property is not located in an area of city impact.
6. There is currently a storage/shop structure on subject property.
7. The subject property has access to Riverside Road (public) via Niche Lane (private) (Exhibit 2 & 5).
8. The subject property is located within the Nampa Highway District, Marsing Fire District, Marsing School District, the Wilder Irrigation District, and Boise Project Board of Control for laterals and canals.
9. The subject property, R30262, has one residential permit available on 30.755 acres.
10. Platting is required for the proposed development. There are a total of four residential parcels on the original 40 acre parcel, R30262.
11. The subject property, R30018, is subject to a building permit relocation decision (AD2015-47) and has no residential permits available.
12. The application was noticed in accordance with Canyon County Code §07-05-01 as follows: The agency notices were sent on 05/19/2016. The P&Z legal notice was published on 06/13/2016. The property owner notice was distributed on 05/20/2016. The property was posted on 06/20/2016. For the BOCC hearing the legal notice was published on 08/04/2016, property owners and agencies were noticed on August 1, 2016 and the property was posted on 08/11/2016.
13. The record consists of exhibits 1-24, the case file CR-PH2016-30, and all other records herein.
14. The Planning and Zoning Commission recommended CR-PH2016-30 for Denial to the Board on July 7, 2016.

**Conclusions of Law**

For this request the Board finds and concludes the following regarding the Standards of Evaluation for a Conditional Rezone Amendment (§07-06-07 A):

**1. Is the proposed conditional rezone generally consistent with the comprehensive plan?**

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

Finding: The Future Land Use designation for the subject properties is agriculture. The developed properties, Knighten Hills Subdivision and West River Subdivision are designated residential and

¼ mile to the north the properties north of Marsing Road are designated residential. The proposed conditional rezone is generally consistent with the following comprehensive plan components:

- Land Use Component, Policy No. 2 which states, “*Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.*”
- Land Use Component Goal No. 5- “*Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural uses may occur in the same area.*” The area is a mix of agricultural and residential uses. If approved, the proposed use will be similar to the existing uses in the area.
- Land Use Component Policy No. 2- “*Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.*” The applicant will enter into a development agreement that will restrict development on approximately 68% of the agricultural subject properties. A subdivision plat is required to create the proposed development. This action will help to ensure that the agricultural land that is currently in production will primarily remain in agricultural production.
- Land Use Component Agriculture Policy No. 1- “*Encourage the protection of agricultural land for the production of food.*” Through the Development Agreement approximately 68% of the subject properties will remain in agricultural production.
- Land Use Component Agriculture Policy No. 2- “*Consider the use of voluntary mechanisms for the protection of agricultural lands.*” The applicant is voluntarily entering into a development agreement that will restrict the development of agricultural land.
- Section 8- Public Services, Facilities and Utilities Policy No. 3 “*Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.*” The subject property is located within the Marsing Fire District.
- Agriculture Component Goal No. 1- “*Acknowledge, Support and preserve the essential role of agriculture in Canyon County.*” A development agreement will ensure that approximately 68% of the subject properties will remain in agricultural use.
- Agriculture Component Goal No. 2- “*Support and encourage the agricultural use of agricultural lands.*”

**2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?**

Conclusion: The proposed conditional rezone is as appropriate as the current zoning designation.

Finding: The surrounding land uses are agricultural and rural residential although the zoning is agricultural. There are three platted subdivisions within a mile radius of the subject property (Exhibit 9). There are both larger irrigated farm fields and platted residential subdivision development adjacent to the subject properties.

**3. Is the proposed conditional rezone compatible with surrounding land uses?**

Conclusion: Yes, the proposed use is compatible with the surrounding land uses.

Finding: There are three platted subdivisions within one mile of the subject property with an average lot size of 1.99 acres. The applicant is proposing a conditional rezone to rural residential. The Rural Residential zone requires a minimum average residential lot size of two (2) acres. The applicant is proposing to develop six (6) residential lots with an average lot size of 3.34 acres along with a road lot on approximately 21.78 acres of the 68.65 acre subject properties. The remainder of the property, 46.87 acres more or less or 68% of the subject properties, will remain in agricultural production with no building permits available. The residential lot size is consistent with

development in the area and rural residential development and agricultural uses are compatible throughout the county.

**1. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?**

**Conclusion:** No, the proposed use will not negatively affect the character of the area with approximately 68% of the 68.65 acres remaining in agricultural production and will be subject to a Development Agreement.

**Finding:** The proposed use will not be injurious to other properties in the vicinity nor will it negatively change the essential character of this rural residential and agricultural area. Approximately 68% of the 68.65 acre subject property will remain in agricultural production.

**5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed conditional rezone?**

**Conclusion:** Yes, adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems will be provided to accommodate the proposed use.

**Finding:** The proposed use will not significantly change the existing services, irrigation or drainage on the property and the developers will be required to meet agency requirements at the time of development.

**6. Does the proposed conditional rezone require road improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?**

**Conclusion:** The development must meet the CCZO §07-10-03 Private Road and Driveway Requirements. Road improvements will be required to meet the Subdivision platting requirements for the development.

**Finding:** The proposed conditional rezone for the purpose of developing the subject property requires that a subdivision plat be completed. Road improvements are required for the proposed development plan. The addition of six residential lots on approximately 68.65 acres will not significantly impact existing or future traffic patterns on Riverside Road.

**7. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?**

**Conclusion:** Yes, legal access to the subject property exists via Niche Lane (private) to Riverside Road (public) (Exhibit 2 and 5).

**Finding:** Nampa Highway District #4, Exhibit 6, indicates that the development must meet highway district standards at the time of platting.

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

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

Finding: The proposed use will not require additional public funding to meet the needs created by the requested use and police, fire, and emergency medical services will be provided to the property.

**§07-06-07 B: Conditions must be met:** If the Commission recommends and the Board approves such order of preliminary rezoning, the order shall include any conditions, stipulations, restrictions or limitations which the Commission recommends and the Board finds are necessary to the public health, safety and welfare. Such conditions, stipulations, restrictions or limitations must be met before the “order of intent to rezone” is issued. The development agreement must be signed and recorded before final approval is given.

**§07-06-07 C: Conditions Incorporated Into Document:** Any conditions, stipulations, restrictions or limitations imposed pursuant to this section shall be incorporated as part of any site plan, plat, document of title of conveyance, and building permit relating to the restricted land.



**Order of Decision:**

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein the Board of County Commissioners order that Case #CR-PH2016-30, a request by Tony and Teresa Elordi for a **Conditional Rezone** of approximately 68.65 acres (R30262 and R30018) from "A" (Agricultural) Zone to "CR-RR" (CR-Rural Residential) Zone be **Approved** with the following conditions to be enumerated in a **Development Agreement**:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject properties, R30262 and R30018 shall be developed and platted in substantial conformance to the Site Plan in Attachment "A".
3. The development shall have six (6) residential lots with a minimum average residential lot size of two (2) acres.
4. Proposed Lots 5 and 9 shall not have residential building permits available and shall remain in irrigated agricultural production.
5. The applicants shall have a Road User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.
6. The development shall have pressurized irrigation to each lot.
7. The applicants shall have a Water User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.
8. Niche Lane, a private road, shall be constructed in accordance with the Canyon County Zoning Ordinance requirements at time of development.
9. The developer shall comply with CCZO §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."
10. The development shall comply with Boise Project Board of Control requirements as indicated in Exhibit 11.

APPROVED this 22 day of August, 2016.

  
Steven J. Rule, Chairman

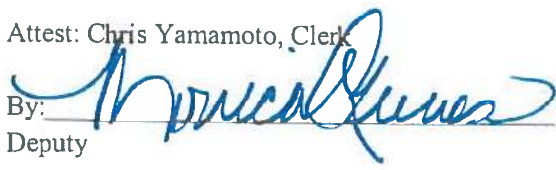
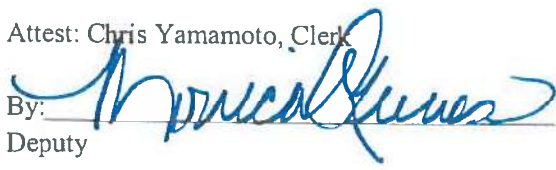
Yes	No	Did Not Vote
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
Commissioner Craig L. Hanson

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Commissioner Tom Dale

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Attest: Chris Yamamoto, Clerk  
  
By:   
Deputy

Date: 8-22-16



**EXHIBIT "B"****CONDITIONS OF APPROVAL FOR PH2016-30**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject properties, R30262 and R30018 shall be developed and platted in substantial conformance to the Site Plan in Exhibit "C".
3. The development shall have six (6) residential lots with a minimum average residential lot size of two (2) acres.
4. Proposed Lots 5 and 9 (Exhibit "C") shall not have residential building permits available and shall remain in irrigated agricultural production.
5. The applicants shall have a Road User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.
6. The development shall have pressurized irrigation to each lot.
7. The applicants shall have a Water User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.
8. Niche Lane, a private road, shall be constructed in accordance with the Canyon County Zoning Ordinance requirements at time of development.
9. The developer shall comply with CCZO §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."
10. The development shall comply with Boise Project Board of Control requirements as indicated in Exhibit "D".

**Notice of Neighborhood Meeting**  
**Modification of development Agreement**  
**Pre-application requirement for Public Hearing**

April 20, 2022

Dear Neighbor,

We are in the process of submitting an application/request to modify the development agreement for (lot 5 Blk 1 Andorra Estates 42.36 ac.) to allow for one (1) split and two (2) building permits as shown on the attached document to Canyon County Development Services. One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors. Along with our daughter and son in law we want to build and live on the property and continue to develop and enhance the acreage with an orchard, vineyard, and pasture, we believe this is still in line with the agricultural and open space envisioned in the develop agreement.

The meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a public hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the public hearing via postal mail, news paper publication, and/or a display on the property for which the application/request is applied.

**The Neighborhood Meeting:**

**Date: Thursday, May 19, 2022**

**Time: 6:30 PM**

**Location: Riverside Rd. and Andorra Ln. the end of Andorra Ln.**

**Lot 5 Blk 1 Andorra Estates**

**The project is summarized below:**

**Site location: Andorra Estates**

**Proposed access: Andorra Ln.**

**Total acreage: 42.36**

**Proposed lots: two (2)**

**SCANNED**

We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this request. This is a pre-application requirement and we have not submitted the application/request for consideration at this time. The County currently has no information on this request.

If you have any questions prior to the meeting, please feel free to contact me at 208-880-8384

Sincerely,

Tony and Terry Elordi

18128 Andorra Ln.

Caldwell, Idaho 83607

Joshua and Victoria Cowan

360 So. Del Mar Dr.

Sierra Vista, Az. 85635

**SCANNED**



**NEIGHBORHOOD MEETING SIGN-UP****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx)

Phone: 208-454-7458

Fax: 208-454-6633

**NEIGHBORHOOD MEETING SIGN UP SHEET****CANYON COUNTY ZONING ORDINANCE §07-01-15**

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

**SITE INFORMATION**

Site Address: <u>Lot 5 Blk 1 Andorra Ln.</u>	Parcel Number: <u>30262104 A0</u> <u>30262104 0</u>
City: <u>Caldwell</u>	State: <u>Id.</u> ZIP Code: <u>83607</u>
Notices Mailed Date: <u>4-26-22</u>	Number of Acres: <u>42.36</u> Current Zoning: <u>CR-RR</u>
Description of the Request: <u>Modification of Development Agreement</u>	

**APPLICANT / REPRESENTATIVE INFORMATION**

Contact Name: <u>Tony Ebirdi</u>
Company Name:
Current address: <u>18128 Andorra Ln.</u>
City: <u>Caldwell</u> State: <u>Id.</u> ZIP Code: <u>83607</u>
Phone:
Cell: <u>208-880-8384</u> Fax:
Email: <u>t46ebirdi@gmail.com</u>

**MEETING INFORMATION**

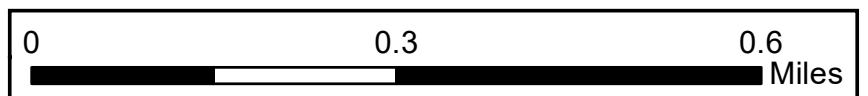
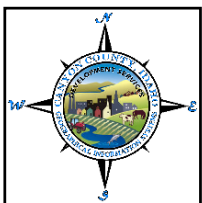
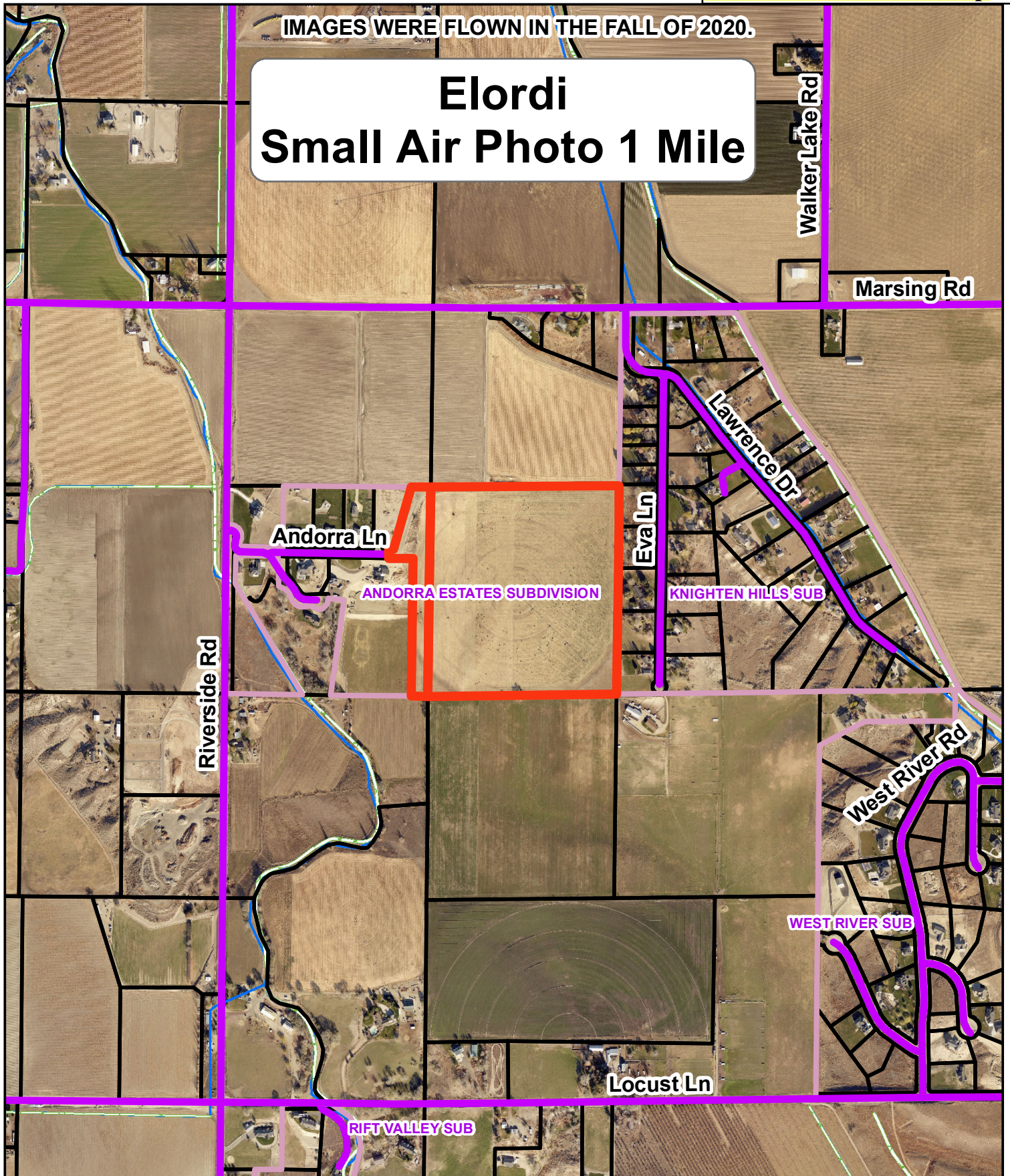
DATE OF MEETING: <u>5/19/22</u>	MEETING LOCATION: <u>Lot 5 - Andorra Ln.</u>	
MEETING START TIME: <u>6:30 P.M.</u>	MEETING END TIME: <u>7:15</u>	
ATTENDEES: <u>11</u>		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. <u>Ken and Jana Bosworth</u>	<u>[Signature]</u>	<u>11771 Eva Lane Caldwell 83607</u>
2. <u>Mike &amp; Teri Vermeulen</u>	<u>[Signature]</u>	<u>18155 Andorra Ln Caldwell 83607</u>
3. <u>LEO STAFFORD</u>	<u>[Signature]</u>	<u>11721 EVA LN Caldwell</u>
4. <u>Diana Terlesky</u>	<u>[Signature]</u>	<u>18153 Niche Ln Caldwell</u>
5. <u>Joy Beebe</u>	<u>[Signature]</u>	<u>18153 Niche Ln Caldwell</u>
6. <u>AUBREY &amp; CESAR RENTERIA</u>	<u>[Signature]</u>	<u>17440 RIVERSIDE RD. "</u>
7. <u>Eobelyn Duvon</u>	<u>[Signature]</u>	<u>18088 Andorra LN Caldwell</u>
8.		
9.		

**SCANNED**



IMAGES WERE FLOWN IN THE FALL OF 2020.

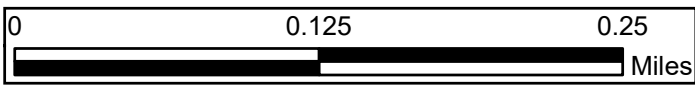
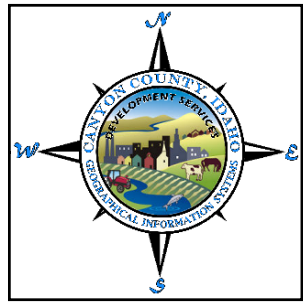
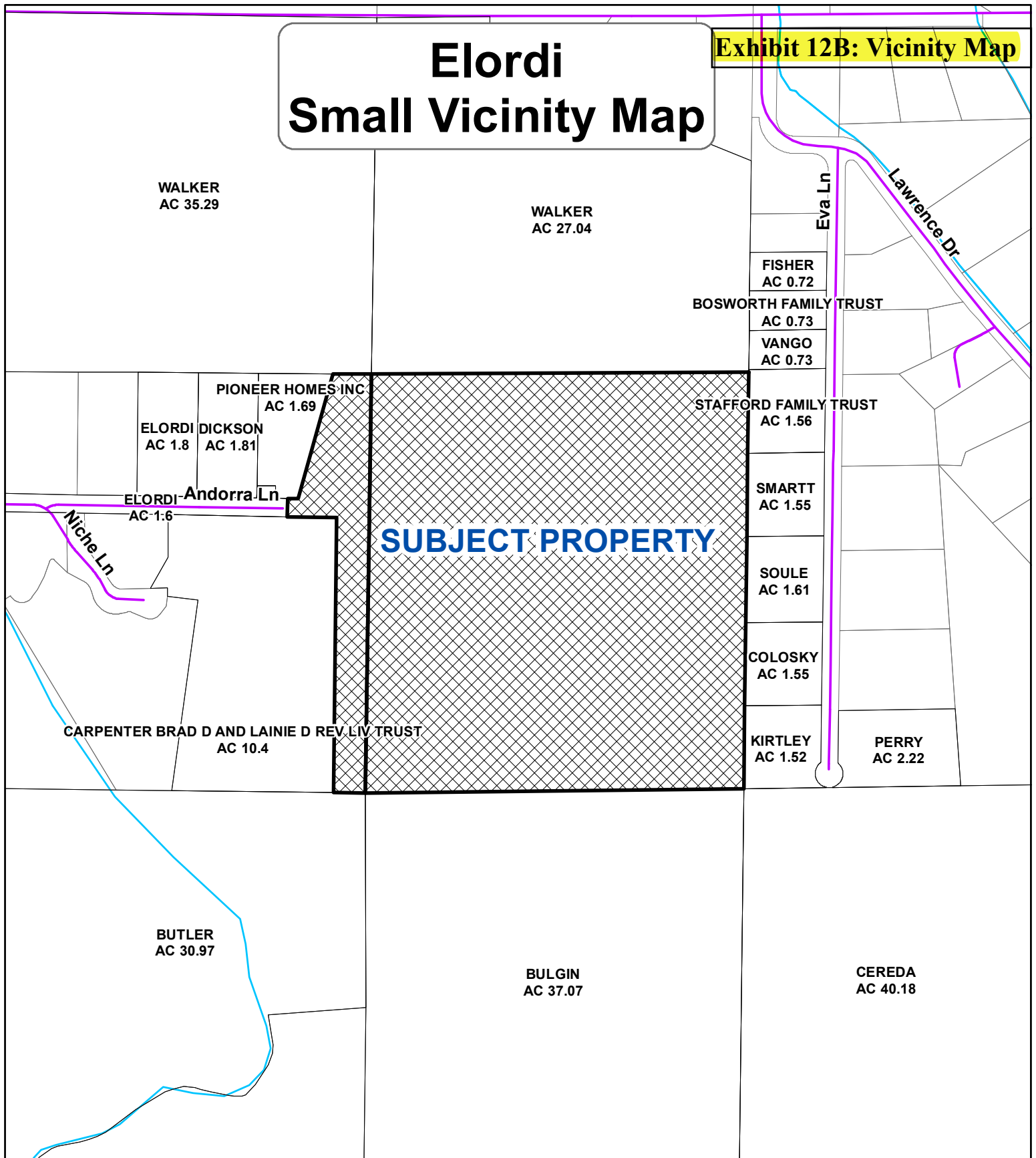
# Elordi Small Air Photo 1 Mile



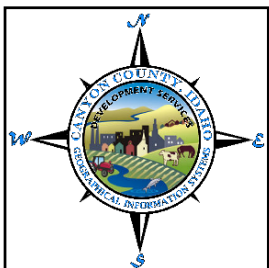
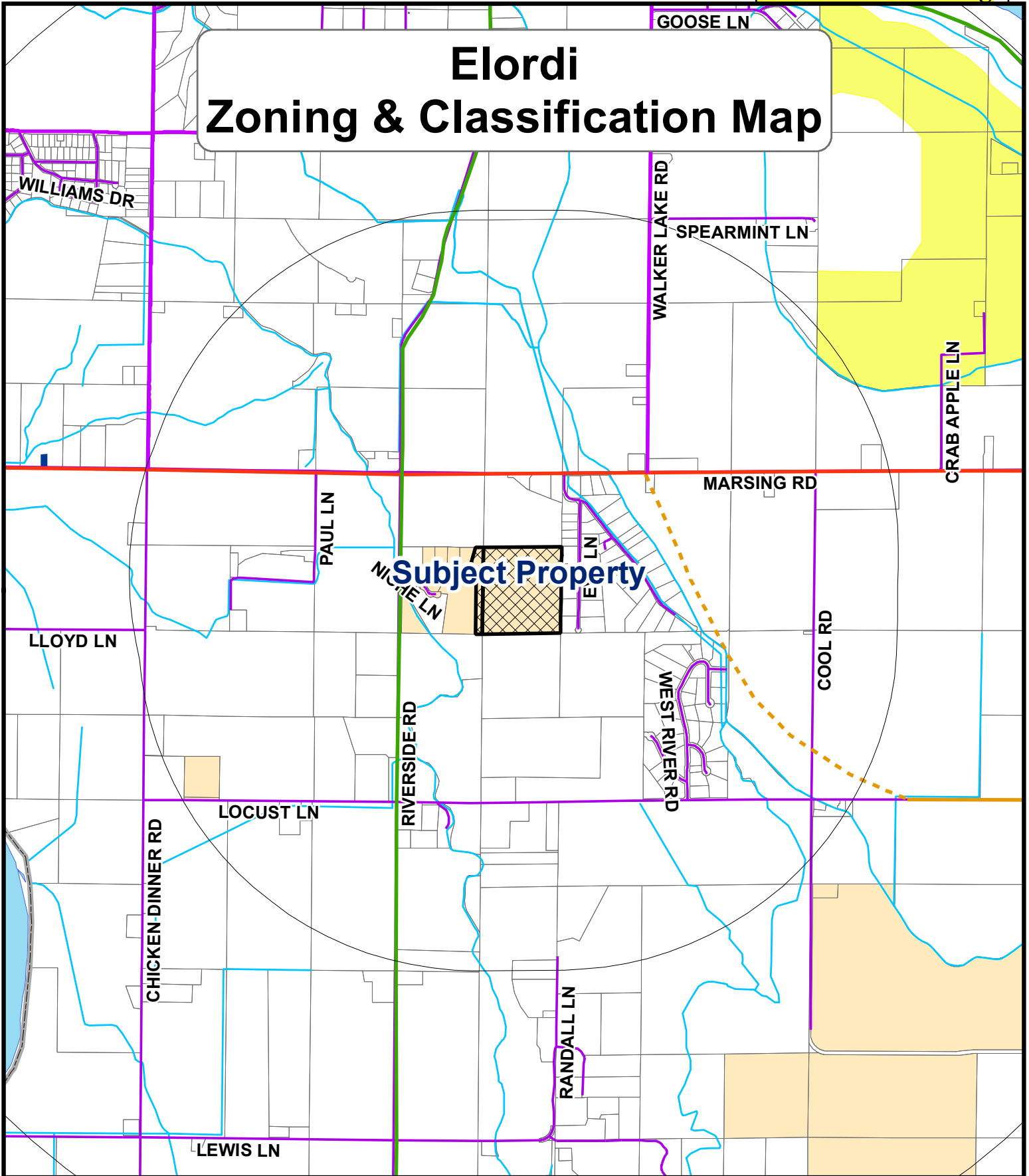


# Elordi Small Vicinity Map

Exhibit 12B: Vicinity Map

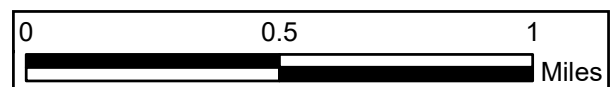


# Elordi Zoning & Classification Map

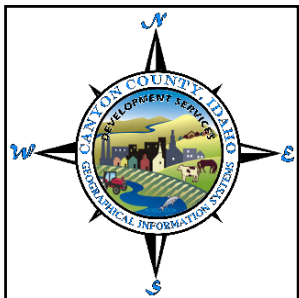
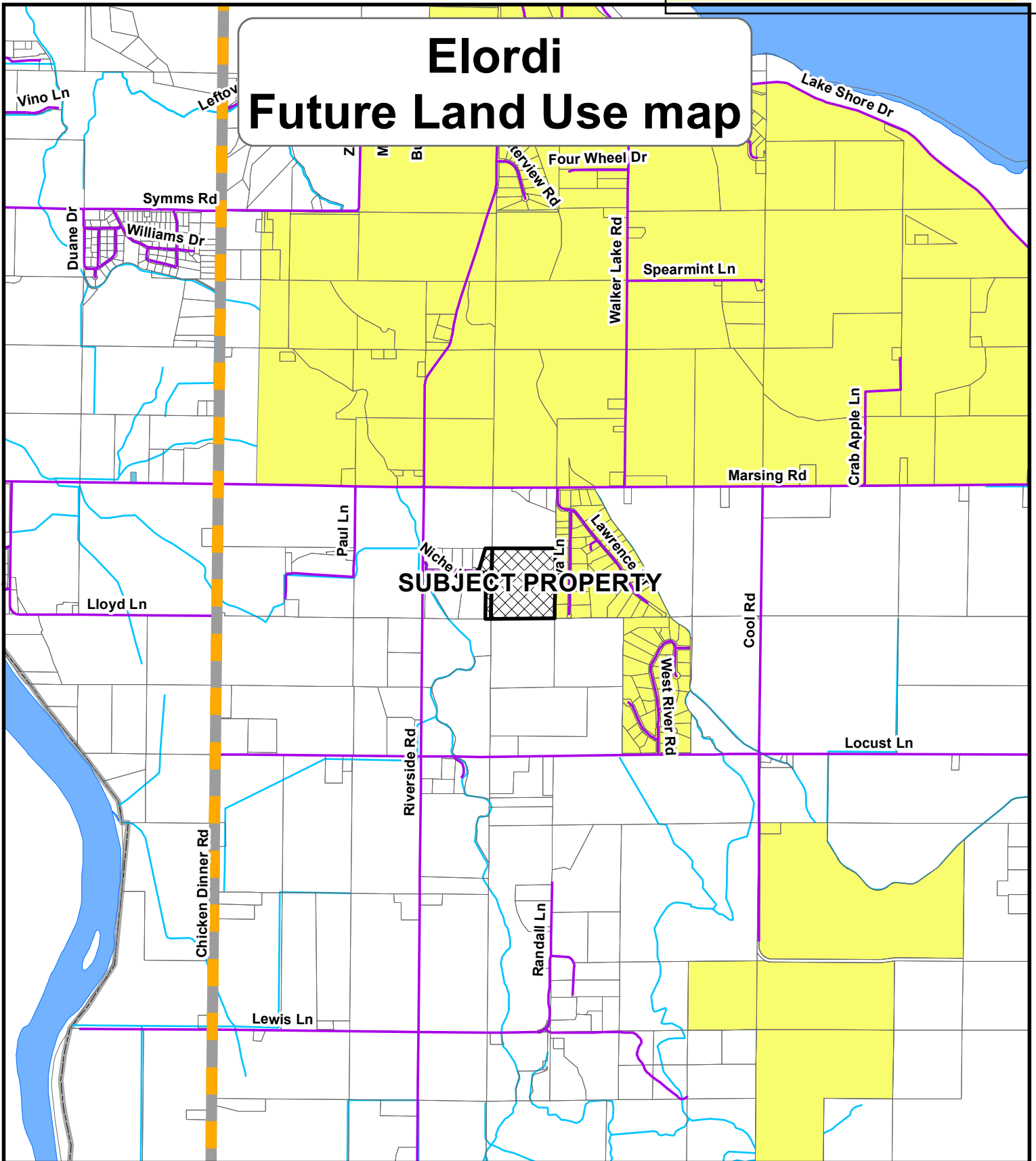


## ZONING

RR	R2	CR-C2	C
CR-RR	C1	M1	AG
R1	CR-C1	CR-M1	
CR-R1	C2	M2	

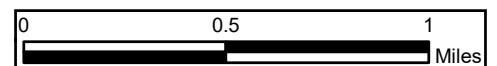


# Elordi Future Land Use map

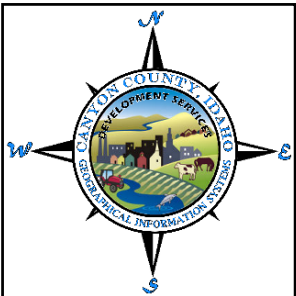
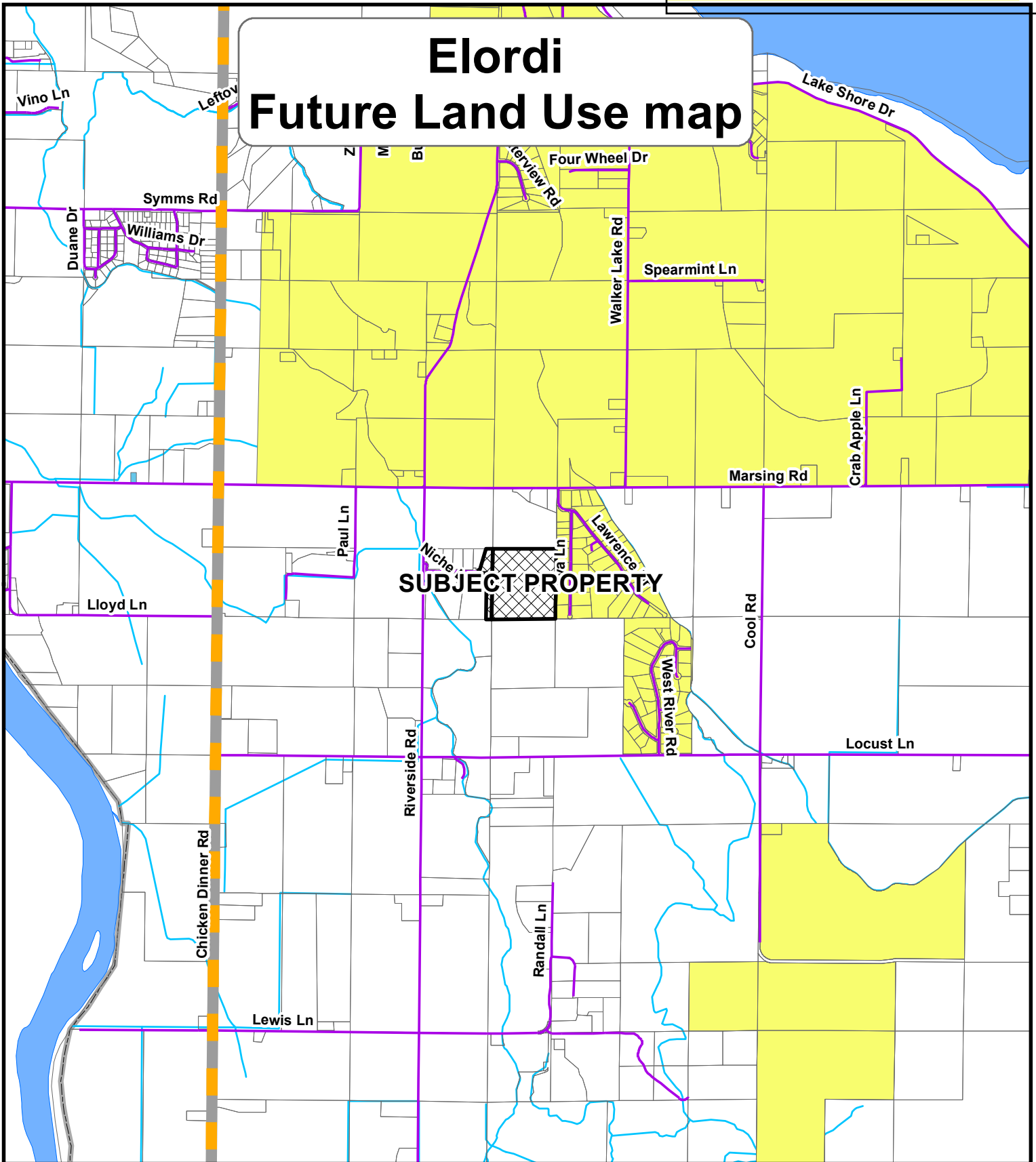


## Legend

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- Scenic\_Byway

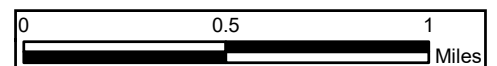


# Elordi Future Land Use map



## Legend

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- Scenic\_Byway





SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
5	244.54	94	2.60	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
36	7.44	1.65	0.49	40.18
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM

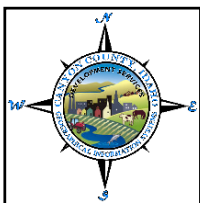
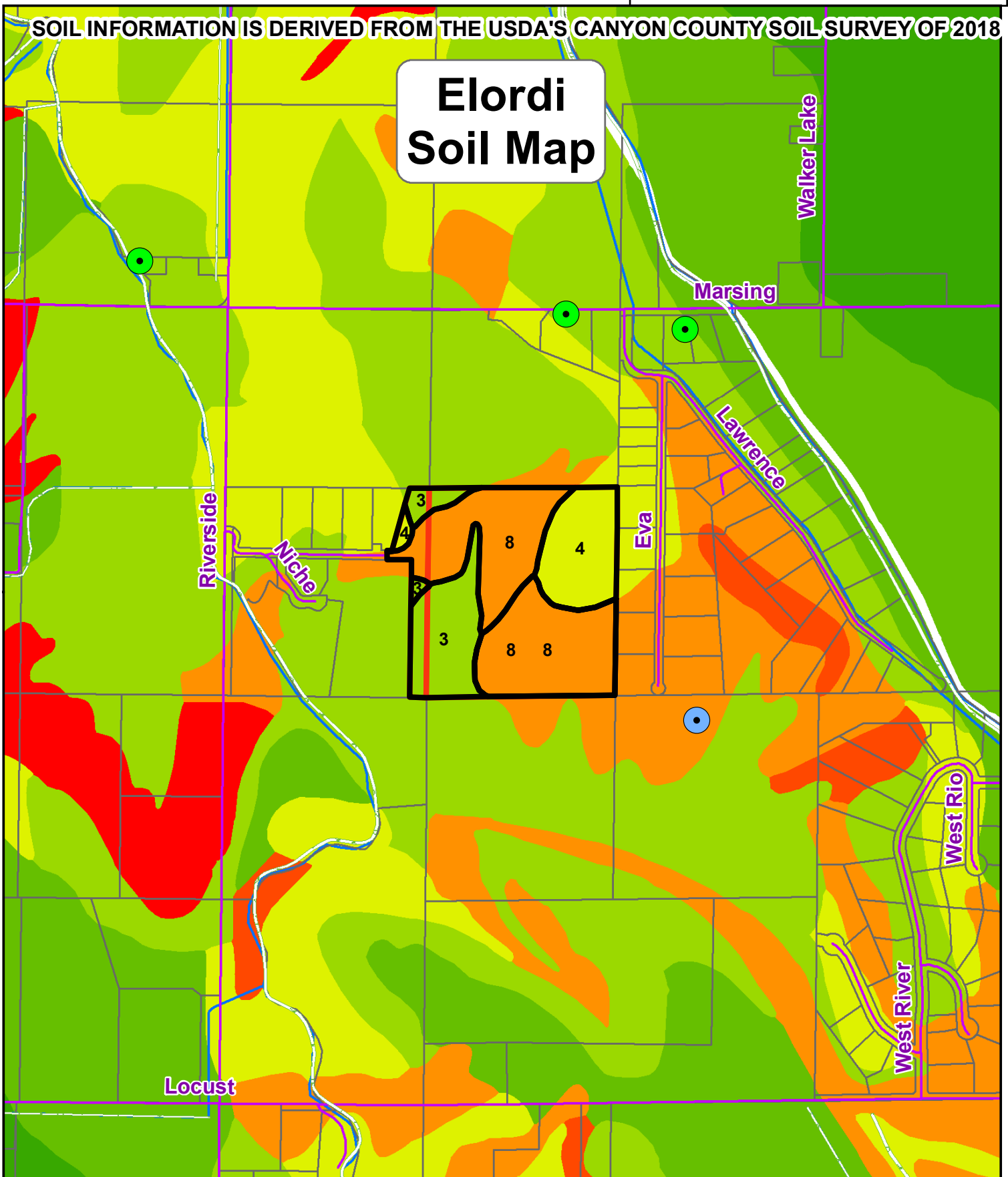
PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
KNIGHTEN HILLS SUB	1	2N3W06	85.51	43	1.99	COUNTY (Canyon)	1972
WEST RIVER SUB	2	2N3W06	72.83	38	1.92	COUNTY (Canyon)	2006
RIFT VALLEY SUB	3	2N4W12	8.75	3	2.92	COUNTY (Canyon)	2007
ANDORRA ESTATES SUBDIVISION	4	2N3W06, R2N4W01	68.74	9	7.64	COUNTY (Canyon)	2017
WILLIS SUBDIVISION	5	2N4W01	8.70	1	8.70	COUNTY (Canyon)	2017

SUBDIVISIONS IN PLATTING				
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	

MOBILE HOME & RV PARKS						
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...	

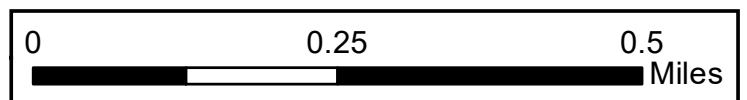
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

# Elordi Soil Map



- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- ▲ 10.000001 - 49.800000

- GEO-THERMAL LOCATIONS
- Wetlands



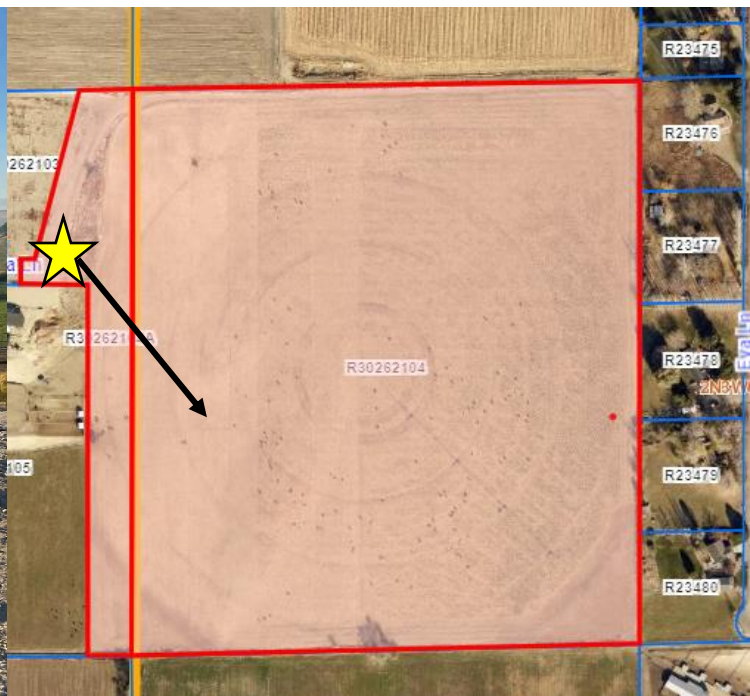
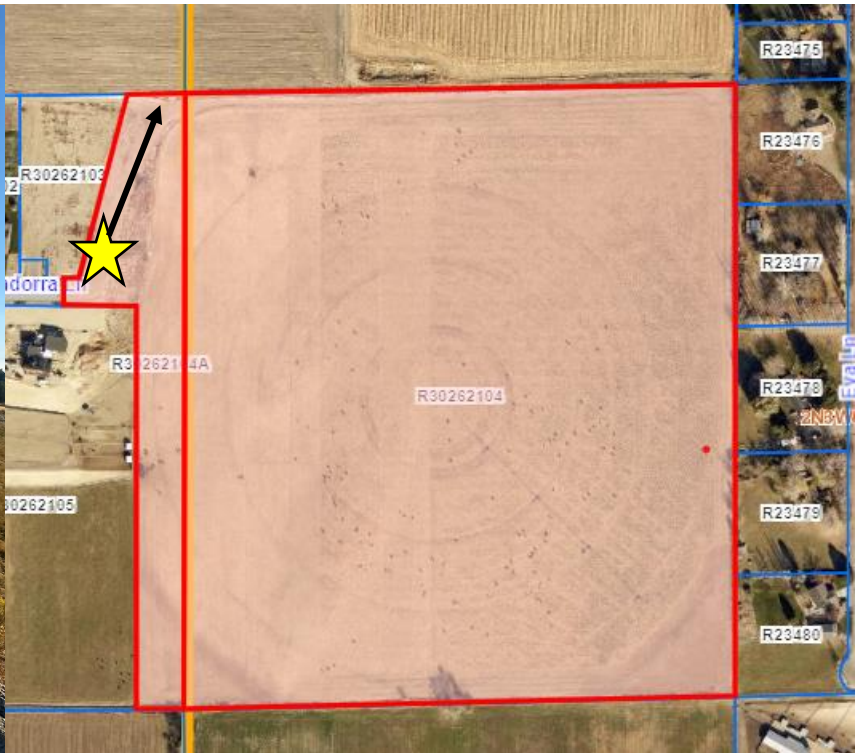
## SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
8	LEAST SUITED SOIL	530604.36	12.18	22.31%
4	MODERATELY SUITED SOIL	20473.20	0.47	0.86%
8	LEAST SUITED SOIL	530604.36	12.18	22.31%
3	MODERATELY SUITED SOIL	58806.00	1.35	2.47%
4	MODERATELY SUITED SOIL	352400.40	8.09	14.82%
3	MODERATELY SUITED SOIL	351137.16	8.06	14.77%
8	LEAST SUITED SOIL	522240.84	11.99	21.96%
3	MODERATELY SUITED SOIL	11804.76	0.27	0.50%
		2378071.08	54.59	100%

## FARMLAND REPORT

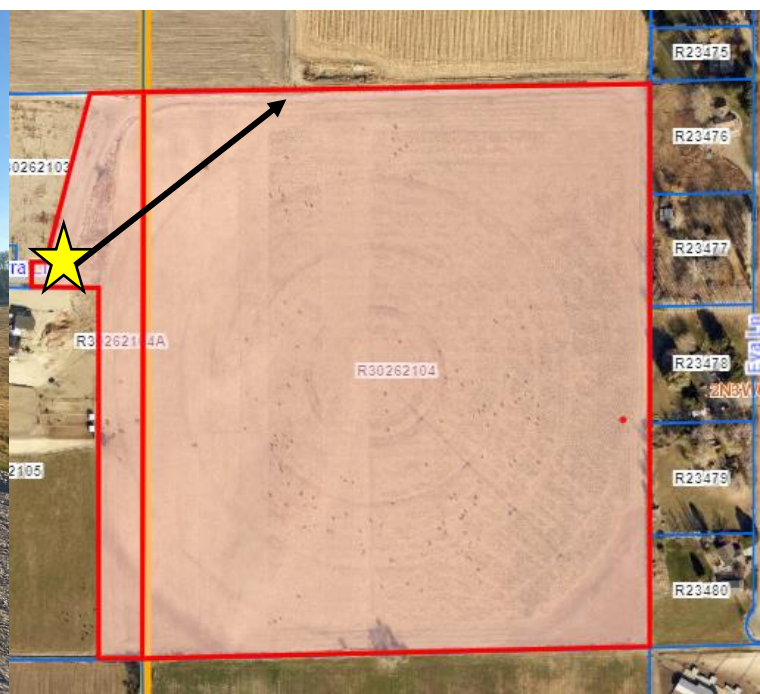
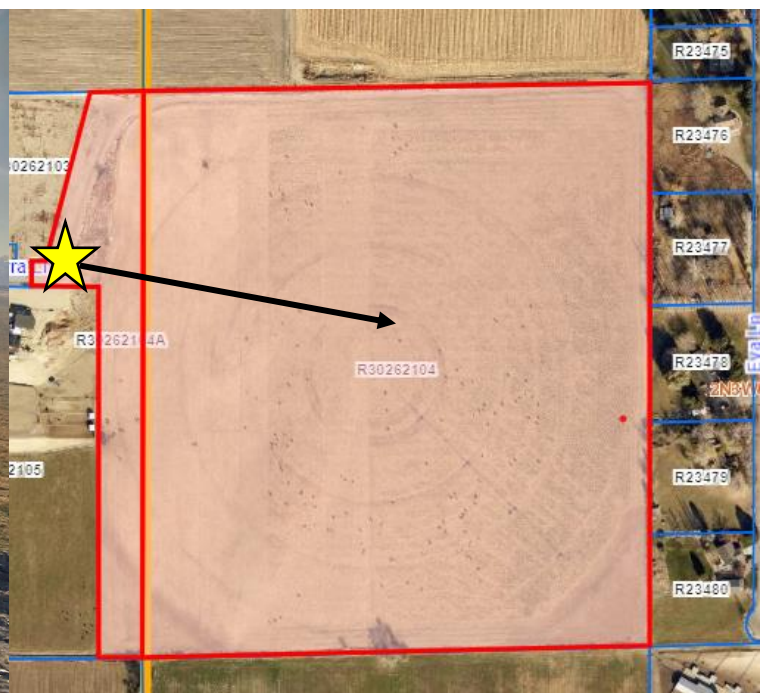
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
VaE	Not prime farmland	530604.36	12.18	22.31%
FeC	Prime farmland if irrigated	20473.20	0.47	0.86%
VaE	Not prime farmland	530604.36	12.18	22.31%
TuC	Prime farmland if irrigated	58806.00	1.35	2.47%
TuD	Farmland of statewide importance, if irrigated	352400.40	8.09	14.82%
TuC	Prime farmland if irrigated	351137.16	8.06	14.77%
TuE	Not prime farmland	522240.84	11.99	21.96%
VaB	Prime farmland if irrigated	11804.76	0.27	0.50%
		2378071.08	54.59	100%

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018





## Exhibit 13: Site Photos





**Hydro Logic, Inc.**102 South 17th Street, Suite 100 Boise, ID 83702 (208) 342-8369, [ed@hydrologicinc.net](mailto:ed@hydrologicinc.net)*This was done on a  
17 lot concept for Lot 5 B/K  
Andorra Estates*October 6, 2021

Brad Carpenter  
Western Mountain  
2023 East Sherman Avenue  
Nampa, Idaho 83686  
[bradc@westernmountain.com](mailto:bradc@westernmountain.com)

Re: Ground Water Development Potential and Expected Effects of Planned  
Pumping from the Shallow Aquifer Underlying Andorra Estates

Dear Brad,

You asked me to take a look at the availability and sustainability of ground water resources existing beneath your proposed 42-acre Andorra Estates Subdivision in Canyon County (Figure 1) with the understanding you intend for each of the planned 17 home lots to have water supply from a single-family domestic well and, specifically, that I comment on how the proposed water use might affect area ground water levels through well-to-well water level interference effects during future pumping.

**1) LOCAL AREA WELL DRILLER'S REPORTS:**

- a. I downloaded and reviewed six of the nearest representative Well Driller's Reports from the Idaho Department of Water Resources (IDWR) on-line Well Log Database (Appendix A).
- b. The six wells were drilled by four different drilling companies but the observed and reported drilled geologic section was described as the same by each of the drillers.
- c. The area wells are drilled within a narrow depth range between 164-ft to 208-ft below ground level (bgl) and this is the first (uppermost) aquifer unit underlying the site. More expensive deeper wells were not required here because of the productivity of shallow aquifer.
- d. The completion intervals (well screens) for these wells also are over a narrow range of 140-ft to 208-ft bgl such that the existing local area wells are drawing from the same cemented/fractured sandstone aquifer which is overlain, and protected, by a consistent, relatively thick, low-permeability clay section of 100-to-148-ft thick and capped by an evaporative caliche (hardpan) layer.

- e. Non-pumping water levels in the representative wells range between 94-ft to-108-ft bgl and are confined aquifer pressures whereby the water levels have risen higher in the wells than the depth at which water was first encountered during drilling.
- f. These wells all meet the IDWR's current casing seal depth requirements and appear well-sealed from surface land use activities.
- g. Reported short-term (1-2 hours) test pumping rates for typical domestic 6-inch diameter wells at this location range between 40-to-80 gallons per minute (gpm); well above the allowable domestic water right diversion rate of 9 gpm. The reported water level drawdowns from the pumping tests are incorrect; only reflecting the depth of the air-line used to produce water from the well. The "Elordi" well, however, does appear to have a believable drawdown value of 32-ft for a specific capacity of 1.6 gpm/ft of drawdown which is higher than typical domestic wells in the area.

## **2) NEARBY WATER LEVEL MONITORING SITE:**

- a. IDWR monitors water levels in the "Shiley" well located approximately ~1-mile west of Andorra Estates (Figure 1 & Appendix A).
- b. The non-pumping water levels in the Shiley well, which are remarkably stable over the 25-year period of record (Figure 2), show no long-term declines in ground water levels. Indeed, applying a linear regression to the available data shows a slightly rising trend.
- c. Adjusted for topography, the Shiley water levels are equivalent to the water levels reported on Well Driller's Reports for the Andorra area; in other words, it monitors the same aquifer depth as the local domestic wells adjacent to Andorra (Appendix A).

## **3) MAGNITUDE OF PROPOSED GROUND WATER WITHDRAWALS:**

- a. The proposed subdivision development lands are currently irrigated with surface water from the Boise River, supplied by Wilder Irrigation District. This supply will continue to be used for all irrigation demands of subdivision common areas and the 17 individual (~ 2-acre) properties such that the domestic "in-house ground water use will be very small (perhaps on the order of < 250 gallons per day times 17 homes = ~ < 5,000 gpd) derived from wells spread out across the 42-acre property. The adjoining existing Andorra subdivision lots are also irrigated with surface water.
- b. Under the so-called "de minimis" single family domestic water right recognized by IDWR under state law, households are able to pump 13,000



gallons of ground water per day from their domestic wells that does not require filing a formal water right application. Most of that volume is for the allowable irrigation of ½-acre which will not be needed at Andorra Estates because of the available surface water.

**4) ESTIMATED LONG-TERM EFFECTS TO THE AQUIFER PRESSURES (WATER LEVELS IN WELLS) FROM PUMPING THE ANDORRA DOMESTIC WATER SUPPLY WELLS:**

- a. The available data suggest a productive aquifer underlies the property easily capable of providing the anticipated water supply.
- b. It is my professional opinion that the effects of the proposed new ground water withdrawals will be so small as to be unmeasurable.
- c. Should the domestic wells ever be desired to be used for irrigation beyond ½-acre, a formal water right application would need to be filed and publicly advertised (subject to protest). Because the proposed 17 homes are to be irrigated under existing appurtenant Wilder Irrigation District surface water rights (Boise Project Board of Control) from the Boise River, no such water right applications are needed.
- d. There are no current data suggesting declining water levels in existing wells, the proposed use is very small, and I have no concerns about effects to existing wells or senior-priority water rights from the proposed wells.

I hope the above information addresses your concerns but please do call if you have any additional questions.

All for now.  
Ed

Ed Squires

*Hydro Logic, Inc.*

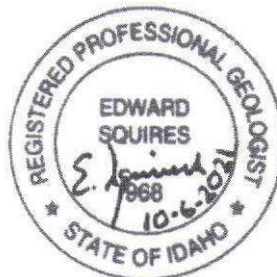
102 S 17<sup>th</sup> Street

Boise, ID 83702

Office: (208) 342-8369

Cell: (208) 631-6781

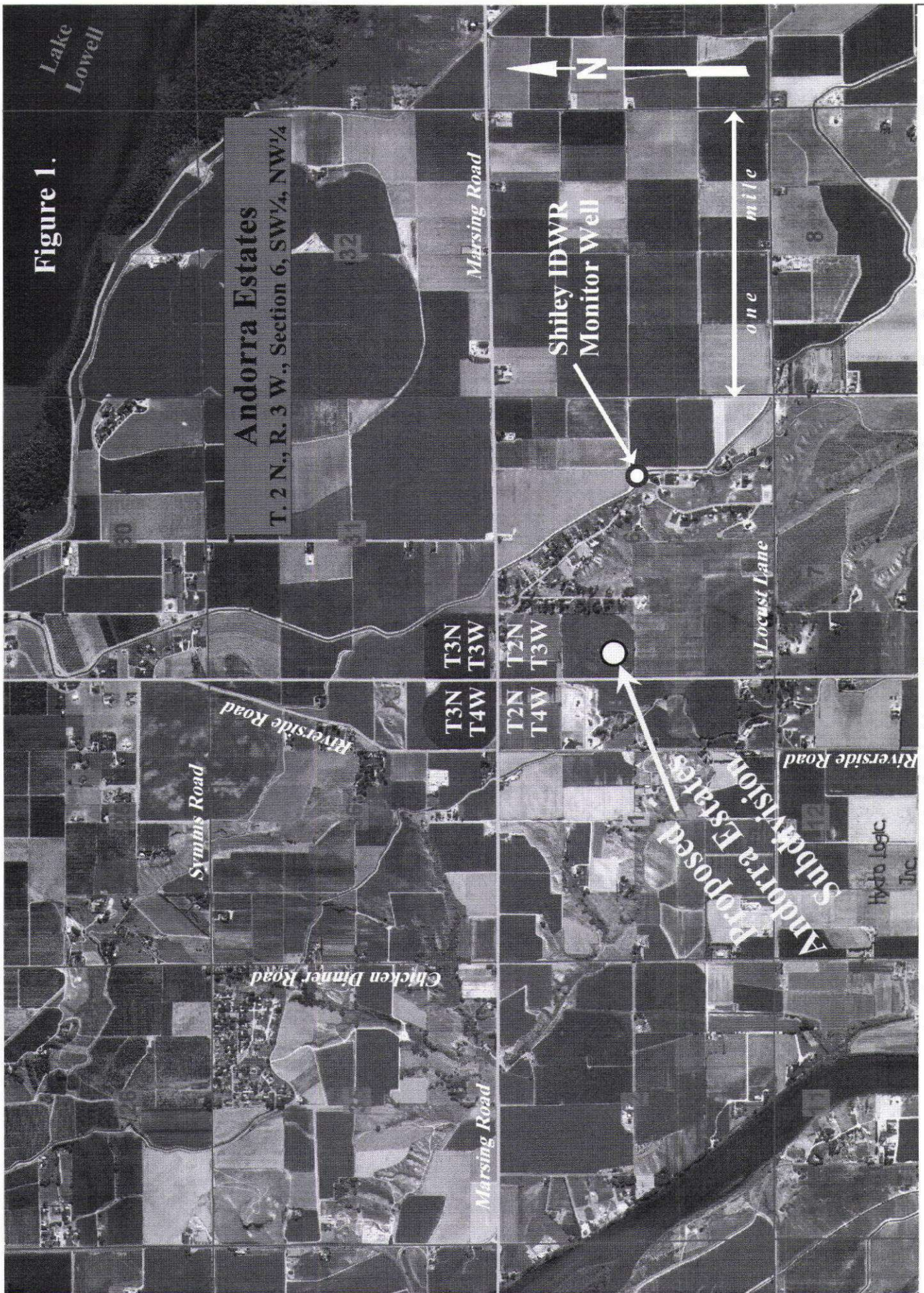
[ed@hydrologicinc.net](mailto:ed@hydrologicinc.net)





**FIGURES**





**Figure 1.** Location of proposed Andorra Estates Subdivision located in southwest Canyon County, Idaho approximately 2.5-miles southwest of Lake Lowell showing location of nearest IDWR Monitor Well (Shiley). Base map is a Google Earth aerial photo taken on 7-19-2018.



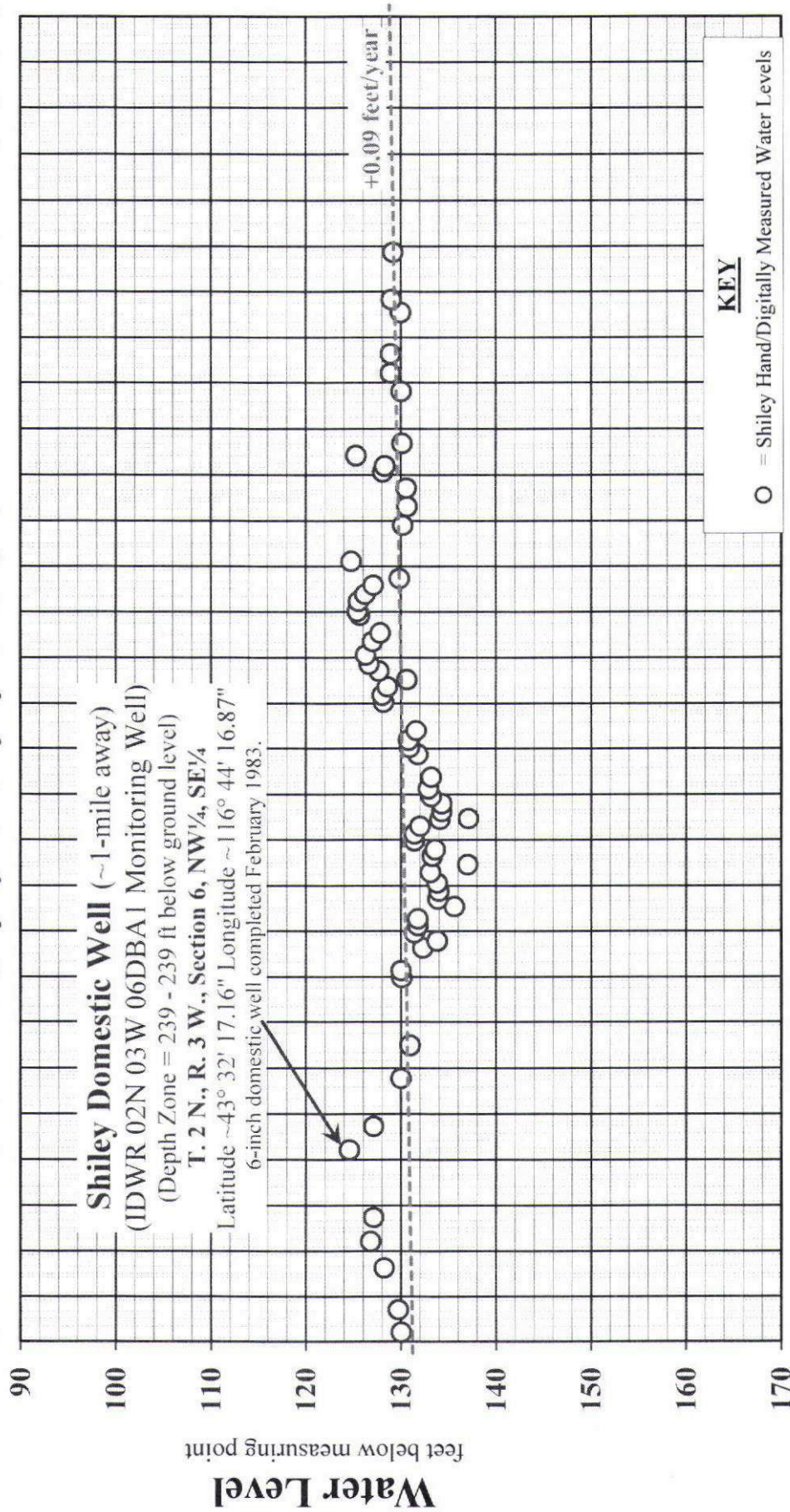
# Long-Term Water Levels in the Shiley Monitor Well Near Andorra Estates Subdivision

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Well Monitoring by IDWR

Date

Jan 1996 Jan 1997 Jan 1998 Jan 1999 Jan 2000 Jan 2001 Jan 2002 Jan 2003 Jan 2004 Jan 2005 Jan 2006 Jan 2007 Jan 2008 Jan 2009 Jan 2010 Jan 2011 Jan 2012 Jan 2013 Jan 2014 Jan 2015 Jan 2016 Jan 2017 Jan 2018 Jan 2019 Jan 2020 Jan 2021 Jan 2022 Jan 2023 Jan 2024 Jan 2025



**Figure 2 -** Hydrograph of non-pumping water levels measured by the Idaho Department of Water Resources in the "Shiley" domestic well for the period 1996-to-2019. The Shiley well is located approximately 4,800-ft east of the proposed Andorra Estates subdivision wells. The water levels have remained remarkably stable; fluctuating between 125 and 137-ft below ground level with an overall slight rising trend of +0.09-ft/year. There are no signs of well-to-well interference effects from nearby pumping wells. When the Shiley well was completed in February of 1983, the water level was reported at 130-ft bgl; further supporting stability.

Figure 2.




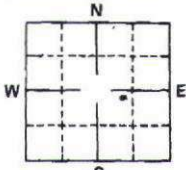
**APPENDICES**



Form 238-7  
1/78STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESUSE TYPEWRITER OR  
BALLPOINT PEN

## WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources  
within 30 days after the completion or abandonment of the well.

<b>1. WELL OWNER</b> Name <u>DONNA SHILEY</u> Address <u>CALDWELL IDAHO</u> Owner's Permit No. _____	<b>7. WATER LEVEL</b> Static water level <u>130</u> feet below land surface. Flowing? <input type="checkbox"/> Yes <input type="checkbox"/> No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: <input type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug Temperature _____ °F. Quality <u>96RNS.</u>																																																										
<b>2. NATURE OF WORK</b> <input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement <input type="checkbox"/> Abandoned (describe method of abandoning) _____	<b>8. WELL TEST DATA</b> <input type="checkbox"/> Pump <input checked="" type="checkbox"/> Bailer <input type="checkbox"/> Air <input type="checkbox"/> Other _____																																																										
<b>3. PROPOSED USE</b> <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Test <input type="checkbox"/> Municipal <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Stock <input type="checkbox"/> Waste Disposal or Injection <input type="checkbox"/> Other _____ (specify type)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td style="text-align: center;"><u>15</u></td> <td style="text-align: center;"><u>160</u></td> <td style="text-align: center;"><u>2</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>15</u>	<u>160</u>	<u>2</u>																																																				
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<b>4. METHOD DRILLED</b> <input type="checkbox"/> Rotary <input type="checkbox"/> Air <input type="checkbox"/> Hydraulic <input type="checkbox"/> Reverse rotary <input checked="" type="checkbox"/> Cable <input type="checkbox"/> Dug <input type="checkbox"/> Other _____	<b>9. LITHOLOGIC LOG</b> <span style="float: right;"><b>83258</b></span> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Hole Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">6</td> <td style="text-align: center;">0</td> <td style="text-align: center;">12</td> <td>BROWN CLAY</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">12</td> <td style="text-align: center;">55</td> <td>GRAVEL</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">55</td> <td style="text-align: center;">65</td> <td>BROWN SAND</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">65</td> <td style="text-align: center;">85</td> <td>BROWN CLAY</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">85</td> <td style="text-align: center;">155</td> <td>SANDY BROWN CLAY</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">155</td> <td style="text-align: center;">235</td> <td>BROWN QUICK SAND</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">235</td> <td style="text-align: center;">247</td> <td>BROWN CLAY</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">247</td> <td></td> <td>BROWN SAND</td> <td></td> <td></td> </tr> </tbody> </table>	Hole Diam.	Depth		Material	Water		From	To	Yes	No	6	0	12	BROWN CLAY				12	55	GRAVEL				55	65	BROWN SAND				65	85	BROWN CLAY				85	155	SANDY BROWN CLAY				155	235	BROWN QUICK SAND				235	247	BROWN CLAY				247		BROWN SAND		
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<b>5. WELL CONSTRUCTION</b> Casing schedule: <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><u>250</u> inches</td> <td style="text-align: center;"><u>6</u> inches</td> <td style="text-align: center;"><u>1</u> feet</td> <td style="text-align: center;"><u>239</u> feet</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Was casing drive shoe used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Perforated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No How perforated? <input type="checkbox"/> Factory <input type="checkbox"/> Knife <input type="checkbox"/> Torch Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Well screen installed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>18</u> Material used in seal: <input type="checkbox"/> Cement grout <input checked="" type="checkbox"/> Puddling clay <input type="checkbox"/> Well cuttings Sealing procedure used: <input type="checkbox"/> Slurry pit <input type="checkbox"/> Temp. surface casing <input checked="" type="checkbox"/> Overbore to seal depth Method of joining casing: <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Welded <input type="checkbox"/> Solvent <input type="checkbox"/> Cemented between strata Describe access port _____	Thickness	Diameter	From	To	<u>250</u> inches	<u>6</u> inches	<u>1</u> feet	<u>239</u> feet													Number	From	To										<div style="text-align: center;">         OCT 23 1983        Department of Water Resources        Boise Regional Office     </div>																										
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Number	From	To																																																									
<b>6. LOCATION OF WELL</b> Sketch map location must agree with written location. <div style="display: flex; align-items: center;">  <div style="margin-left: 20px;">         Sub <u>MICROFILMED</u>          Lot No. _____ Block No. _____          County <u>CANYON</u>  <u>NW 1/4 Sec. 6 T. 2 N. R. 3 W.</u> </div> </div>	<b>10.</b> Work started <u>1-24-83</u> finished <u>2-3-83</u>  <b>11. DRILLERS CERTIFICATION</b> <u>or</u> <u>or</u> I/We certify that all minimum well construction standards were complied with at the time the rig was removed. <u>KENNE</u> Firm Name <u>HETTER DRL.</u> Firm No. <u>93</u> <u>RT-2</u> Address <u>HOEDALE IDA</u> Date <u>2-4-83</u> Signed by (Firm Official) <u>Kenneth M. Gu</u> and (Operator) _____																																																										

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT











Form 238-7  
6/07IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORT

## 1. WELL TAG NO. D0077409

Drilling Permit No. 884819  
Water right or injection well # \_\_\_\_\_

## 2. OWNER:

Name Musell Construction (Mike Vermeer)  
Address P.O. Box 3304  
City Nampa State Idaho Zip 83653

## 3. WELL LOCATION:

Twp. 2 North ☒ or South ☐ Rge. 4 East ☐ or West ☒  
Sec. 1 1/4 SE 1/4 NE 1/4Gov't Lot \_\_\_\_\_ County Canyon  
Lat. 43 ° 32.442'N (Deg. and Decimal minutes)  
Long. 116 ° 45.342'W (Deg. and Decimal minutes)  
Address of Well Site 18155 Andorra Ln.City Caldwell  
(Name of town, village or city or Distance to Road or Landmark)  
Lot 7 Blk. 1 Sub. Name Andorra Estates

## 4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection  
☐ Other \_\_\_\_\_

## 5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well  
☐ Abandonment ☐ Other \_\_\_\_\_

## 6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other \_\_\_\_\_

## 7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft)	Placement method/procedure
3/8" Bentonite	0	46	1250 lbs.	10" Overbore

## 8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
6"	2	157	.250	Steel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.5"	143	163	SD17	PVC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 157'

## 9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method \_\_\_\_\_Manufactured screen ☒ Y ☐ N Type Certa-Lock PVC ScreensMethod of installation Drop In

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
163	183	.020	20'	4.5"	PVC	SDR17

Length of Headpipe 20' Length of Tailpipe N/APacker ☒ Y ☐ N Type Rubber K-Packer

## 10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft)	Placement method
N/A				

## 11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) \_\_\_\_\_

Describe control device \_\_\_\_\_

## 12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) \_\_\_\_\_ Static water level (ft) 100'Water temp. (°F) Cold Bottom hole temp. (°F) \_\_\_\_\_Describe access port 6" Turtle Cap

## Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
160'	60 GPM	1 HR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Test method:

Water quality test or comments: \_\_\_\_\_

## 13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
10"	0	2	Top Soil		X
	2	13	Hard Pan		X
	13	44	Brown Clay		X
6"	44	138	Sandy Brown Clay		X
	138	150	Sandy Clay w/ Sand	X	
	150	153	Sand	X	
	153	162	Sandy Brown Clay		X
	162	183	Cemented Sand	X	

RECEIVED

MAR 21 2018

WATER RESOURCES  
WESTERN REGIONCompleted Depth (Measurable): 183'Date Started: Jan 23, 2018Date Completed: Jan 26, 2018

## 14. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Dennis Phipps Well Drilling Inc Co. No. 332\*Principal Driller [Signature] Date Jan 26, 2018

\*Driller \_\_\_\_\_ Date \_\_\_\_\_

\*Operator II [Signature] Date Jan 26, 2018

Operator I \_\_\_\_\_ Date \_\_\_\_\_

\* Signature of Principal Driller and rig operator are required.







Form 238-7  
6/07IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORT1. WELL TAG NO. D 0083587  
Drilling Permit No. 893137

Water right or injection well # \_\_\_\_\_

2. OWNER: Bradshaw Construction

Name \_\_\_\_\_

Address 27678 SwallowtailCity Caldwell State ID Zip 83607

## 3. WELL LOCATION:

Twp. 2 North ☒ or South ☐ Rge. 4 East ☐ or West ☒Sec. 1 1/4 SE 1/4 NE 1/4Gov't Lot \_\_\_\_\_ County CanyonLat. 43 ° 32'45.8 (Deg. and Decimal minutes)Long. 116 ° 45'35.6 (Deg. and Decimal minutes)Address of Well Site 18164 Andorra LnCity CaldwellLot. 1 Blk. 1 Sub. Name Andorra Est.

## 4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection  
☐ Other \_\_\_\_\_

## 5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well  
☐ Abandonment ☐ Other \_\_\_\_\_

## 6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other \_\_\_\_\_

## 7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft <sup>3</sup> )	Placement method/procedure
<u>38 bent</u>	<u>0</u>	<u>39</u>	<u>31 bags</u>	<u>Dry Pour</u>

## 8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
<u>6" A2</u>	<u>138'</u>	<u>150'</u>	<u>250</u>	<u>Steel</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>4 1/2"</u>	<u>120'</u>	<u>120'</u>	<u>SDR-17</u>	<u>PVC</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 138'-8"

## 9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☐ N Method \_\_\_\_\_Manufactured screen ☒ Y ☐ N Type JohnsonMethod of installation Set with Rig

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
<u>140</u>	<u>180</u>	<u>20</u>		<u>4 1/2"</u>	<u>PVC</u>	<u>SDR-17</u>

Length of Headpipe \_\_\_\_\_ Length of Tailpipe \_\_\_\_\_

Packer ☐ Y ☒ N Type \_\_\_\_\_

## 10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft <sup>3</sup> )	Placement method
<u>10-20</u>	<u>115</u>	<u>180</u>	<u>16 sacks</u>	<u>Dry Pour</u>
<u>Silica</u>				

## 11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) \_\_\_\_\_

Describe control device \_\_\_\_\_

## 12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 150 Static water level (ft) 100Water temp. (°F) 66 Bottom hole temp. (°F) \_\_\_\_\_Describe access port Sanisear Well Cap

## Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)
<u>170</u>	<u>60</u>	<u>2 hrs</u>

## Test method:

Pump ☒ Bailer ☐ Air ☒ Flowing artesian ☐

Water quality test or comments: \_\_\_\_\_

## 13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
<u>10</u>	<u>0</u>	<u>2</u>	<u>TOP SOIL</u>		<input checked="" type="checkbox"/>
<u>1</u>	<u>2</u>	<u>15</u>	<u>Hard pan &amp; clay</u>		<input checked="" type="checkbox"/>
<u>6</u>	<u>15</u>	<u>105</u>	<u>Brn clay</u>		<input checked="" type="checkbox"/>
<u>1</u>	<u>105</u>	<u>137</u>	<u>Sandy clay</u>		<input checked="" type="checkbox"/>
<u>1</u>	<u>137</u>	<u>150</u>	<u>Brn Sand stone</u>		<input checked="" type="checkbox"/>
<u>1</u>	<u>150</u>	<u>180</u>	<u>Blue Sand stone Fract</u>		<input checked="" type="checkbox"/>

RECEIVED

MAR 23 2020

WATER RESOURCES  
WESTERN REGIONCompleted Depth (Measurable): 180ft.  
Date Started: 3/4/20 Date Completed: 3/6/20

## 14. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Precision Well Drilling Co. No. 532\*Principal Driller \_\_\_\_\_ Date 3/21/20\*Driller J. Barton Date 3-21-20\*Operator II R. P. T. Date 3-21-20

Operator I \_\_\_\_\_ Date \_\_\_\_\_

\* Signature of Principal Driller and rig operator are required.



Form 238-7  
6/07IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORT

## 1. WELL TAG NO. D D0078506

Drilling Permit No. 886593  
Water right or injection well # \_\_\_\_\_

## 2. OWNER:

Name Pioneer Homes Inc.  
Address 719 1st Street South (Ste. B)  
City Nampa State Idaho Zip 83651

## 3. WELL LOCATION:

Twp. 2 North ☒ or South ☐ Rge. 4 East ☐ or West ☒  
Sec. 1 10 acres 1/4 SE 1/4 NE 1/4Gov't Lot \_\_\_\_\_ County Canyon  
Lat 43 32.452'N (Deg. and Decimal minutes)  
Long. 116 45.231'W (Deg. and Decimal minutes)  
Address of Well Site 18088 Andorra Ln.City Caldwell  
(Give at least name of road + Distance to Road or Landmark)  
Lot 3 Blk. 1 Sub. Name Andorra Estates

## 4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection  
☐ Other \_\_\_\_\_

## 5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well  
☐ Abandonment ☐ Other \_\_\_\_\_

## 6. DRILL METHOD:

☐ Air Rotary ☐ Mud Rotary ☒ Cable ☐ Other \_\_\_\_\_

## 7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft <sup>3</sup> )	Placement method/procedure
3/8" Bentonite	0	40	1200 lbs.	10" Overbore

## 8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
6"	2	155	.250	Steel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.5"	128	148	SD17	PVC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 155'

## 9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method \_\_\_\_\_  
Manufactured screen ☒ Y ☐ N Type Certa-Lock PVC Screens  
Method of installation Washed In

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
148	208	.020	60'	4.5"	PVC	SDR17

Length of Headpipe 20' Length of Tailpipe N/A  
Packer ☒ Y ☐ N Type Rubber K-Packer

## 10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft <sup>3</sup> )	Placement method
N/A				

## 11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) \_\_\_\_\_  
Describe control device \_\_\_\_\_

## 12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) \_\_\_\_\_ Static water level (ft) 104'  
Water temp. (°F) Cold Bottom hole temp. (°F) \_\_\_\_\_  
Describe access port 6" Turtle Cap

## Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)
180'	40 GPM	2 HRS.

## Test method:

Pump	Bailer	Air	Flowing artesian
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Water quality test or comments: \_\_\_\_\_

## 13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
10"	0	2	Top Soil		X
	2	5	Hard Pan		X
	5	44	Brown Clay		X
6"	44	137	Sandy Brown Clay		X
	137	149	Sand	X	
	149	165	Brown Sand	X	
	165	208	Grey Clay w/ Sand Streaks	X	

RECEIVED

AUG 23 2018

WATER RESOURCES  
WESTERN REGIONCompleted Depth (Measurable): 208'Date Started: Jun 7, 2018Date Completed: Jun 11, 2018

## 14. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Dennis Phipps Well Drilling Inc Co. No. 332\*Principal Driller [Signature] Date Jun 18, 2018

\*Driller \_\_\_\_\_ Date \_\_\_\_\_

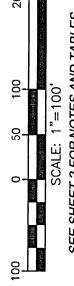
\*Operator II [Signature] Date Jun 18, 2018

Operator \_\_\_\_\_ Date \_\_\_\_\_

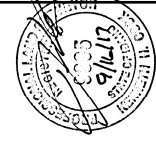
\* Signature of Principal Driller and rig operator are required.



2017-043325  
RECORDED  
10/05/2017 02:36 PM  
CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Page 4 EROWELL  
PLAT  
TERRY AND TONY ELORDI

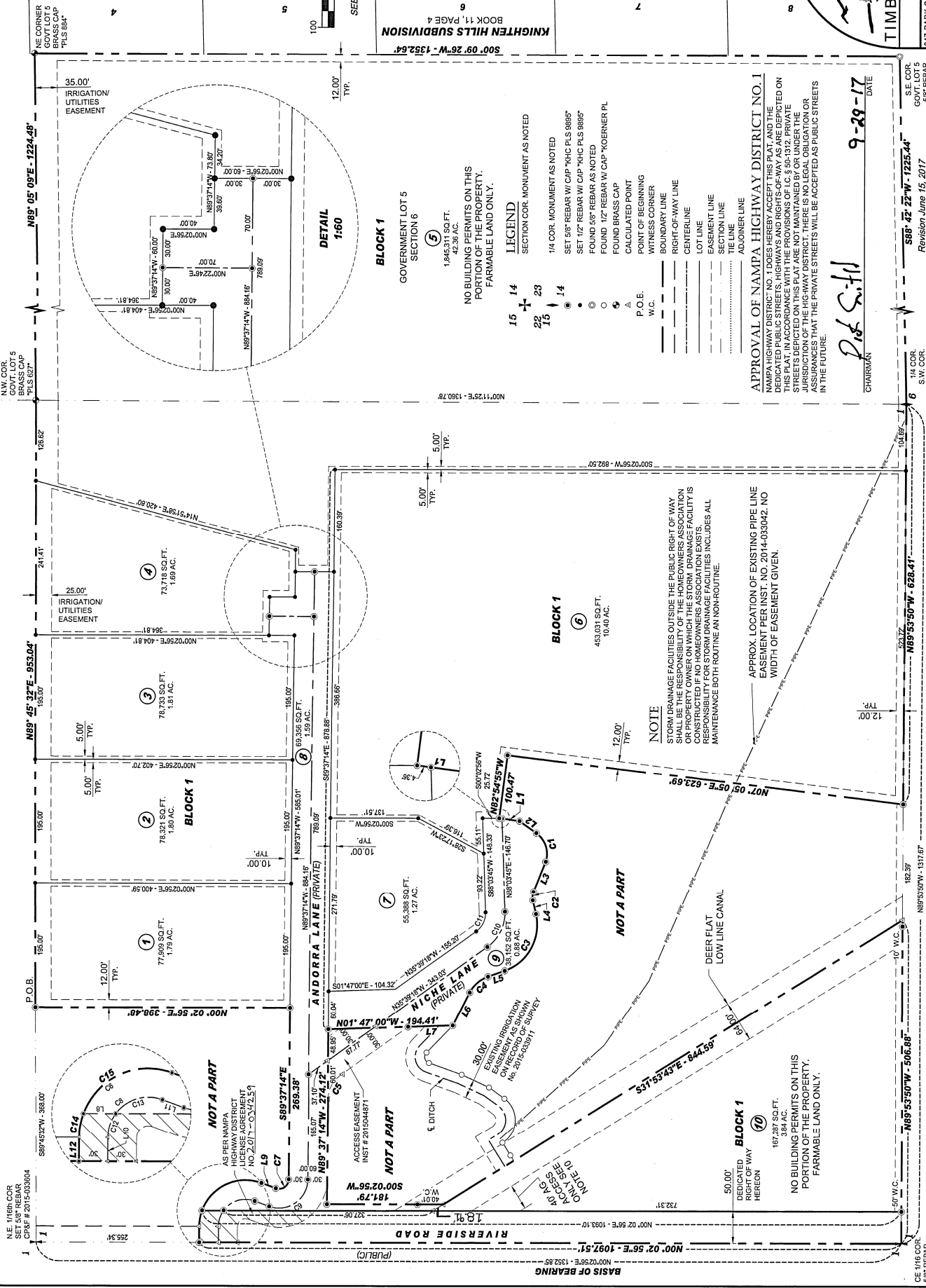


# Exhibit 15: Andorra Plat



## FINAL PLAT OF ANDORRA ESTATES SUBDIVISION

LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 4 WEST, B.M.,  
GOVERNMENT LOT 5 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, B.M.,  
AND CANYON COUNTY, IDAHO  
-2017-



CE 1/16 COR.  
58° REAR  
PLS 885°  
CP&F INST. NO. 200523011

1/16 COR.  
58° REAR  
PLS 885°  
CP&F INST. NO. 200523011

1/4 COR.  
58° REAR  
PLS 885°  
CP&F INST. NO. 9024387

1/4 COR.  
58° REAR  
PLS 885°  
CP&F INST. NO. 9024387

APPROVAL OF NAMPA HIGHWAY DISTRICT NO. 1  
NAMPA HIGHWAY DISTRICT NO. 1 DOES HEREBY ACCEPT THIS PLAT, AND THE  
DEDICATED PUBLIC STREETS, HIGHWAYS-OF-WAY AS ARE DEPICTED ON  
THIS PLAT, AND THE EASEMENTS, RIGHTS-OF-WAY, AND OTHER  
STREETS DEPICTED ON THIS PLAT ARE NOT MAINTAINED OR UNDER THE  
JURISDICTION OF THE HIGHWAY DISTRICT. THERE IS NO LEGAL OBLIGATION OR  
ASSURANCES THAT THE PRIVATE STREETS WILL BE ACCEPTED AS PUBLIC STREETS  
IN THE FUTURE.

DATE  
9-29-17

CHAIRMAN  
D.S. S. H.

SE COR.  
GOVT. LOT 5  
58° REAR  
CAP UNREADABLE  
Revision June 15, 2017  
Revision July 28, 2017  
Revision September 6, 2017  
Revision September 19, 2017

# **CANYON SOIL CONSERVATION DISTRICT**



2208 E. Chicago, Suite A  
Caldwell, ID 83605  
Phone 208-779-3443  
Fax 1-877-504-6752

SUPERVISORS: Mike Swartz, Chairman; Robert McKellip Vice Chairman;  
Dave Dixon, Secretary/Treasurer; Mike Somerville, Supervisor; & Rex Runkle, Supervisor  
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood  
SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

**October 17, 2022**

**To: Dan Lister Planner of Record  
Canyon County Development Services**

**From: Canyon Soil Conservation District (Canyon SCD)**

**Subject: Notification to Canyon pursuant to the local use Planning Act**

Thank you for sending Canyon Soil Conservation District (SCD) two zoning request. They are: CU2022-0015 Penelope Constikes/Dave and Jamie Wood, DA2022-09003 Tony Eldori.

Comments from Canyon County SCD:

The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.

We are including and used the Soil Capability Class definitions as written in the draft Comprehensive Plan 2030.

CU2022-0015-Penelope Constikes, Dave and Jamie Wood. 97% of the soils are class III. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. 3% of the soils are Class IV. We do NOT recommend a land use change.

DA2022-0003 Tony Eldori-24% of the soils are class III. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. 20% of the soils are Class 4 and 56% of the soils have no classification.

Continued Partnership and Conservation.

Sincerely,

*Rich Sims acting for:*

Mike Swartz, Canyon SCD Chairman

## Soil Capability Classes definitions

Information derived from Draft Comprehensive Plan 2030, Conservation Practices provided by United States Department of Agriculture-Natural Resources Conservation Service

Soil Capability Classes shows in a general way, the suitability for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management.

**Class I/Best Suited:** Best suited for intensive production and have few limitations that restrict their use.

**Class II/Best Suited:** Suited for production. It may have some limitations that reduce the choice of plants or require moderate conservation practices. Some conservation practices that could be used are: Reduced or No Till tillage, Irrigation Water Management (applying water according to soil type and crop need), Nutrient Management (applying fertilizer according to plant needs, take soil samples) and crop rotation (alternating crops on a yearly basis). Irrigation improvements (sprinkler irrigation, drip systems, improved flood irrigation systems).

**Class III/Moderately Suited:** Limitation that reduce the choice of plants require special conservation practices or both. Some conservation practices that could be used are: Reduced or No Till tillage, Irrigation Water Management (applying water according to soil type and crop need), Nutrient Management (applying fertilizer according to plant needs, take soil samples) and crop rotation (alternating crops on a yearly basis). Irrigation improvements (sprinkler irrigation, drip systems, improved flood irrigation systems). crop rotation (alternating crops on a yearly basis), contour farming on slopes.

**Class IV/Moderately suited:** Very severe limitations that restrict the choice of plants and require very careful management or both. Some conservation practices that could be used are: Reduced or No Till tillage, Irrigation Water Management (applying water according to soil type and crop need), Nutrient Management (applying fertilizer according to plant needs, take soil samples) and crop rotation (alternating crops on a yearly basis). Irrigation improvements (sprinkler irrigation, drip systems, improved flood irrigation systems), crop rotation (small grains with 4 to 5 years of grass/legumes), contour farming on slopes.

**Class V/Least-Suited:** Little or no erosion hazard but have other limitations impractical to remove that limit their use primarily to pasture, range, woodland or wildlife food and cover.

**Class VI/Least-Suited:** Severe limitations make them generally unsuited to cultivation and limit their use primarily to pasture or range, woodland, or wildlife food and cover.

**Class VII/Least-Suited:** Very severe limitations make them unsuited to cultivation and restrict their use mainly to grazing, woodland, or wildlife.

**Class VIII/Least-Suited:** Limitations preclude their use for commercial plant production and restrict their use to recreation, wildlife, water supply or aesthetic purposes. Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or aesthetic purposes.





United States  
Department of  
Agriculture

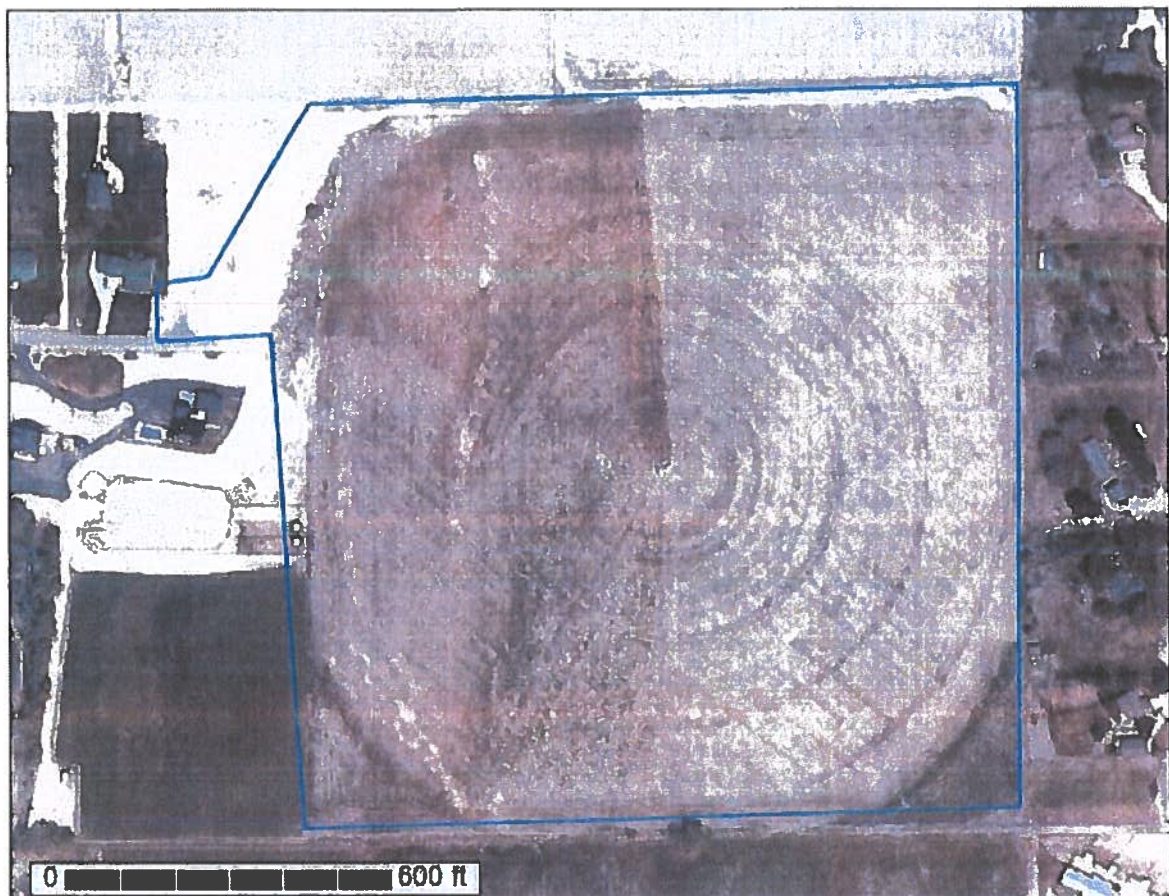
**NRCS**

Natural  
Resources  
Conservation  
Service

A product of the National  
Cooperative Soil Survey,  
a joint effort of the United  
States Department of  
Agriculture and other  
Federal agencies, State  
agencies including the  
Agricultural Experiment  
Stations, and local  
participants

# Custom Soil Resource Report for **Canyon Area, Idaho**

**DA2022=0003 Tony Eldori**





Custom Soil Resource Report  
Map—Irrigated Capability Class (DA2022-0003 Tony Eldori)



Custom Soil Resource Report

Table—Irrigated Capability Class (DA2022-0003 Tony Eldori)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
FeC	Feltham loamy fine sand, 3 to 7 percent slopes	4	1.0	2.4%
TuC	Turbyfill fine sandy loam, 3 to 7 percent slopes	3	9.3	22.1%
TuD	Turbyfill fine sandy loam, 7 to 12 percent slopes	4	7.8	18.6%
TuE	Turbyfill fine sandy loam, 12 to 30 percent slopes		12.1	28.8%
VaB	Vanderhoff loam, 1 to 3 percent slopes	3	0.5	1.2%
VaE	Vanderhoff loam, 12 to 30 percent slopes		11.3	26.9%
Totals for Area of Interest			42.1	100.0%

Rating Options—Irrigated Capability Class (DA2022-0003 Tony Eldori)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

MAP LEGEND

**Area of Interest (AOI)**

Area of Interest (AOI)

**Soils**

**Soil Rating Polygons**

Capability Class - I

Capability Class - II

Capability Class - III

Capability Class - IV

Capability Class - V

Capability Class - VI

Capability Class - VII

Capability Class - VIII

Not rated or not available

**Soil Rating Lines**

Capability Class - I

Capability Class - II

Capability Class - III

Capability Class - IV

Capability Class - V

Capability Class - VI

Capability Class - VII

Capability Class - VIII

Not rated or not available

**Soil Rating Points**

Capability Class - I

Capability Class - II

Capability Class - III

Capability Class - IV

Capability Class - V

Capability Class - VI

Capability Class - VII

Capability Class - VIII

Not rated or not available

**Water Features**

Streams and Canals

**Transportation**

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

**Background**

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho  
Survey Area Data: Version 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 19, 2021—Apr 21, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



**DAVID REYNOLDS**  
CHAIRMAN OF THE BOARD

**DONALD BARKSDALE**  
VICE CHAIRMAN OF THE BOARD

**ROBERT D. CARTER**  
PROJECT MANAGER

**THOMAS RITTHALER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**MARY SUE CHASE**  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000  
ACRES FOR THE FOLLOWING  
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT  
BOISE-KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

TEL: (208) 344-1141  
FAX: (208) 344-1437

12 October 2022

Canyon County Development Services  
111 North 11<sup>th</sup> Ave., Ste. 140  
Caldwell, Idaho 83605

RE: Tony Elordi **DA2022-0003**  
Adjacent to 18121 Andorra Ln, Caldwell, ID  
Wilder Irrigation District **W-26, W 26-1**  
Yarnell Lateral 47+90  
Sec. 06, T2N, R3W, BM.

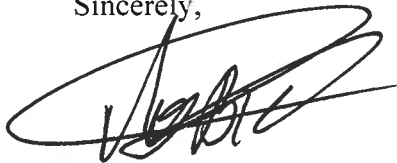
Jenifer Almeida:

There are no Boise Project or Wilder Irrigation District facilities located on the above-mentioned properties, however they do in fact possess a valid water right.

Per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,



Thomas Ritthaler  
Assistant Project Manager, BPBC

tbr/tr

cc: Tony Averman  
Lisa Sweet

File

Watermaster, Div; 4 BPBC  
Secretary – Treasurer, WID



**Samantha Hammond**

---

**From:** Jon Minkoff <jminkoff@speedyquick.net>  
**Sent:** Wednesday, November 9, 2022 11:45 AM  
**To:** Samantha Hammond  
**Subject:** [External] Elordi modification application

November 9, 2022

Samantha Hammond  
Canyon County Development Services Department  
111 North 11th Avenue, Suite, 140  
Caldwell, ID 83605

Dear Ms. Hammond,

This will summarize my initial findings on Tony Elordi's latest attempt to modify his Development Agreement (DA2022-0003).

It is important to review the full history of this case. Since 2016, my neighbors and I have repeatedly rebuffed Mr. Elordi's efforts to put houses on prime agricultural land outside the impact area, contrary to the Comprehensive Plan, sound planning principles, and the rural character of the area. The Board of County Commissioners graciously granted him a compromise which allowed the building of 6 houses on the less farmable land and expressly prohibits residential building permits on Lot 5.

Mr. Elordi claims his "obligation to the Development Agreement has not been taken lightly" (p. 3), but he only withdrew his previous modification requests after the neighbors mounted strong opposition. My letters describe his "piecemeal scheme" to gradually build on the ag land, and he continues that strategy here. At first glance it might seem harmless to add two houses on over 42 acres, but it clearly would open the door to more.

Please note that Section 5 of the Development Agreement explicitly states: "The modification proposal **must be in the form of a revised Development Agreement** and **must be accompanied by a statement demonstrating the necessity for the requested modification**" (emphasis added). Mr. Elordi has not met either of these requirements. The application contains many pages of irrelevant material and is not in the form of a revised Development Agreement.

Further, Mr. Elordi has not demonstrated the necessity for the modification. He can "make it family operation and diversify the crops" (p. 4) without building houses on the farmland, and doing so is not a "necessity". It is a desire and preference that runs counter to his signed Agreement. His daughter and son-in-law's service to our country is highly commendable, and is not relevant to a land use decision.

Mr. Elordi failed to comply with Canyon County Zoning Ordinance §07-01-15, which requires that Neighborhood Meeting notices be sent to all landowners within 600 feet of the property. I and other neighbors across the street on Eva Lane are not included in the mailing list on page 36 and were not sent the April 20, 2022 meeting notice. We were sent the public notice of the hearing, which has the same distance requirement (§07-05-01).

The Application is also deficient in other ways. It fails to give the size and exact location of the two building lots, and that should be in the proposal, not in a condition. It also does not specify the planned source of the domestic well water. This is a crucial matter that will impact the aquifer and the fate of the neighbors' diminishing well



water. Considering that, the change in the view, and the imminent threat of additional houses, it is not correct to say the "development of this property will have no negative physical effect on neighboring properties" (p. 5).

Thank you for your attention to these issues. I can be reached at (208) 459-4740 or by email if you have any questions or comments.

Sincerely,

Jon Minkoff

11648 Eva Lane  
Caldwell, ID 83607

November 13, 2022

Canyon County Planning and Zoning Commissioners  
111 North 11 Ave  
Caldwell, Idaho 83605

Planner: Samantha Hammond  
File on Elordi DA2022-0003 Parcel R30262104  
November 17, 2022 6:30 PM in front of P&Z

Commissioners

I have lived in this area my entire life, grew up farming with my parents a parcel 1/2 half mile away. I also have worked for the local ditch company and am familiar with the area water supply. I currently own and farm a parcel with in 2 miles from this property in this application. I also farm numerous parcels in this area one within 1/4 of a mile and I am still farming my families' property. I am familiar with this property and how it evolved over the years.

The 42 acres has a pivot on it and has good yield and should remain entirely farm land. Any indication of dry land or unfarmable area is the owners choice not to irrigate.

Dividing this 42 acres in the manor which has been requested would make it less farmable. I request that P & Z deny this application and keep this land as one piece.

Weasley Archer  
10872 Cool Road.  
Caldwell, Idaho. 83607

A handwritten signature in black ink, appearing to read "Wesley Archer", written in a cursive style.



Dear Commissioners,

I am writing this letter at the request of Tony Elordi. I have unique experience with the farm being discussed because I leased and farmed it during the time that it was developed from sage brush to center pivot irrigation.

The intent of my letter is to speak to the quality of the soil on this farm. In the years that I farmed it I had to be very cautious with my irrigation practices to not cause excessive erosion. In an effort to mitigate this problem I chose to plant the farm to alfalfa hay to help hold the soil on the hillside. This decision helped tremendously with soil erosion, however the ground still had very poor water infiltration. When my lease was up for renewal I chose not to renew due to low crop yields.

In my personal opinion this ground will never be suitable for the type of row crop farming that is so common in this region. The slopes are too steep to harvest many cash crops such as sugar beets or potatoes. The low quality of the soil will forever limit yield potential for any annual crops that require overhead irrigation.

Thank You,

Josh Norris

A handwritten signature in dark ink, appearing to read "Josh Norris". The signature is written in a cursive, flowing style with a large initial "J" and "N".

**Samantha Hammond**

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**From:** Timothy Vango <tim.vango@gmail.com>  
**Sent:** Tuesday, November 15, 2022 6:41 PM  
**To:** Samantha Hammond  
**Subject:** [External] Petition to halt additional building on the land behind my residence.

My name is Timothy Vango and the property I purchased at 11769 Eva Ln, Caldwell Idaho, 83607, was advertised for its views, peace and quiet, a rural community. Those will go away if I have to look out my window into someone's backyard. We moved here to be away and participate in a rural community. The land being proposed for use has been deemed agricultural, so it saddens us to hear that there are those who constantly seek to violate that agreement. Those that are not improving the land, but taking actions that will take and diminish the investment of many. There are multiple houses that are wholly dependent on the aquifer underneath them for necessary water which if it dries up many will have no recourse. Multiple homes that hold retired folks with finite incomes that cannot weather the high cost of well improvements or digging new wells due to other homes dropping the depth of the aquifer. If more homes are built that are being claimed as a necessity it will put further strain on the aquifer and threaten life dependent resource which is fresh water. The question since I moved here that I don't understand is how are people finding clever ways to violate land agreements and take something from me for their own profit. Threaten my well, diminish my views, force me to participate in the lives of other families which will happen if their backyards are adjacent to mine. Shall we repeat the history of this state where land owners come in only wanting small modifications with promises to keep things as they are. Which as the growth of the treasure valley alone over time has shown it leads to them owning large plots which remove farmland and make room for subdivisions, apartments, duplexes.

When one wants something large its always tactful to ask for small things first. A little here and a little there until it seems only logical to be provided the rest.

When I moved here a little over 4yrs ago, there were only two homes next to riverside road. After lots of little steps, multiple land use hearings now there are 8. We used to enjoy the skyline each night. Now a very large home right next to the proposed land that has many horses and cattle has very bright lights on poles so they can keep their cattle safe at night. Yet on one of our favorite places on our property we can no longer see the milky way. What else will we be forced to give up when a home is built right next to us.

Please stop this proposal, its not a proposal, its another step to a larger agenda that will only profit the builders and land owners.

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**Samantha Hammond**

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**From:** surprisingtanya@yahoo.com  
**Sent:** Wednesday, November 16, 2022 10:01 AM  
**To:** Samantha Hammond  
**Subject:** [External] Elordi meeting

To whom it may concern

I live near the property that wants to subdivide. I would like to express some concerns in this matter. We really love the fact that Idaho is an agricultural state and want to support our local farmers. Taking out farm land affects the people of Idaho in the end. My neighbors have expressed concern over dropping water levels. And farmers that are slowly getting pushed out of the country and have no where to go or compete with houses going up and ruining fertile land that provides food. Please take this into consideration when allowing more and more properties to take over land that you and I use to survive.

Thanks  
Tanya Savelev  
11690 Eva Ln  
Caldwell id 83607

**Samantha Hammond**

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**From:** Ted Rickwa <tedrickwa@gmail.com>  
**Sent:** Wednesday, November 16, 2022 6:31 PM  
**To:** Samantha Hammond  
**Subject:** [External] Elordi case number DA2022-0003

November 16,2022

Dear Planning and Zoning Commissioners:

My name is Ted Rickwa and I live at 11606 Eva Ln in Caldwell. I am a retired electrician.

I am writing to protest adding any houses on lot 5 of Andorra Estates across the street from my house. I am very concerned about the dropping water table and the loss of well water. I also think we need to protect agricultural land .

Please do not let Mr. Elordi amend the Development Agreement to add more houses.

Respectfully,

Ted Rickwa

**Planning and Zoning Commission****Elordi – Case No. DA2022-0003**

Development Services Department

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

Elordi – DA2022-0003: Development Agreement Modification

**Findings of Fact**

1. The applicant, Tony Elordi, is requesting a development agreement modification to agreement #16-226, approved as part of Case #PH2016-30. The modification removes the restriction for development to not exceed six (6) residential lots and for lot 5 to be designated agricultural only with no building permits available. The property, consists of approximately 42.41 acres, located at 0 Andorra Ln, Caldwell; also known as Parcels R30262104 and R30262104A; a portion of the NW¼ of Section 06 Township 2N and Range 3W & NE¼ of Section 01, Township 2N, Range 04W; Canyon County, Idaho.
2. In 2016, a conditional rezone (PH2016-30) was approved subject to a development agreement (#16-226).
3. A neighborhood meeting was held on May 19, 2022 in accordance with CCZO §07-01-15
  - a. Staff was notified prior to the Planning and Zoning Commissioner hearing that the neighborhood meeting mailing list did not include all owners within 600ft radius. The Planning and Zoning Commission decided due to the noticing done by DSD and the noticing that will be done prior to the BOCC that a new neighborhood meeting is not necessary at this point.
4. Notice of the public hearing was provided as per CCZO §07-05-01. Affected agencies were notified on October 7, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022. Newspaper notice was completed on October 30, 2022. The subject property was posted with a notice on November 3, 2022.
5. The record consists of exhibits provided as part of the public hearing staff report, testimony and any additional evidence submitted during the public hearing on November 17, 2022 and all information contained in Case File DA2022-0003.

**Conclusions of Law**

Pursuant to CCZO §07-06-07(7)F, Modification of Development Agreements: "A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the Board after complying with the notice and hearing provisions of Idaho Code §67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification."

For this request, the Planning and Zoning Commission finds and concludes that the following:

- 1) The requested modification is not in substantial compliance with the Findings of fact, Conclusions of law and Order (FCOs) approved for Case No. PH2016-30.
  - a. The approved FCOs regarding PH2016-30 clearly approved the conditional rezone with development agreement subject to 46.87 acres remaining in agricultural use with no building permit available (Finding #3 & #4PH2016-30). Therefore, the requested modification is a significant change to the PH2016-30 FCOs.
- 2) The applicants need for necessity could not be found.
  - The Planning and Zoning Commission found this request is not a necessity. The applicant requests a modification to the development agreement to allow building permits and platting of a lot approved to remain agricultural use (Lot 5, Andorra Estates). The necessity stated by the applicant is to provide the owner and family a place to live and a way to maintain the agricultural property. The Planning and Zoning Commission finds that the applicant was the original applicant for Case #PH2016-30 and understood the subject agricultural property could not be further developed. The applicant currently lives on Lot 2 of Andorra Estates; and therefore, the development of the agricultural property is a desire not a necessity.



3) Notification was completed in compliance with Idaho State Law §67-6509. Affected agencies were notified on October 07, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022. Newspaper notice was completed on October 30, 2022. The subject property was posted with a notice on November 03, 2022.

- Agency comments were received from Canyon Soil Conservation: "DA2022-0003 Tony Elordi- 24% of the soils are Class Three (3). Class Three (3) have moderate limitations and appropriate management practices can make any irrigated soil productive. 20% of the soils are Class Four (4) and 56% of the soils have no classification."

### Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends denial** of Case #DA2022-0003, a modification of a development agreement (#16-662) approved as part of Case No. PH2016-30 regarding Parcels R30262104 and R302622104A.

DENIED this 1<sup>st</sup> day of December, 2022



PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO

A handwritten signature in blue ink, appearing to read "Patrick Williamson".

Patrick Williamson, Acting Chairman

State of Idaho )

) SS

County of Canyon County )

On this 1<sup>st</sup> Day of December in the year of 2022, before me Bonnie Puleo, a notary public, personally appeared Patrick Williamson personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary: Bonnie C. Puleo

My Commission Expires: 12/10/2027



## Attachment D

CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, November 17, 2022  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Patrick Williamson, Acting Chairman  
Brian Sheets, Commissioner  
Ron Amarel, Commissioner  
Harold Nevill, Commissioner  
Miguel Villafana, Commissioner

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

**Acting Chairman Patrick Williamson** called the meeting to order at 6:30 p.m.

**Commissioner Sheets** read the testimony guidelines and proceeded to the first business item on the agenda.

- **Case No. DA2022-0003/Tony Elordi:** The applicant, Tony Eldori, is requesting a development agreement modification to agreement number 16-226 associated with Case No. PH2016-30. The modification is to allow Lot 5 of Andorra Estates Subdivision to be divided to create a total of two buildable parcels. The subject parcels, approximately 42.4 acres, are located adjacent to 18121 Andorra Lane, Caldwell, ID 83607; also referenced as a portion of the NE¼ of Section 1, T2N, R4W and NW¼ of Section 6, T2N, R3W, BM, Canyon County, Idaho.

**Planner Samantha Hammond** reviewed the Staff report for the record including late exhibits 17A – 17E.

**Acting Chairman Patrick Williamson** entered the late exhibits into the record and affirmed the witnesses to testify.

**Testimony:**

**Tony Elordi – Applicant (Representative) – IN FAVOR – 18128 Andorra Lane Caldwell ID 83607**

Mr. Elordi said he wanted to clarify a couple of things for the Commission. The three lots on the outside were created using administrative splits to begin with. There was a total of four splits: one of the administrative splits went into the subdivision. There were four lots total that went into the subdivision and two lots are agricultural. There are two road lots. He provided a photo as a late exhibit which is an aerial view of what it looked like when the farming started and what it is now. He said they started in 2014; they leased it with an option to purchase it. It was there a couple of years before the development agreement. The property sits in a bowl with a ridge running through it. 44% of the land has 3 – 12% slopes and 55% has 12 – 30% slopes. It is classified as 3 to 4 type soils when irrigated. He said the only way he could farm it was to put a pivot on it which meant they had to take the ridge down and use the dirt to fill the valleys and swales. They have tried different options to farm it. Currently, he farms part of it and he



leased out the top of the property to a local farmer. He farmed it for two years and said it wasn't productive to farm beans and corn because of the slope. They farmed alfalfa which worked a lot better. He said when they bought the property they tried to farm as much of the land as they could and they had a 59-acre water right. After they got the pivot put on the land, they sharecropped it one year and that didn't work out so he farmed it himself for two years. The MacIntyres farmed it for three years using a no-till farming operation and raised seed crops on it. Mr. Elordi said what works best on it is a stable crop. Because of the slope, it was hard to seed it. He said they keep progressing with the farm and keep developing it. They want to live there and farm it. He said they made mistakes along the way and they should have made a better development agreement to begin with. His children weren't involved in it at the beginning and now they want to retire from the military and have an orchard and a vineyard. The bottom part is the steepest and they would have a drip irrigation system on it which would take any of the erosion that might happen out of it. It's the only ground they own so they want to share it with their family, live there and farm it. They would put the pivot on half of it and have the top half in alfalfa. He said it's the most level part of the farm. The land slopes from north to south and east to west. He can run the pivot as it is all gravity fed. Mr. Elordi said he doesn't want to change anything with the existing irrigation that goes to the other six residential lots. Commissioner Sheets said that part of the analysis for a modification of a development agreement is to understand the necessity of the request. He asked what's the necessity of having two buildings there? Mr. Elordi said it's a progression of the development of the agriculture part of it; it is the only ground they own and they would like to be able to live there and raise crops. He would like to stay there and develop the farm ground more. He has leased it out in the past and his kids will be retiring in a couple of years. Commissioner Nevill asked Mr. Elordi when he was raising alfalfa, how many tons per acre did the land produce? Mr. Elordi answered 4 tons per acre. Commissioner Nevill asked Mr. Elordi where he lived now and he said he currently lives in the Andorra subdivision. Commissioner Nevill asked how he was going to irrigate the new proposed residential lots. Mr. Elordi indicated they would be irrigated using the surface water rights and showed where the weir and irrigation lines are. He said the irrigation lines have been there for 6 years. He said there are only 9 residential lots there right now. Commissioner Villafana asked why 3.5 acres (lot size) and why he is not building on the corners to keep the pivot circle intact? Mr. Elordi responded that one corner is very steep and the other is far away from power and a road. They wouldn't build for a couple of years and they would continue to use the pivot before building started. Commissioner Villafana asked if he was going to sell his house in the Andorra subdivision (if his application was approved) and he replied, 'yes'. He said there is no level place to put equipment or stack hay so something has to be built or modified because of the slope. He feels living there would justify developing the agriculture part of it further. He doesn't subscribe to the idea of a building envelope. He doesn't think they will need any more than 3.5 acres to farm, even with outbuildings and corrals. That's also why he wants to live there; he would like to maintain pasture and alfalfa. Commissioner Villafana said once you take acreage out of production agriculture and build on it, the pivot will never go fully around again. Commissioner Villafana asked if you plant an orchard or vineyard, how would you use the pivot anyway? Mr. Elordi explained the challenges they had with the pivot and the land and how the drip irrigation would mitigate a lot of that. Commissioner Amarel said Mr. Elordi describes farming but you are taking the farmland you have and putting homes on it. Is this your final plan? Mr. Elordi said it is the plan that works best for them and asked why is everyone against a house in a farm area; that is how everything started in this county. He said that is why they want to be there. They made a considerable investment in resources. He has put in over a mile of underground mainlines and a pivot system. He said he has developed the farm more than what it was and now want to get something back out of it. He didn't know why he is confined to 3.5 acres: it could be 1, they could need 5. When he proposed the concept, he proposed 1 to 5 acres. He didn't know why they landed on 3.5 acres. Mr. Elordi said the current housing sits on a ridge, then it drops off into the 40-acre field. When he came in 2016 and got permission (for the subdivision), they had a preliminary plat. They could have developed it more residential according to past Development Services staff. They put in considerable time and effort



into developing the Development Agreement. 8 years of life changes everybody. Commissioner Nevill said he was asking them to change the development agreement that was agreed upon by the Board of County Commissioners in 2016. The Planning and Zoning Commissioners have to know what his parameters are to work with him. Mr. Elordi said he has personal reasons (documented in the staff report) and his daughter and son-in-law own 50% of the 40 acres. Chairman Williamson said there is a condition that says that he will have significant compliance with the map presented to the Planning and Zoning Commission and if he going to change the lot size, the map shown will not be correct and it should be as correct as possible. Mr. Elordi said he could do a survey and if that is what the holdup is, he could make it 3.5 acres. Commissioner Williamson said he could set the lot size at the hearing that night. Mr. Elordi said there was not going to be any lot size for the two lots; they were just going to split the property down the middle. He didn't understand why he needed to specify what size the building envelope was for each part. Commissioner Williamson asked staff why there had to be a building envelope. Planning Official Dan Lister said there was a building envelope so it wouldn't disrupt all the agriculture on the property. He thought the applicant landed on building envelopes at 3.5 acres. Commissioner Williamson said this would be the time to make the change to those building envelopes. Mr. Elordi said based on the slopes of the land, the location of the homes was where he had already indicated they would be. Commissioner Sheets asked about condition number 4; not having residential building permits available, what was the intent of that condition? Mr. Elordi said at the time, the plan was to have a farm. Mr. Elordi said he didn't know what he was getting into. They tried to make it a farm and it is a farm. If he could live there, they wanted to. He needed income to subsidize the farm. He said the plan they made might have been a mistake, but it was what they wanted to do at the time. He still wants to farm it; just in a different way. It was an agreement that he made with Planning Staff at the time. They have put considerable resources into the farm ground and tried to do everything they could to make it a viable farm. He has leased it out for nothing to maintain the ground.

**Jerry Cereda – IN OPPOSITION – 11481 Eva Lane Caldwell ID 83607**

Mr. Cereda said this all started when Mr. Elordi bought the land and moved all the houses up on the road so he would have all that farm ground. He doesn't know where it went wrong but now there are 6 or 8 other houses. He thought Mr. Elordi worked with the Planning and Zoning Commissioners before and they turned him down. He believes Mr. Elordi is going to put houses on the whole thing. Eventually it will all be houses. He said the Comprehensive Plan says good farm ground has to stay in farm ground; that has never worked for the meetings he has been to. Water is a big issue; wells are going dry. Two more houses aren't a big issue but more will come. He said that is what Mr. Elordi does for a living is real estate. He said that is good farm ground. When Bill Gibbons had that place, he grew four or five different crops on there. He did pretty good on it. When you knock down the knob to get the pivot to go by there but you take the topsoil off, you need to put it back on.

**Ron Kirtley – IN OPPOSITION – 11551 Eva Lane Caldwell ID 83607**

Mr. Kirtley said water is the main concern. When the last large subdivision came in southeast of him and their wells went in, his well went dry. He had no recourse but to deepen his well. If it goes (out) again, he has to start from the top of the dirt again. He asked, how many more of these modifications do they have to go through? They just had a property meeting earlier in the year when he was trying to sell it to Mr. Carpenter. He said evidently that one didn't go through. For him and everyone on the west side of Eagle Lane, the water is the main issue. In response to Commissioner Nevill's question, he said when he moved in, his well depth was at 200 feet with his pump at 60 feet. The well is now 400 feet and he had to lower the pump to 150 – 200 feet.

**Jon Minkoff – IN OPPOSITION – 11648 Eva Lane Caldwell ID 83607**

Mr. Minkoff said he might need more time (for testimony): this is very important to him. He is in strong



opposition to Mr. Elordi's third attempt to violate his agreement with the County and with his neighbors. Mr. Minkoff said Mr. Elordi only cancelled the last attempt because he was going to get a recommendation of denial and there was vehement community opposition. There are serious flaws in the process and substance of this proposal which should rule out an approval. He wasn't notified about the neighborhood meeting and feels he was left out. The legal notice of the hearing was the first he heard about it so he didn't have a chance to prepare anything. The staff report wasn't up until Monday of the hearing week. The most serious problem with the application is the grounds for the modification. It states Mr. Elordi needs to demonstrate the necessity for a modification. Conclusion of Law #2 said the applicant provided a statement demonstrating requested modification is a necessity. Mr. Minkoff said that wasn't a demonstration, it was just a statement. He said Mr. Elordi believes it is a necessity because he wants to do it. He discussed the language of in Item 2: Lot 5 will remain in 83.84% agricultural function. Mr. Minkoff said putting in 2 lots doesn't keep in agricultural function. He felt that statement was contradictory.

**MOTION:** Commissioner Nevill motioned to grant 2 more minutes of testimony to Jon Minkoff, seconded by Commissioner Amarel. Voice vote, motion carried.

Mr. Minkoff continued: Putting houses on Lot 5 is not a necessity; Mr. Elordi already has a house in Andorra Estates. He and his daughter and son-in-law don't have to live there. Mr. Minkoff reviewed the history of how the development agreement started. He said Mr. Elordi bought prime agricultural land outside the impact area and thought he could sneak in a development because it bordered the old Nightingale subdivision. His land has been productively farmed for decades. The agreement came about because the Commissioners gave him a break; they gave him some development with six houses. Mr. Minkoff said now he is coming back for the third time trying to force more houses here. It should be zoned properly and placed properly. It might seem harmless to add two houses but it impacts them with the view, the aquifer and the potential for more houses. Mr. Minkoff's well is at 300 feet and the pump has had to be lowered. He said Mr. Elordi doesn't deserve the benefit of the doubt about putting more houses; he deserves doubt and skepticism. He has repeatedly broken his promises and proven himself to be untrustworthy. He won't stop at two houses and two is too many.

**Rene Bine III – IN OPPOSITION – 12251 Riverside Road Caldwell ID 83607**

Mr. Bine is there representing himself and is president of the Canyon County Alliance for Responsible Growth. He lives a quarter mile from the property and has lived there for 20 years. He said Mr. Elordi originally wanted 14 lots and to develop the entire property and he couldn't get it. Mr. Bine said he has a history of coming back time and time again and picking one or two more lots. The last time he applied, it was December 2021 but he pulled his application when he was going to get a recommendation of denial from the planners. He was involved with the agricultural agreement when it was drafted by the Development Services Department Director and County Prosecutor. That agreement said the land would be agriculture in perpetuity. The idea for the agreement was that there would be no houses on it. Mr. Bine had wanted to rezone it as a separate parcel as agricultural, but the Director of the Development Services Department said if it was rezoned agriculture, it would be allowed a main residence and a secondary residence. The purpose of the agreement was to keep it entirely in agriculture in perpetuity. Mr. Bine said once again, the developer is coming back trying to circumvent that agreement. He believes the objective has always been to put houses on all the land. He believes it is all going to be houses. The fact that it may not produce in certain crops doesn't mean it isn't farmable. He knows of plenty of guys in the area who would gladly take it on with a pivot on it. By cutting it up, it makes it less desirable to farm or lease. Putting it in two ownerships then creates all kinds of problems.

**MOTION:** Commissioner Nevill motioned to grant 2 more minutes of testimony to Rene Bine, seconded by Commissioner Sheets. Voice vote, motion carried.



Mr. Bine continued: The presumption is that it is going to be farmed by the people who live there but there is no guarantee that they aren't going to sell it. Once it is divided and has houses on it, there will be all kinds of legal hassles over the two separate parcels and the pivot. He said the idea was to have it in farm ground and it should stay that way. There is no a necessity; the necessity is for the developer to make money. It is no good for the community, for the county and the neighborhood which is who the agreement was designed for. It doesn't comply with the current Comprehensive Plan. He strongly recommends they deny this and send a message. Commissioner Williamson said Mr. Bine is the second person who has mentioned that he has come before the Development Services staff to modify the development agreement. In the case proposed in December of 2021, how many lots did he ask for? Answer was one lot.

**Claudia Haynes – IN OPPOSITION – 8830 Deer Sky Ranch Trail Nampa ID 83686**

Ms. Haynes said she is one of the directors of Canyon County Alliance for Responsible Growth. She said she is going to be repetitive. The agreement put in place in 2016 said it would be divided the way it was divided and the farmland would stay in farmland in perpetuity. Forever, no matter who owned it. This contract was set up by the Prosecuting Attorney's office and he should be held to what the agreement says. The applicant turned in a map which have notes that shows the envelopes where 5A and 5B are, has a '3 slash 5', not a 3.5, it says 3 or 5. It is hand drawn and has a 25 foot road along the top. Why do you need 25' for? You only need 16 to 18 feet for a swather or a baler. Ms. Haynes said it doesn't comply with the Comprehensive Plan and doesn't comply with the development agreement. She thinks the applicant should be held to what he signed on the original agreement.

**Shelley-Jeane Soule – IN OPPOSITION – 11617 Eva Lane Caldwell ID 83607**

Ms. Soule said this is the first time she is presenting to this body. She is a teacher who is now teaching at a juvenile detention center. She lives on the house that is the third one up from Jerry's sheep farm. She showed where her house was on the map. She moved into her house in 2003. They waited to find a home in this area. The people who live there, have stayed there for years. Her neighbor told them not to plow the property as she would lose her topsoil. She removed all the weeds and lost her top soil. She misses the draw that Mr. Elordi filled in, as now coyotes come up to her fence and her dog keeps her awake all night. She bought her property so she could live where she wanted to live and it has constantly changed. She understands needing to take care of her kids but she is doing that on the property she already owns.

**Terry Soule – IN OPPOSITION – 11617 Eva Lane Caldwell ID 83607**

Mr. Soule said that this has come back and come back and come back. He asked, is Mr. Elordi meaning to progressively develop the farmland or progressively develop the housing portion? The pattern so far is to progressively develop the housing portion. The way he is developing it does not lend itself to a community well which would have to be permitted differently and have to go to a different depth so as to not interfere with the existing domestic wells. He has already put in six wells; now they want two more. Once those are in, there is no restriction on how much acreage they can water. There is a legal restriction on it but there is no enforcement. Even though there is possibility of gravity fed water rights, the probability is that people put in irrigation systems that they manage themselves. Just because it says one thing doesn't mean that is the way it's going to be and that's already the pattern Mr. Elordi has established. Mr. Soule thinks Mr. Elordi is intending to expand the development in a way that will result in additional water impacts which he is intentionally ignoring.

**Tony Elordi – Applicant (Representative) – REBUTTAL – 18128 Andorra Lane Caldwell ID 83607**

Mr. Elordi said he heard quite a few things that were not true. He said this is the first time he has come back to try to modify the development agreement. He did start a modification 3 or 4 years ago, after the



neighborhood meeting when no one showed up but he took it off the table. The Planning Department thought he could do it: it was for just one building lot. He didn't remember coming back 3 times. He had an option on the land with Brad Carpenter to put in 22 lots but they felt it was too big of a project. There were too many homes and he didn't want to be involved in it. He has been hearing a lot about how the water level has dropped but he didn't know if that was happening. When Carpenter wanted to do 22 lots, they had a local water hydrologist do a report and his final comments were that there was no current data suggesting declining of water in existing wells and he had no concerns about effects to existing wells. Mr. Elordi said these people come to the meeting and think they are prepared but they don't have to put forth any effort or money to prove differently. He said there is a clause in the agreement that says he can ask for a modification. He is not lying to anybody. This project was preliminary platted before he came to the hearing. There was no recommendation from the Commission to do anything different. He wants to keep it in agriculture and farm it. They think he wants to progressively go ahead with the residential part of it. He doesn't know what is going to happen in 10 years. He didn't know where they came up with all those things but most of it is not true. Commissioner Sheets asked if he wanted to keep it in farming, what about the 22 lot housing project? Mr. Elordi said he didn't want it; somebody else wanted it. They (the buyer) had optioned the property and wanted to subdivide it and Mr. Elordi had already agreed to the option. He had some health issues and one of the options was to sell the property. Mr. Elordi was there because they wanted to keep in agriculture, live on it and develop it. It seems like they are telling him how to farm it. He wants to take that ground and make it a better farm. Commissioner Williamson asked about the original intent of the agreement and keeping it in agriculture "in perpetuity". Was that the intent of the agreement? Mr. Elordi said the agreement does not say "in perpetuity" but there is a clause that says something about "the presidency" and when it expires. He said even the County can modify the agreement at some point. Commissioner Williamson asked about the possibility of water spreading and using domestic wells past the ½ acre allowed. Would he be agreeable to having a condition with the development agreement that says irrigation beyond a half acre lawn would have to come from existing farmland irrigation system? Mr. Elordi said that was addressed in the plat itself. Mr. Elordi had no problem with that condition and said the language could be added. He is not sure why they would irrigate off their wells when they have water they are paying for already.

Planning Official Dan Lister explained the options for approval/denial of the development agreement modification and what the process is for each. There was additional discussion with staff about the pressurized irrigation system and the missing neighborhood meeting notification. Dan Lister said the development agreement has to be signed, and signatures notarized, by all affected homeowners, which is everyone who lives in Andorra Estates. Commissioner Nevill asked about how to rectify the fact that not all neighbors were notified about the neighborhood meeting and Planning Official Dan Lister provided options.

**MOTION:** Commissioner Sheets moved to close public testimony on Case DA2022-0003 seconded by Commissioner Nevill. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill said he didn't think it made sense to repair the error of the neighborhood meeting because everyone was notified for this hearing. He did not believe the Commission needs to hold up the decision for that reason. That said, he said they have Exhibit 16A from the Soil Conservation District says they don't recommend a land use change and that is part of what they have to consider in this case. The Board of County Commissioners who approved this application in 2016 was one of the most development-friendly Commissions they have had and even they put restrictions on it. The conditions of approval don't say "in perpetuity" but it does say they should not have residential building lots available and it should remain in irrigated agricultural production. That has to weigh pretty heavily. Commissioner Nevill has sympathy for the military couple who wants to come back and live on a farm; that was



something Commissioner Nevill did. He is really concerned that this is a foot in the door for what could happen in the future and they have to be aware of the fact that, no matter what the intentions are, once everything is sold, the new owners have the ability to come back and modify the development agreement. They also have to take into consideration the water issue. He said they had testimony that someone has had to deepen their well and lower their pump. Commissioner Sheets read the Canyon County zoning ordinance on modification of development agreements. That portion of the ordinance is what he is using for his deliberations on the case because that is the standard. It is asking them to evaluate necessity. The base word of necessity is "need". What does he need? He needs residential building permits. There is nothing that has changed significantly between 2016 and now that demonstrates a necessity that didn't already exist in 2016. There is no need to modify this because there is no need. He will be recommending denial. Commissioner Amarel said they have the land use considerations and water considerations. A lot has been done here and there is a lot of emotion involved in this as well. He said when he looks at necessity, and whether is this really needed, it may be needed in the future but he was not convinced that this is the final plan yet. When he looks at the modification, he can't support it. Commissioner Villafana said if you put a vineyard and tree fruit on the property, that's fine. He is not held up on having row crops. What he is not a fan of, is putting houses on that corner because then it is a continuation of that existing development. If the vineyard doesn't work out, then he may want to develop the southern portion because it is not in the way of the pivot. He feels it opens it up to another continuation later on. He doesn't see the need: last he checked there were 800 Zillow listings and plenty of places to live including plenty of places to live in the country as well. It isn't like they need these two lots because there isn't anywhere else to live. Commission Williamson said if this were to be denied, the applicant could come back and ask for a comprehensive plan map change which would be the entire property and they could put up more homes. He is concerned about what other options are available for the 42 acres. It could be up to 20 homes. Commissioner Sheets pointed out that option will always be available to the applicant and they can only address what they have in front of them.

**MOTION:** Commissioner Nevill moved to recommend denial Case DA2022-0003 and request staff to change the Findings of Facts, Conclusions of Law and Conditions of Approval to include a lack of necessity for the change in the development agreement and the Soil Conservation District's recommendation that the zoning not be changed, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Sheets. Roll call vote: 5 in favor 0 opposed, motion passed.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Nevill moved to approve the minutes from 10/20/2022, seconded by Commissioner Amarel. Voice vote, motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Planning Official Dan Lister said the Commissioners were provided a copy of the updated list of hearing results between Planning and Zoning Commission/Hearing Examiner and the Board of County Commissioners. It provides the final decision but not the reason why their decision was overturned (if it was). He also told the Commission that the Lewis Heights/Goldberg Subdivision case was remanded back to the Planning and Zoning Commission for a hearing because the change to the application was substantial. The applicant requested to remand it back to the Planning and Zoning Commission and the Board of County Commissioners agreed. That case has not yet been scheduled for a re-hearing yet. Dan Lister discussed changing the process for the Development Services Department; applications will be reviewed for any missing information. If there are any changes to the application between the Planning and Zoning Commission and the Board of County Commissioners, the Board is willing to say 'no that is



different', and the applicant will have to go back to the Planning and Zoning Commission for a re-hearing. This will mean the application in front of the Planning and Zoning Commission and the Board will contain the same information. The information should be vetted out at the Planning & Zoning Commission level. Commissioner Amarel requested the Hearing Results be sent electronically and Commissioner Williamson asked that a column be added to indicate whether it was Planning and Zoning decision or a Hearing Examiner decision.

**ADJOURNMENT:**

**MOTION:** Commissioner Nevill moved to adjourn, seconded by Commissioner Sheets. Voice vote motion carried. Hearing adjourned at 8:48 pm.

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

Approved this 15th day of December, 2022

A handwritten signature in blue ink, reading "Patrick Williamson", written over a horizontal line.

Patrick Williamson, Acting Chairman

ATTEST

A handwritten signature in blue ink, reading "Bonnie Puleo", written over a horizontal line.

Bonnie Puleo, Recording Secretary

# Attachment E

**Samantha Hammond**

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**From:** Jon Minkoff <jminkoff@speedyquick.net>  
**Sent:** Monday, January 23, 2023 8:19 AM  
**To:** Samantha Hammond  
**Subject:** [External] 1/26/23 Elordi Hearing

January 23, 2023

Dear Canyon County Commissioners:

With respect to your 1/26/23 hearing on Tony Elordi's Development Agreement modification request (Case No. DA2022-0003), please see my 11/9/22 letter (in the Staff Report) on the history and issues involved.

I strongly urge you to follow the Planning and Zoning Commission's experienced, expert and unanimous recommendation for a denial. They are very familiar with the background and details of the case and the applicable ordinances and guidance. Also note the high public turnout, heartfelt testimony and many written comments presented in opposition at the P&Z meeting. Having your hearing during working hours significantly reduces the attendance but not the extent of the opposition.

Lot 5 was zoned agricultural when Mr. Elordi bought it and he legally committed to maintaining it all as farmland. The rural character of the area and the very survival of dozens of neighbors depends on this (due to rapidly decreasing well water). The well at my house had to be deepened to 313 feet and subsequently the pump had to be lowered to 295 feet. Many homes nearby exhibit similar situations.

We are counting on you to uphold the Agreement approved by your predecessors to protect our vital interests and implement County policies.

Sincerely,

Jon Minkoff

11648 Eva Lane  
Caldwell, ID 83607

(208) 459-4740



**Samantha Hammond**

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**From:** Bonnie Puleo  
**Sent:** Thursday, December 29, 2022 8:41 AM  
**To:** Samantha Hammond  
**Subject:** FW: [External] RE: Agency Notification DA2022-0003 / Elordi

FYI.....for your files.



**Bonnie Puleo**  
**Sr. Administrative Specialist**  
**Canyon County Development Services**  
111 No 11<sup>th</sup> Ave. Suite 310  
Caldwell, ID 83605  
bonnie.puleo@canyoncounty.id.gov  
(208) 454-6631 *direct*  
(208) 454-6633 *fax*

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**From:** Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>  
**Sent:** Thursday, December 29, 2022 8:32 AM  
**To:** Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>  
**Subject:** [External] RE: Agency Notification DA2022-0003 / Elordi

Good Morning, Bonnie –

ITD has no additional comments to make for the BOCC hearing.

Thanks!



Niki Benyakhlef  
*Development Services Coordinator*

**District 3 Development Services**  
O: 208.334.8337  
C: 208.296.9750  
Email: [niki.benyakhlef@itd.idaho.gov](mailto:niki.benyakhlef@itd.idaho.gov)  
Website: [itd.idaho.gov](http://itd.idaho.gov)

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**From:** Bonnie Puleo <[Bonnie.Puleo@canyoncounty.id.gov](mailto:Bonnie.Puleo@canyoncounty.id.gov)>  
**Sent:** Wednesday, December 28, 2022 10:02 AM  
**To:** 'jenny.titus@vallivue.org' <[jenny.titus@vallivue.org](mailto:jenny.titus@vallivue.org)>; Lisa Boyd <[lisa.boyd@vallivue.org](mailto:lisa.boyd@vallivue.org)>; Joseph Palmer <[joseph.palmer@vallivue.org](mailto:joseph.palmer@vallivue.org)>; 'mitch.kiester@phd3.idaho.gov' <[mitch.kiester@phd3.idaho.gov](mailto:mitch.kiester@phd3.idaho.gov)>; Jack Nygaard <[jack.nygarrrd@phd3.idaho.gov](mailto:jack.nygarrrd@phd3.idaho.gov)>; Marsing Fire District <[marsingfiredistrict@yahoo.com](mailto:marsingfiredistrict@yahoo.com)>; Marsing Rural Fire <[marsingruralfire@gmail.com](mailto:marsingruralfire@gmail.com)>; 'eddy@nampahighway1.com' <[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)>; Idaho Power <[easements@idahopower.com](mailto:easements@idahopower.com)>; Megan Kelly <[mkelly@idahopower.com](mailto:mkelly@idahopower.com)>; 'JESSICA.MANSELL@INTGAS.COM' <[JESSICA.MANSELL@INTGAS.COM](mailto:JESSICA.MANSELL@INTGAS.COM)>; 'MONICA.TAYLOR@INTGAS.COM' <[MONICA.TAYLOR@INTGAS.COM](mailto:MONICA.TAYLOR@INTGAS.COM)>;

## Attachment G

Tony Elordi

18128 Andorra Ln.

Caldwell, Id. 83607

January 06, 2023

To: Development Services/Canyon Co. Commission

Re: Canyon Co. P&Z letter dated 12/28/22 Case #DA2022-0003 and  
Case #PH2016-30

We are in total agreement with the P&Z assessment that we have a desire to live on and farm this 42.36 ac. Parcel and do not in the grand scheme of things have a life-or-death necessity to live there, The necessity I believe is in that desire to preserve an agricultural and family life style, we do not own a thousand ac farm we do not own a hundred ac farm we just have this 42-ac farm that we have made a huge investment developing into an – at best mediocre farm that we do have a desire to live on and to preserve and maintain as the best we can that family farm life style.

We did not start out nine years ago thinking about what the future might hold for this parcel my wife and I are not farmers but we knew we wanted to have some open space. The farm ground on this parcel was divided into three different fields separated by a ridge and valleys, with three-wheel lines and dirt ditch for irrigation.

Canyon County Soil Conservation District classified this parcel into three soil classifications.

Soil Classifications run (I) as the best to (VIII) as the worst.

See Exhibit 16 in the staff report.



- 24% of the soils are class III plus 3-12% slopes
- 20% of the soils are class IV plus 3-12% slopes
- 56% of the soils have no classification plus 12-30% slopes

Because of the slopes and soil types we have had to make several changes over the years and along with the help of local farmers as to how and what we would plant. We totally renovated the irrigation system with all new underground main lines and risers, for hand lines, and a state-of-the-art automated pivot system, we had to level the ridge and fill in the valley's so the pivot could navigate the slopes, and by so doing we have integrated the 56% non-classified soils into at least a class IV to V soil type. These changes were necessary to improve, preserve, and maintain the property. Because of the equipment and help needed, we have always had to depended on local farmers to farm this property.

Our daughter and son in law were both in the middle of their 20+ years military careers and not involved in the ownership until later in the development of this parcel as a farm. They have served in many places in this country and deployed overseas several times, both will retire in two years. We would like to make one more necessary change and that is to live on this property, we are planning with the help of our family to be able to diversify the crops with an orchard, vineyard on the lower portion of the property along with a drip irrigation system and hay and pasture under the pivot that will give us the ability to farm this ourselves.

We have always farmed this parcel and have not deviated from the agreement with the County and we believe that we will still be in the spirit of that agreement by the retention of between 85% to 90% of the property in open and farm area plus ample open space between two residential developments (see concept plat). Further we believe

that the necessity, to preserve, maintain, farm, live and work with our family is very necessary and desirable.

Tony Elordi and Family



## Attachment H

April 9, 2023

To Canyon County Commissioners,

Re: The Elordi request to modify the Development Agreement Case # 2022-0003

I grew up a mile from the subject property and have lived and farmed in the immediate area all my life. I am very familiar with this property and the ability to farm it. It is good farm ground and has adequate water. It has been farmed successfully for many years by various individuals. While some of the overall property may not have been ideal for farming when Mr. Elordi last asked to develop even more than he had originally in the current Development Agreement was created to conserve the farmable area. Nothing has changed. Mr. Elordi's revised plan to divide the land in the Development Agreement would make it harder to farm and less productive.

If there is any issue with finding someone to farm the property in its present configuration I know several individuals who would consider renting it.

It is for these reasons I request you turn down Mr. Elordi's request to modify the Development Agreement.

Wes Archer  
10872 Cool Rd  
Caldwell, Id. 83607

