



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

[Woodruff] – [CR2022-0026]

The Board of County Commissioners considered the following:

Conditional Rezone

[CR2022-0026, 24822 Harvey Rd, Caldwell, ID, (Parcel Number: R38194010), a portion of the NW¼ of Section 35, T5N, R3W, BM, Canyon County, Idaho]

Summary of the Record

The record is comprised of the following:

The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0026.

Applicable Law

The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), Canyon County Code §09-01 (Middleton Area of City Impact Agreement), and §67-6519 (Application Granting Process).

Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 13, 2023. Newspaper notice was published on February 23, 2023. Property owners within 600' were notified by mail on February 21, 2023. Full political notice was provided on February 13, 2023. The property was posted on March 2, 2023.

The presiding party may establish conditions, stipulations, restrictions, or limitations that restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriments to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).

The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA"), and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6513.

The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6503; CCZO 07-17-09(5).

The Board can sustain, modify or reject the Commission’s recommendations. *See* CCZO §07-05-03.

The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.

Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CR2022-0026) came on for a public hearing before the Canyon County Board of County Commissioners on April 05, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence presented, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

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

Conclusion: The proposed zone change is consistent with the 2020 Future Land Use Map and Comprehensive Plan.

Findings:

- 1) The property is designated as “residential” on the Future land use map within the 2020 Canyon County Comprehensive Plan. The proposed conditional rezone is consistent with the eight (8) policies and four (4) goals:

Chapter 1. Property Rights:

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Policy 11. Property owners shall not use their property in a manner that negatively impacts the surrounding neighbors or neighborhoods.

Chapter 2. Population:

Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy 3. Encourage future populations to locate in areas that population for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development:

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use:

Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.

Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 2. Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

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

Conclusion: As conditioned (Attachment A) the request is more appropriate than the current zoning designation and is consistent with the future land use map designation of residential.

Findings:

- 1) The area is predominately zoned "A" (Agricultural). Pursuant to CCZO Section 07-10-25(1), the purposes of the "A" (Agricultural) Zone are to:
Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;
Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;
Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;
Protect agricultural land uses, and range uses, and wildlife management areas from unreasonable adverse impacts from development; and
Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.
- 2) The subject property is currently located in the Agricultural zone, the future land use for this property is designated as "Residential" in both the 2020 and 2030 Comprehensive plan along with the City of Middleton's Land Use. Within the vicinity there is a mixed use between, Rural Residential, Conditional Rezone Rural Residential, R-1, and Conditional Rezone R-1 (Exhibit 5B). There are currently 35 subdivisions within the vicinity with a total of 526 lots averaging 1.76 acres per lot (Exhibits 5E and 5F).
- 3) According to the Canyon County Soil Survey of 2018, 56.75% of the property includes Class 3 (Moderately Suited Soils) and 43.25% of the property includes Class 4 (Moderately Suited Soils) (Exhibits 5I and 5K). It also shows that 56.75% of the land is prime farm land if irrigated (LvB) and 43.25% of the land is prime farm land if irrigated (QfD) (Exhibits 5J and 5K).

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

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Findings:

- 1) The surrounding area is primarily zoned agricultural and residential but is primarily used as residential. The 2020 and 2030 future land use designations are both "Residential" along with the City of Middleton's land use being "Residential" the proposed use is

compatible. Within the vicinity there is a mixed use between, Rural Residential, Conditional Rezone Rural Residential, R-1, and Conditional Rezone R-1 (Exhibit 5B). There are currently 35 subdivisions within the vicinity with a total of 526 lots averaging 1.76 acres per lot (Exhibits 5E and 5F).

D. Will the proposed use negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned (Attachment A), the request will not negatively affect the character of the area.

Findings:

- 1) The proposed rezone will be in case a negative effect a total of three (3) parcels will be allowed to be created via Administrative Land Division. One parcel will contain the existing dwelling. As conditioned, secondary dwellings are prohibited. In order to mitigate any potential impacts, there will be a Development Agreement in place limiting secondary dwelling as well as the administrative splits/development must have significant conformance to the site concept seen in Attachment C.

E. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed use?

Conclusion: Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided to accommodate the request at the time of development as conditioned.

Findings:

- 1) City services are not available to the property. Future development will require domestic wells and septic systems. The site is located within a nitrate priority area. Wells within the area have been identified to have some nitrate issues (between 0.005-10.00 mg/l). Idaho Department of Environmental Quality finds drinking water to be unsafe if nitrates exceed 10 parts per million (or 10 milligrams per liter (mg/l). Future development will be required to meet with Idaho Department of Water Resources and Southwest District Health regarding the placement of an individual well and septic system and must be demonstrated at the time of platting. The property owner will also need to comply with any conditions/regulations provided by Black Canyon Irrigation District in Exhibit 6C.

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

Conclusion: As conditioned (Attachment A), the request will not cause undue interference with existing or future traffic patterns as proposed.

Findings:

- 1) As conditioned by the development agreement, two land divisions (the ability to create 3 parcels) will be allowed to be created via Administrative Land Division. One parcel will contain the existing dwelling. As conditioned, secondary dwellings are prohibited. The result of the request creates two additional dwellings. As conditioned and through comments received from Canyon Highway District #4 and Idaho Transportation Department this request is not anticipated to create traffic issues.

G. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: The property will have access of a Private Road.

Findings:

- 1) Canyon Highway District #4 commented all parcels must take access off of a private road and as conditioned within the Development Agreement the applicant needs to comply with Canyon Highway District #4 standards/permitting. No traffic impact study was requested

or found necessary for this land use change. The applicant will be required to apply for the private road through Canyon County at the time of the Administrative Splits.

H. Will the proposed zone change 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.

Findings: 1) All affected agencies were notified on December 19, 2022, and no comments from specific essential public services were received.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **APPROVE** Case no. **CR2022-0026** a conditional rezone of parcel **R38194010**

DATED this _____ day of _____, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

_____ Motion Carried Unanimously

_____ Motion Carried/Split Vote Below

_____ Motion Defeated/Split Vote Below

Did Not

Yes No Vote

Commissioner Leslie Van Beek

Commissioner Brad Holton

Commissioner Zach Brooks

Attest: Chris Yamamoto, Clerk

By: _____

Date: _____

Deputy



BOARD OF COUNTY COMMISSIONERS

STAFF REPORT ADDENDUM

CR2022-0026

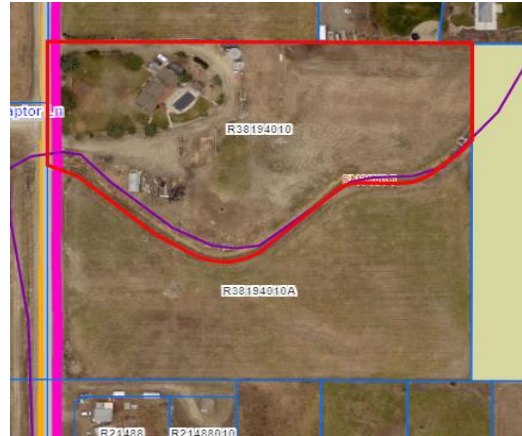
HEARING DATE: 04/05/2023

OWNER: Stacy Woodruff

APPLICANT/REP: N/A

PLANNER: Samantha Hammond, Planner I

CASE NUMBER: CR2022-0026



EXECUTIVE SUMMARY:

- The applicant, Stacy Woodruff, is requesting a conditional rezoning from an “A” (Agricultural) zone to a “CR-R1” (Conditional Rezone Single-Family Residential) with a Development Agreement.
- CR2022-0026 was heard on January 19, 2023, when the Planning and Zoning Commission recommended approval.
- Two exhibits were received between the Planning and Zoning Hearing to the Board of County Commissioners, these can be seen in *Exhibit E* and *Exhibit F*.

EXHIBITS:

Exhibit A: BOCC FCOs

Attachment 1: Development Agreement

Ex. A: Conditions of Approval

Ex. B: Legal Description

Ex. C: Concept Plan

Exhibit B: Planning and Zoning Staff Report

Exhibit C: Planning and Zoning Signed FCOs

Exhibit D: Planning and Zoning Meeting Minutes

Exhibit E: Idaho Transportation Department Letter

Exhibit F: Patti & Curtis Guiles Letter



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

[Woodruff] – [CR2022-0026]

The Board of County Commissioners considered the following:

Conditional Rezone

[CR2022-0026, 24822 Harvey Rd, Caldwell, ID, (Parcel Number: R38194010), a portion of the NW¼ of Section 35, T5N, R3W, BM, Canyon County, Idaho]

Summary of the Record

The record is comprised of the following:

The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0026.

Applicable Law

The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), Canyon County Code §09-01 (Middleton Area of City Impact Agreement), and §67-6519 (Application Granting Process).

Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 13, 2023. Newspaper notice was published on February 23, 2023. Property owners within 600' were notified by mail on February 21, 2023. Full political notice was provided on February 13, 2023. The property was posted on March 2, 2023.

The presiding party may establish conditions, stipulations, restrictions, or limitations that restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriments to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).

The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA"), and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6513.

The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6503; CCZO 07-17-09(5).

The Board can sustain, modify or reject the Commission’s recommendations. *See* CCZO §07-05-03.

The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.

Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CR2022-0026) came on for a public hearing before the Canyon County Board of County Commissioners on April 05, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence presented, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

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

Conclusion: The proposed zone change is consistent with the 2020 Future Land Use Map and Comprehensive Plan.

Findings:

- 1) The property is designated as “residential” on the Future land use map within the 2020 Canyon County Comprehensive Plan. The proposed conditional rezone is consistent with the eight (8) policies and four (4) goals:

Chapter 1. Property Rights:

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Policy 11. Property owners shall not use their property in a manner that negatively impacts the surrounding neighbors or neighborhoods.

Chapter 2. Population:

Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy 3. Encourage future populations to locate in areas that population for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development:

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use:

Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.

Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 2. Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

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

Conclusion: As conditioned (Attachment A) the request is more appropriate than the current zoning designation and is consistent with the future land use map designation of residential.

Findings:

- 1) The area is predominately zoned "A" (Agricultural). Pursuant to CCZO Section 07-10-25(1), the purposes of the "A" (Agricultural) Zone are to:
Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;
Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;
Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;
Protect agricultural land uses, and range uses, and wildlife management areas from unreasonable adverse impacts from development; and
Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.
- 2) The subject property is currently located in the Agricultural zone, the future land use for this property is designated as "Residential" in both the 2020 and 2030 Comprehensive plan along with the City of Middleton's Land Use. Within the vicinity there is a mixed use between, Rural Residential, Conditional Rezone Rural Residential, R-1, and Conditional Rezone R-1 (Exhibit 5B). There are currently 35 subdivisions within the vicinity with a total of 526 lots averaging 1.76 acres per lot (Exhibits 5E and 5F).
- 3) According to the Canyon County Soil Survey of 2018, 56.75% of the property includes Class 3 (Moderately Suited Soils) and 43.25% of the property includes Class 4 (Moderately Suited Soils) (Exhibits 5I and 5K). It also shows that 56.75% of the land is prime farm land if irrigated (LvB) and 43.25% of the land is prime farm land if irrigated (QfD) (Exhibits 5J and 5K).

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

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Findings:

- 1) The surrounding area is primarily zoned agricultural and residential but is primarily used as residential. The 2020 and 2030 future land use designations are both "Residential" along with the City of Middleton's land use being "Residential" the proposed use is

compatible. Within the vicinity there is a mixed use between, Rural Residential, Conditional Rezone Rural Residential, R-1, and Conditional Rezone R-1 (Exhibit 5B). There are currently 35 subdivisions within the vicinity with a total of 526 lots averaging 1.76 acres per lot (Exhibits 5E and 5F).

D. Will the proposed use negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned (Attachment A), the request will not negatively affect the character of the area.

Findings:

- 1) The proposed rezone will be in case a negative effect a total of three (3) parcels will be allowed to be created via Administrative Land Division. One parcel will contain the existing dwelling. As conditioned, secondary dwellings are prohibited. In order to mitigate any potential impacts, there will be a Development Agreement in place limiting secondary dwelling as well as the administrative splits/development must have significant conformance to the site concept seen in Attachment C.

E. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed use?

Conclusion: Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided to accommodate the request at the time of development as conditioned.

Findings:

- 1) City services are not available to the property. Future development will require domestic wells and septic systems. The site is located within a nitrate priority area. Wells within the area have been identified to have some nitrate issues (between 0.005-10.00 mg/l). Idaho Department of Environmental Quality finds drinking water to be unsafe if nitrates exceed 10 parts per million (or 10 milligrams per liter (mg/l). Future development will be required to meet with Idaho Department of Water Resources and Southwest District Health regarding the placement of an individual well and septic system and must be demonstrated at the time of platting. The property owner will also need to comply with any conditions/regulations provided by Black Canyon Irrigation District in Exhibit 6C.

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

Conclusion: As conditioned (Attachment A), the request will not cause undue interference with existing or future traffic patterns as proposed.

Findings:

- 1) As conditioned by the development agreement, two land divisions (the ability to create 3 parcels) will be allowed to be created via Administrative Land Division. One parcel will contain the existing dwelling. As conditioned, secondary dwellings are prohibited. The result of the request creates two additional dwellings. As conditioned and through comments received from Canyon Highway District #4 and Idaho Transportation Department this request is not anticipated to create traffic issues.

G. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: The property will have access of a Private Road.

Findings:

- 1) Canyon Highway District #4 commented all parcels must take access off of a private road and as conditioned within the Development Agreement the applicant needs to comply with Canyon Highway District #4 standards/permitting. No traffic impact study was requested

or found necessary for this land use change. The applicant will be required to apply for the private road through Canyon County at the time of the Administrative Splits.

H. Will the proposed zone change 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.

Findings: 1) All affected agencies were notified on December 19, 2022, and no comments from specific essential public services were received.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **APPROVE** Case no. **CR2022-0026** a conditional rezone of parcel **R38194010**

DATED this _____ day of _____, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

_____ Motion Carried Unanimously

_____ Motion Carried/Split Vote Below

_____ Motion Defeated/Split Vote Below

Did Not

Yes No Vote

Commissioner Leslie Van Beek

Commissioner Brad Holton

Commissioner Zach Brooks

Attest: Chris Yamamoto, Clerk

By: _____

Date: _____

Deputy

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 11th Ave. #310 • Caldwell, Idaho • 83605
Phone (208) 454-7458 • www.canyoncounty.org/dsd

**DEVELOPMENT AGREEMENT
BETWEEN CANYON COUNTY AND APPLICANT**

Agreement number: _____

THIS AGREEMENT, made and entered into this _____ day of _____, 2023 by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as “COUNTY” and Stacy Woodruff, property owner.

RECITALS

WHEREAS, Applicants have applied to County for a conditional rezone from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone – Single Family Residential) zone (CR2022-0026), which is legally described in the attached Exhibit “A,” incorporated by reference herein (hereinafter referred to as “Subject Property”); and

WHEREAS, Parcel R38194010 is owned by Stacy Woodruff.

WHEREAS, on the _____ day of _____, 2023 the Canyon County Board of Commissioners approved a conditional rezone with conditions of the subject property to a “CR-R-1” (Conditional Rezone - Single Family Residential) zone, which was done with the Applicants’ approval. The conditions of the approval for the conditional rezone are attached hereto as Exhibit “B”;

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance No. 16-007 as amended, and to ensure the Applicants will implement and be bound by the conditions of the conditional rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Property which is located in the unincorporated area of Canyon County, Idaho, more particularly described in Exhibit “A”, attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold a complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation

of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

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 Code of Ordinances. 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.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Property from "A" (Agricultural) to "CR-R-1" (Conditional Rezone – Single Family Residential) zone, which conditions are attached hereto as Exhibit "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The subject parcel R38194010 is limited to three parcels as conditioned which are attached

hereto as Exhibit “B”. The uses and maximum height and size of the buildings on the Subject Property shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to a “CR-R-1” (Conditional Rezone – Single Family Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County’s review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in Exhibit “A,” and that the County’s review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants’ heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant’s conditional rezone application in Development Services Department Case Number CR2022-0026 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County’s review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket

expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days' Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A " are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Property conditionally rezoned from "A" (Agricultural) designation to "CR-R-1" (Conditional Rezone – Single Family Residential) Zone designation shall revert back to the "A" (Agricultural) designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration Building
111 11th Ave. N. Ste.310
Caldwell, Idaho 83605

Notices and communications required to be given to Applicants shall be addressed to, and delivered at, the following addresses:

Name: Stacy Woodruff.
Street Address: 24856 Harvey Rd
City, State, Zip: Caldwell, Idaho, 83607

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicants, a subsequent owner, or other person acquiring an interest in the property described in attached Exhibit "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20. TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

Commissioner Leslie Van Beek

Commissioner Brad Holton

Commissioner Zach Brooks

ATTEST: Chris Yamamoto, Clerk

BY: _____
Deputy

DATE: _____

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of _____, 20____, before me, a notary public, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Notary Public for Idaho

Residing at:

My Commission Expires: _____

(All Applicants must sign and their signatures must be notarized)

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

APPLICANT

Stacy Woodruff

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of _____, 20____, before me, a notary public, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Notary Public for Idaho

Residing at:

My Commission Expires: _____

(All Applicants must sign and their signatures must be notarized)

Exhibit “A”

DEVELOPMENT AGREEMENT CONDITIONS

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 parcel, 3.98 acres, shall be divided in compliance with County Administrative Land Division requirements (Chapter 7, Article 18, Canyon County Zoning Ordinance, in substantial compliance with the conceptual site plan (“Exhibit C”) subject to the following restrictions:
 - a. Secondary dwellings (CCZO §07-10-27 & 07-14-25) are prohibited.
 - b. Further division of the parcels is prohibited unless the development agreement is modified or approval of a zoning map amendment.
 - c. The applicant must comply with all standards and regulations outlined in the Black Canyon Irrigation District Letter.
3. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modifications or improvements shall be approved in writing by the local Irrigation District.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: “All conditional rezone for a land use shall commence within two (2) years of the approval of the board.”

Exhibit "B"

Part of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho described as follows:

Commencing at a found 5/8" rebar marking the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and running thence

North 00°01'07" West 354.90 feet along the West line of the Northwest 1/4 of the Northwest 1/4 of said Section to the Point of Beginning; thence

North 00°01'07" West 205.23 feet along the said West line; thence

South 89°50'27" East 401.77 feet to a found 5/8" rebar marking the Southwest corner of the Vavold Heights Subdivision; thence

South 89°51'35" East 228.23 feet along the South line of Vavold Heights Subdivision; thence

South 00°01'07" East 160.80 feet parallel to the West line of the Northwest 1/4 of the Northwest 1/4 of said Section to a point on the South bank of an existing canal (said point being on a curve); thence along said South bank following ten (10) courses:

Southwesterly 47.65 feet along a said curve to the right (Curve data: Radius = 201.00', Delta = 13°34'59", Chord Bearing and Distance = South 44°10'23" West 47.54 feet); thence

South 50°57'52" West 32.63 feet to a point of curve; thence Westerly 52.29 feet along said curve to the right (Curve data: Radius = 76.00', Delta = 39°25'22", Chord Bearing and Distance = South 70°40'33" West 51.27

feet); thence

North 89°36'45" West 60.35 feet to a point of curve; thence

Southwesterly 36.48 feet along said curve to the left (Curve data: Radius = 49.00', Delta = 42°39'39", Chord

Bearing and Distance = South 69°03'25" West 35.65 feet); thence

South 47°43'36" West 139.13 feet to a point of a curve; thence

122.44 feet along said curve to the right (Curve data: Radius = 96.00', Delta 73°04'44", Chord bearing and Distance = South 84°15'58" West 114.31 feet); thence

North 59°11'40" West 63.66 feet; thence

North 49°41'01" West 146.09 feet; thence

North 67°47'22" West 50.49 feet to the Point of Beginning.

(Shown as Parcel 1 of Record of Survey recorded as Instrument No. 2022-007396)

RECORD OF SURVEY-LAND DIVISION
PART OF THE NW 1/4 OF THE NW 1/4
SECTION 35, T. 5 N., R. 3 W., B.M.
CANYON COUNTY, IDAHO
2023

1000000



TYPE	SOLOS	4W	8W	16W	32W	64W	128W	256W	512W	1024W	2048W	4096W	8192W	16384W	32768W	65536W	131072W	262144W	524288W	1048576W	2097152W	4194304W	8388608W	16777216W	33554432W	67108864W	134217728W	268435456W	536870912W	1073741824W	2147483648W	4294967296W	8589934592W	17179869184W	34359738368W	68719476736W	137438953472W	274877906944W	549755813888W	1099511627776W	2199023255552W	4398046511104W	8796093022208W	17592186044416W	35184372088832W	70368744177664W	140737488355328W	281474976710656W	562949953421312W	1125899906842624W	2251799813685248W	4503599627370496W	9007199254740992W	18014398509481984W	36028797018963968W	72057594037927936W	144115188075855872W	288230376151711744W	576460752303423488W	1152921504606846976W	2305843009213693952W	4611686018427387904W	9223372036854775808W	18446744073709551616W	36893488147419103232W	73786976294838206464W	147573952589676412928W	295147905179352825856W	590295810358705651712W	1180591620717411303424W	2361183241434822606848W	4722366482869645213696W	9444732965739290427392W	18889465931478580854784W	37778931862957161709568W	75557863725914323419136W	151115727451828646838272W	302231454903657293676544W	604462909807314587353088W	1208925819614629174706176W	2417851639229258349412352W	4835703278458516698824704W	9671406556917033397649408W	19342813113834066795298816W	38685626227668133590597632W	77371252455336267181195264W	154742504910672534362390528W	309485009821345068724781056W	618970019642690137449562112W	1237940039285380274899124224W	2475880078570760549798248448W	4951760157141521099596496896W	9903520314283042199192993792W	19807040628566084398385987584W	39614081257132168796771975168W	79228162514264337593543950336W	158456325028528675187087900672W	316912650057057350374175801344W	633825300114114700748351602688W	1267650600228229401496703205376W	2535301200456458802993406410752W	5070602400912917605986812821504W	10141204801825835211973625643008W	20282409603651670423947251286016W	40564819207303340847894502572032W	81129638414606681695789005144064W	162259276829213363391578010288128W	324518553658426726783156020576256W	649037107316853453566312041152512W	1298074214633706907132624082305024W	2596148429267413814265248164610048W	5192296858534827628530496329220096W	10384593717069655257060992658440192W	20769187434139310514121985316880384W	41538374868278621028243970633760768W	83076749736557242056487941267521536W	166153499473114484112975882535043072W	332306998946228968225951765070086144W	664613997892457936451903530140172288W	1329227995784915872903807060280344576W	2658455991569831745807614120560689152W	5316911983139663491615228241121378304W	10633823966279326983230456482242756608W	21267647932558653966460912964485513216W	42535295865117307932921825928971026432W	85070591730234615865843651857942052864W	170141183460469231731687303715884105280W	34028236692093846346337460743176821056W	68056473384187692692674921486353642112W	136112946768375385385349842972707284224W	27222589353675077077069968594541456448W	54445178707350154154139937189082912896W	108890357414700308308279874378165825792W	217780714829400616616559748756331651584W	435561429658801233233119497512663303168W	871122859317602466466238995025326606336W	1742245718635204932932477990050653212672W	3484491437270409865864955980101306425344W	696898287454081973172991196020261285068W	1393796574908163946345982392040522570136W	2787593149816327892691964784081045140272W	5575186299632655785383929568162090280544W	11150372599265311570767859136324180561088W	22300745198530623141535718272648361122216W	446014903970612462830714365452867
------	-------	----	----	-----	-----	-----	------	------	------	-------	-------	-------	-------	--------	--------	--------	---------	---------	---------	----------	----------	----------	----------	-----------	-----------	-----------	------------	------------	------------	-------------	-------------	-------------	-------------	--------------	--------------	--------------	---------------	---------------	---------------	----------------	----------------	----------------	----------------	-----------------	-----------------	-----------------	------------------	------------------	------------------	-------------------	-------------------	-------------------	-------------------	--------------------	--------------------	--------------------	---------------------	---------------------	---------------------	----------------------	----------------------	----------------------	----------------------	-----------------------	-----------------------	-----------------------	------------------------	------------------------	------------------------	-------------------------	-------------------------	-------------------------	-------------------------	--------------------------	--------------------------	--------------------------	---------------------------	---------------------------	---------------------------	----------------------------	----------------------------	----------------------------	----------------------------	-----------------------------	-----------------------------	-----------------------------	------------------------------	------------------------------	------------------------------	-------------------------------	-------------------------------	-------------------------------	-------------------------------	--------------------------------	--------------------------------	--------------------------------	---------------------------------	---------------------------------	---------------------------------	----------------------------------	----------------------------------	----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	------------------------------------	------------------------------------	------------------------------------	-------------------------------------	-------------------------------------	-------------------------------------	--------------------------------------	--------------------------------------	--------------------------------------	--------------------------------------	---------------------------------------	---------------------------------------	---------------------------------------	--	--	--	---	---	---	---	--	---	---	--	---	---	--	--	--	--	---	---	--	---	---	---	--	--	-----------------------------------

SURVEYOR'S CERTIFICATE

Existing Fence Line
Top of Road

Property line
Easement line

Section Line

() Record Distance

MC Witness Corner

Calculated Point

Set 1/2" rebar
cap labeled "PL

Found 1/2" red

Found 5/8" red

FOUND BRASS CO.

LEGEND

1 inch - 40

(THE FREE)

Age Group	Not in the labor force
15-19	40
20-24	20
25-29	0
30-34	40

DECLARATION OF INTEREST

ORDER'S CERTIFICATE

EAGLE LAND SURVEYING, LLC.
108 W. MAIN ST. UNIT G, APOCYNIA, W. VA 26044
(204) 861-7913, info@eaglesurvey.com
INDEX #534-95-4-4-00-00

<p align="center">RECORD OF SURVEY FOR STACY WOODRUFF</p>			
<p>SEC. 35, T. 5 N., R. 3 W., B.M.</p>			
DATE	10-21-81	PROJECTED	22-102
MEASURED BY	JP	REVIEWED BY	JP
CHECKED BY	JP	APPROVED BY	JP



**Canyon County
Recorder's Office
Document
Cover Sheet**



2023-010984

RECORDED

04/07/2023 02:26 PM



00753100202300109840110116

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=11 MBROWN

NO FEE

AGR

CANYON COUNTY

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 11th Ave. #310 • Caldwell, Idaho • 83605
Phone (208) 454-7458 • www.canyoncounty.org/dsd

**DEVELOPMENT AGREEMENT
BETWEEN CANYON COUNTY AND APPLICANT**

Agreement number: 23043

THIS AGREEMENT, made and entered into this 5 day of April, 2023 by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and Stacy Woodruff, property owner.

RECITALS

WHEREAS, Applicants have applied to County for a conditional rezone from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone – Single Family Residential) zone (CR2022-0026), which is legally described in the attached Exhibit "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcel R38194010 is owned by Stacy Woodruff.

WHEREAS, on the 5 day of April, 2023 the Canyon County Board of Commissioners approved a conditional rezone with conditions of the subject property to a "CR-R-1" (Conditional Rezone - Single Family Residential) zone, which was done with the Applicants' approval. The conditions of the approval for the conditional rezone are attached hereto as Exhibit "B";

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance No. 16-007 as amended, and to ensure the Applicants will implement and be bound by the conditions of the conditional rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Property which is located in the unincorporated area of Canyon County, Idaho, more particularly described in Exhibit "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold a complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation

of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

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 Code of Ordinances. 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.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Property from "A" (Agricultural) to "CR-R-1" (Conditional Rezone – Single Family Residential) zone, which conditions are attached hereto as Exhibit "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The subject parcel R38194010 is limited to three parcels as conditioned which are attached

hereto as Exhibit "B". The uses and maximum height and size of the buildings on the Subject Property shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to a "CR-R-1" (Conditional Rezone – Single Family Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in Exhibit "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezoning application in Development Services Department Case Number CR2022-0026 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket

expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days' Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A" are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Property conditionally rezoned from "A" (Agricultural) designation to "CR-R-1" (Conditional Rezone – Single Family Residential) Zone designation shall revert back to the "A" (Agricultural) designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration Building
111 11th Ave. N. Ste.310
Caldwell, Idaho 83605

Notices and communications required to be given to Applicants shall be addressed to, and delivered at, the following addresses:

Name: Stacy Woodruff.
Street Address: 24856 Harvey Rd
City, State, Zip: Caldwell, Idaho, 83607

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicants, a subsequent owner, or other person acquiring an interest in the property described in attached Exhibit "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20. TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY IDAHO**


Commissioner Leslie Van Beek


Commissioner Brad Holton


Commissioner Zach Brooks



ATTEST: Chris Yamamoto, Clerk

BY: 
Deputy

DATE: 4-5-83

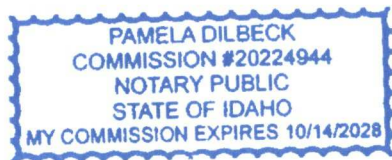
IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

APPLICANT

Stacy Woodruff
Stacy Woodruff

STATE OF IDAHO)
) ss.
County of Canyon)

On this 5th day of April, 2023, before me, a notary public, personally appeared
Stacy Woodruff, known to me to be the person whose name is
subscribed to the within and foregoing instrument and acknowledged to me that he/she executed
the same on behalf of the Applicant.



Pamela Dilbeck
Notary Public for Idaho

Residing at:
Canyon County

My Commission Expires: 10/14/2028

(All Applicants must sign and their signatures must be notarized)

Exhibit "A"

DEVELOPMENT AGREEMENT CONDITIONS

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 parcel, 3.98 acres, shall be divided in compliance with County Administrative Land Division requirements (Chapter 7, Article 18, Canyon County Zoning Ordinance, in substantial compliance with the conceptual site plan ("Exhibit C") subject to the following restrictions:
 - a. Secondary dwellings (CCZO §07-10-27 & 07-14-25) are prohibited.
 - b. Further division of the parcels is prohibited unless the development agreement is modified or approval of a zoning map amendment.
3. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modifications or improvements shall be approved in writing by the local Irrigation District.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."

Exhibit "B"

Part of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho described as follows:

Commencing at a found 5/8" rebar marking the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and running thence

North 00°01'07" West 354.90 feet along the West line of the Northwest 1/4 of the Northwest 1/4 of said Section to the Point of Beginning; thence

North 00°01'07" West 205.23 feet along the said West line; thence

South 89°50'27" East 401.77 feet to a found 5/8" rebar marking the Southwest corner of the Vavold Heights Subdivision; thence

South 89°51'35" East 228.23 feet along the South line of Vavold Heights Subdivision; thence

South 00°01'07" East 160.80 feet parallel to the West line of the Northwest 1/4 of the Northwest 1/4 of said Section to a point on the South bank of an existing canal (said point being on a curve); thence along said

South bank following ten (10) courses:

Southwesterly 47.65 feet along a said curve to the right (Curve data: Radius = 201.00', Delta = 13°34'59", Chord Bearing and Distance = South 44°10'23" West 47.54 feet); thence

South 50°57'52" West 32.63 feet to a point of curve; thence Westerly 52.29 feet along said curve to the right (Curve data: Radius = 76.00', Delta = 39°25'22", Chord Bearing and Distance = South 70°40'33" West 51.27

feet); thence

North 89°36'45" West 60.35 feet to a point of curve; thence

Southwesterly 36.48 feet along said curve to the left (Curve data: Radius = 49.00', Delta = 42°39'39", Chord

Bearing and Distance = South 69°03'25" West 35.65 feet); thence

South 47°43'36" West 139.13 feet to a point of a curve; thence

122.44 feet along said curve to the right (Curve data: Radius = 96.00',

Delta 73°04'44", Chord bearing and Distance = South 84°15'58" West 114.31 feet); thence

North 59°11'40" West 63.66 feet; thence

North 49°41'01" West 146.09 feet; thence

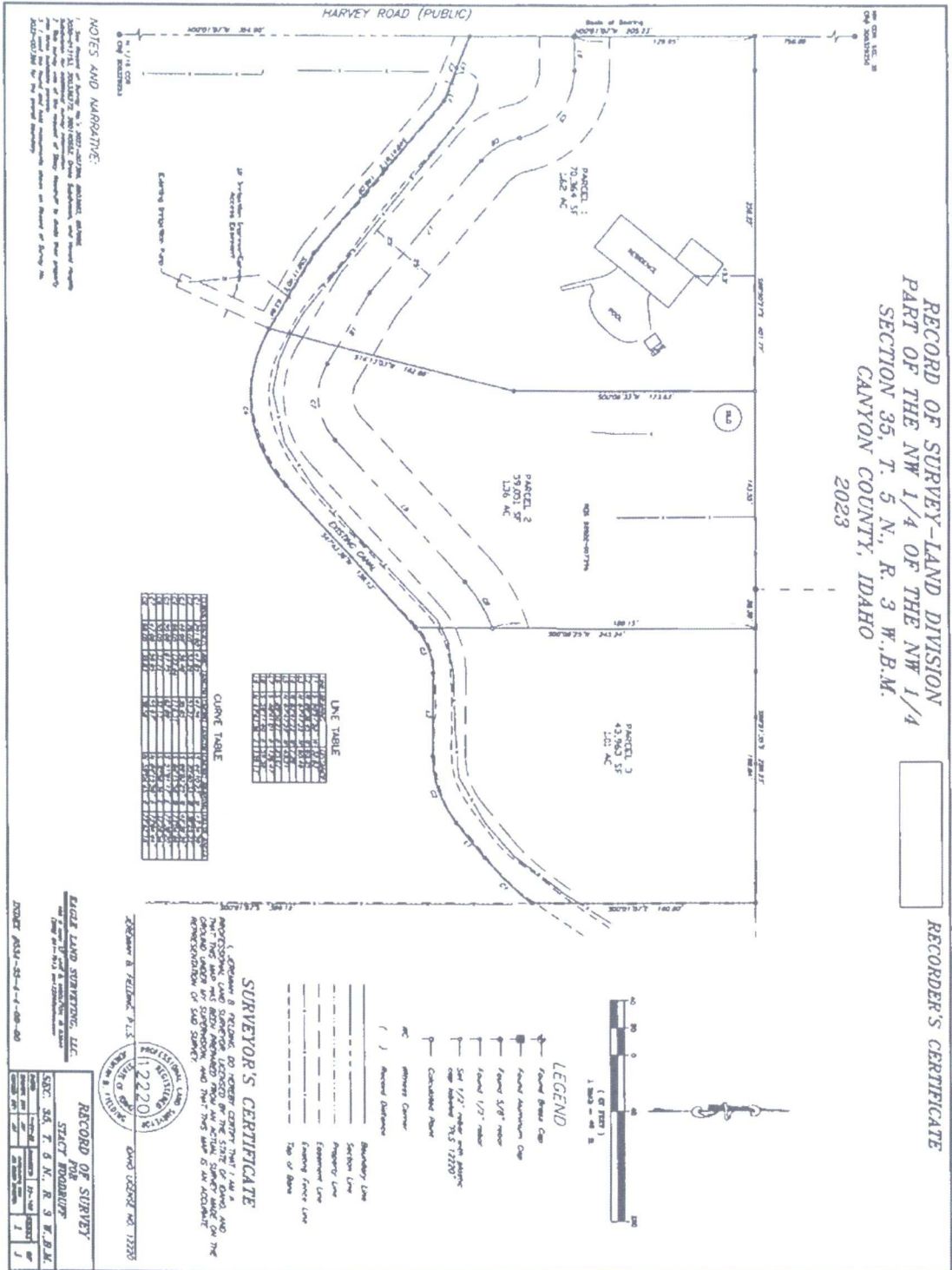
North 67°47'22" West 50.49 feet to the Point of Beginning.

(Shown as Parcel 1 of Record of Survey recorded as Instrument No. 2022-007396)

Exhibit "C"

RECORD OF SURVEY-LAND DIVISION PART OF THE NW 1/4 OF THE NW 1/4 SECTION 35, T. 5 N., R. 3 W., B.M. CANYON COUNTY, IDAHO 2023

RECORDER'S CERTIFICATE



ORDINANCE NO. _____

**ORDINANCE DIRECTING AMENDMENTS TO THE
CANYON COUNTY ZONING MAP
(Woodruff – Conditional Rezone – CR2022-0026)**

An ordinance of Canyon County, Idaho directing amendments to the Canyon County Zoning Map (Ordinance No. 12-021); providing for title, structure, purpose, and authority clauses; rezone; severability; and an effective date.

Be It Ordained by the Board of County Commissioners of Canyon County, Idaho:

SECTION 1. TITLE.

This Ordinance shall be known as the “Ordinance Directing Amendments to Canyon County Zoning Map (for approximately 3.98 acres; Parcel R38194010).

SECTION 2. STRUCTURE.

Titles and subtitles of this Ordinance are only used for organization and structure and the language in each paragraph of this Ordinance should control with regard to determining the legislative intent and meaning of the Board of County Commissioners.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to authorize the rezone of the property described in Section 5 of this Ordinance from “A” (Agricultural) to “CR-R-1” (Conditional Rezone – Single Family Residential). The purpose of this Ordinance also authorizes amendments to the Official Maps of Canyon County to reflect the rezone authorized by this Ordinance.

SECTION 4. AUTHORITY.

This Ordinance amending the Official Zoning Maps of Canyon County (is enacted pursuant to the authority conferred by Canyon County Zoning Ordinance 7, Chapter 7, Article 6; and Idaho Code § 67-6511, 67-6511A, 31-714, 31-801 and 31-828.

SECTION 5. REZONE.

The subject property shall be and is rezoned from “A” (Agricultural) to “CR-R-1” (Conditional Rezone – Single Family Residential), as specifically identified and described on the attached Exhibit “A”, pursuant to the Findings of Fact, Conclusions of Law and Order issued on *April 5th, 2023* the Board of Canyon County Commissioners as authorized by Canyon County Zoning Ordinance, Chapter 7, Article 6; the Idaho Constitution; and Idaho Code § 67-6511, 67-6511A.

SECTION 6. SEVERABILITY CLAUSE.

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance in whole or in part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be in full force and effect on _____, 2023.

ADOPTED AND APPROVED this ____ day of _____, 2023.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

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

Attest: Chris Yamamoto, Clerk

By: _____
Deputy

Date: _____

Publication Date: _____ 2023, Idaho Press-Tribune

EXHIBIT "A"

Part of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho described as follows:

Commencing at a found 5/8" rebar marking the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and running thence

North 00°01'07" West 354.90 feet along the West line of the Northwest 1/4 of the Northwest 1/4 of said Section to the Point of Beginning; thence

North 00°01'07" West 205.23 feet along the said West line; thence

South 89°50'27" East 401.77 feet to a found 5/8" rebar marking the Southwest corner of the Vavold Heights Subdivision; thence

South 89°51'35" East 228.23 feet along the South line of Vavold Heights Subdivision; thence

South 00°01'07" East 160.80 feet parallel to the West line of the Northwest 1/4 of the Northwest 1/4 of said Section to a point on the South bank of an existing canal (said point being on a curve); thence along said

South bank following ten (10) courses:

Southwesterly 47.65 feet along a said curve to the right (Curve data: Radius = 201.00', Delta = 13°34'59", Chord Bearing and Distance = South 44°10'23" West 47.54 feet); thence

South 50°57'52" West 32.63 feet to a point of curve; thence Westerly 52.29 feet along said curve to the right (Curve data: Radius = 76.00', Delta = 39°25'22", Chord Bearing and Distance = South 70°40'33" West 51.27

feet); thence

North 89°36'45" West 60.35 feet to a point of curve; thence

Southwesterly 36.48 feet along said curve to the left (Curve data: Radius = 49.00', Delta = 42°39'39", Chord

Bearing and Distance = South 69°03'25" West 35.65 feet); thence

South 47°43'36" West 139.13 feet to a point of a curve; thence

122.44 feet along said curve to the right (Curve data: Radius = 96.00',

Delta 73°04'44", Chord bearing and Distance = South 84°15'58" West 114.31 feet); thence

North 59°11'40" West 63.66 feet; thence

North 49°41'01" West 146.09 feet; thence

North 67°47'22" West 50.49 feet to the Point of Beginning.

(Shown as Parcel 1 of Record of Survey recorded as Instrument No. 2022-007396)



**Planning & Zoning Commission
Canyon County Development Services
Conditional Rezone: CR2022-0026**

HEARING DATE: 01/19/2023

OWNER: Stacy Woodruff

APPLICANT/REP: N/A

PLANNER: Samantha Hammond, Planner I

CASE NUMBER: CR2022-0026

LOCATION:

The property is located at 24822 Harvey Rd, Caldwell, Idaho; also referenced as a portion of the NW¼ of Section 35, T5N, R3W, Canyon County, Idaho.



PROJECT DESCRIPTION:

- The applicant, Stacy Woodruff, is requesting a conditional rezone from “A” (Agricultural) to “R-1” (Residential) with the intention that the property be split administratively into three (3) even lots.

PARCEL INFORMATION: Exhibit 1

PROJECT OVERVIEW

- Stacy Woodruff, the applicant/owner, is requesting a conditional rezone from an “A” (Agricultural) zone to a “CR-R1” Conditional Rezone R1. The development agreement conditions of approval (*Exhibit 1*) limit the development to substantial conformance with the site plan.
- See *Exhibit 3*, for the letter of intent from the applicant. *Exhibit 3A*, which is the proposed site.
- Parcel R38194010 was created legally through a land division application (AD2022-0003).

Character of the Area:

- The subject property is currently located in the Agricultural zone, the future land use for this property is designated as “Residential” in both the 2020 and 2030 Comprehensive plans along with the City of Middleton’s Land Use. Within the vicinity there is a mixed use between, Rural Residential, Conditional Rezone Rural Residential, R-1, and Conditional Rezone R-1 (*Exhibit 5B*). There are currently 35 subdivisions within the vicinity with a total of 526 lots averaging 1.76 acres per lot (*Exhibits 5E and 5F*).

Access and Traffic:

- Access will be taken off a private drive, that will be required to meet Canyon County Code/Standards at the southern end of the parcel, this can be seen on the site plan in *Exhibit 3A*.

Facilities:

- City services are not available at the proposed property. All future development will use domestic wells and septic systems, the site is located within a nitrate priority area (*Exhibit 5L*). Wells within the area have been identified to have some nitrate issues (between 0.005-10.00 mg/l). Idaho Department of Environmental Quality finds drinking water to be unsafe if nitrates exceed 10 parts per million (or 10 milligrams per liter (mg/l) (*Exhibit 6D*).

Essential Services:

- The property is located in the Middleton School District. The property is served by Middleton Fire District, along with the property utilizing Canyon County Sheriff, and Canyon County Ambulance. All impacted agencies were noticed on December 19, 2022, and no comments were received.

Soils:

- According to the Canyon County Soil Survey of 2018, 56.75% of the property includes Class 3 (Moderately Suited Soils) and 43.25% of the property includes Class 4 (Moderately Suited Soils) (*Exhibits 5I and 5K*). It also shows that 56.75% of the land is prime farmland if irrigated (LvB) and 43.25% of the land is prime farm land if irrigated (QfD) (*Exhibits 5J and 5K*).

Area of City Impact:

- The property is within the City of Middleton's Area of City Impact, designated with a land use of "Residential". The city was noticed on December 19, 2022, and no comments were received.

COMPREHENSIVE PLAN ALIGNMENT:**Chapter 1. Property Rights:**

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.

Chapter 2. Population:

Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development:

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use

Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.

Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 2. Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

COMMENTS:

- Public:
 - No comments have been received upon the publishing of the staff report.
- Agencies:
 - Idaho Transportation Department (Exhibit 6A).
 - Canyon Highway District #4 (Exhibit 6B).
 - Black Canyon Irrigation (Exhibit 6C).
 - Department of Environmental Quality (Exhibit 6D).

RECOMMENDATION:

- Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Rezone.
- Staff is **recommending approval** of the request as provided in the draft Findings of Fact, Conclusions of Law, and Order found in *Exhibit 1*.

DECISION OPTIONS:

- Planning and Zoning Commission may recommend **approval** the Conditional Rezone with conditions; or
- The Planning and Zoning Commission may recommend **denial** the Conditional Rezone 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 of specific items

ATTACHMENTS/EXHIBITS:

Exhibit 1: FCOS with conditions

Exhibit 2: Land Use Worksheet

Exhibit 3: Letter of Intent

- 3A: Site Plan

Exhibit 4: Neighborhood Meeting

Exhibit 5: Maps-

- 5A: Aerial
- 5B: Zoning
- 5C: Case Map
- 5D: Case Sum. Report
- 5E: Plat & Subs
- 5F: Lot Reports
- 5G: CC Future Land Use
- 5H: Middleton Future Land Use
- 5I: Soils Map

- 5J Prime Farmland Map
- 5K: Soil/Land
- 5L: NP Area Map

Exhibit 6: Agency Notifications-

- 6A: ITD
- 6B: CCHD #4
- 6C: BCID
- 6D: DEQ

Exhibit 7: Staff Presentation



Planning & Zoning Commission
Woodruff – CR2022-0026

Development Services Department

Findings of Fact, Conclusions of Law, and Order
 Conditional Rezone – CR2022-0026

Findings of Fact

1. The applicant, Stacy Woodruff, is requesting a conditional rezone from “A” (Agricultural) to “R-1” (Residential) with the intentions that the property be split administratively into three (3) even lots. The request includes a development agreement. The 3.98-acre property is located at 24822 Harvey Rd, Caldwell, ID; also referenced as a portion of the NW¼ of Section 35, T5N, R3W, Canyon County, Idaho.
2. The subject property is designated as “residential” on the 2020 Canyon County Future Land Use Map.
3. The subject property is located within Middleton’s Area of City Impact. The City designates the property as “Residential” on their future land use map.
4. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, and Middleton School District.
5. The neighborhood meeting was held July 29, 2022 pursuant to CCZO §07-01-15.
6. Notice of the public hearing was provided as per CCZO §07-05-01: Affected agencies and City of Middleton were notified on December 19, 2022. Full political notice was sent December 19, 2022. Property owners within 600 ft. were notified by mail on January 3, 2022. Newspaper notice was published on January 3, 2022. The property was posted on January 10, 2022.
7. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on January 19, 2022 and all information contained in DSD case file, CR2022-0026.

Conclusions of Law

For this request, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Conditional Rezone (§07-06-07(6)):

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

Conclusion: The proposed zone change is consistent with the 2020 Future Land Use Map and Comprehensive Plan.

Finding: The property is designated as “residential” on the Future land use map within the 2020 Canyon County Comprehensive Plan. The proposed conditional rezone is consistent with the eight (8) policies and four (4) goals:

Chapter 1. Property Rights:

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.

Chapter 2. Population:

Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development:

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use:

Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.

Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 2. Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

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

Conclusion: As conditioned (Attachment A) the request is more appropriate than the current zoning designation and is consistent with the future land use map designation of residential.

Finding: The area is predominately zoned “A” (Agricultural). Pursuant to CCZO Section 07-10-25(1), the purposes of the "A" (Agricultural) Zone are to:

- A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*

The subject property is currently located in the Agricultural zone, the future land use for this property is designated as “Residential” in both the 2020 and 2030 Comprehensive plan along with the City of Middleton’s Land Use. Within the vicinity there is a mixed use between, Rural Residential, Conditional Rezone Rural Residential, R-1, and Conditional Rezone R-1 (Exhibit 5B). There are currently 35 subdivisions within the vicinity with a total of 526 lots averaging 1.76 acres per lot (Exhibits 5E and 5F).

According to the Canyon County Soil Survey of 2018, 56.75% of the property includes Class 3 (Moderately Suited Soils) and 43.25% of the property includes Class 4 (Moderately Suited Soils) (Exhibits 5I and 5K). It also shows that 56.75% of the land is prime farm land if irrigated (LvB) and 43.25% of the land is prime farm land if irrigated (QfD) (Exhibits 5J and 5K).

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

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Finding: The surrounding area is primarily zoned agricultural and residential but is primarily used as residential. The 2020 and 2030 future land use designations are both “Residential” along with the City of Middleton’s land use being “Residential” the proposed use is compatible. Within the

vicinity there is a mixed use between, Rural Residential, Conditional Rezone Rural Residential, R-1, and Conditional Rezone R-1 (Exhibit 5B). There are currently 35 subdivisions within the vicinity with a total of 526 lots averaging 1.76 acres per lot (Exhibits 5E and 5F).

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

Conclusion: As conditioned (Attachment A), the request will not negatively affect the character of the area.

Finding: The proposed rezone will be case a negative affect a total of three (3) parcels will be allowed to be created via Administrative Land Division. One parcel will contain the existing dwelling. As conditioned, secondary dwellings are prohibited. In order to mitigate any potential impacts, there will be a Development Agreement in place limiting secondary dwelling as well as the administrative splits/development must have a significant conformance to the site concept seen in Attachment B.

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

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the request at the time of development as conditioned.

Finding: City services are not available to the property. Future development will require domestic wells and septic systems. The site is located within a nitrate priority area. Wells within the area have been identified to have some nitrate issues (between 0.005-10.00 mg/l). Idaho Department of Environmental Quality finds drinking water to be unsafe if nitrates exceed 10 parts per million (or 10 milligrams per liter (mg/l). Future development will be required to meet Idaho Department of Water Resources and Southwest District Health regarding the placement of an individual well and septic system and must be demonstrated at the time of platting. The property owner will also need to comply with any conditions/regulations provided by Black Canyon Irrigation District in Exhibit 6C

F. Does the proposed conditional rezone require public street 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: As conditioned (Attachment A), the request will not cause undue interference with existing or future traffic patterns as proposed.

Finding: As conditioned by the development agreement, two land divisions (the ability to create 3 parcels) will be allowed to be created via Administrative Land Division. One parcel will contain the existing dwelling. As conditioned, secondary dwellings are prohibited. The result of the request creates two additional dwellings. As conditioned and through comments received from Canyon Highway District #4 and Idaho Transportation Department this request is not anticipated to create traffic issues.

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

Conclusion: The property will have access of a Private Road.

Finding: Canyon Highway District #4 commented all parcel must take access off of a private road and as conditioned within the Development Agreement the applicant needs to comply with Canyon Highway District #4 standards/permitting. No traffic impact study was requested or found necessary on this land use change. The applicant will be required to apply for the private road through Canyon County at the time of the Administrative Splits.

H. 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: All affected agencies were noticed December 19, 2022 and no comments from specific essential public services were received.

Conclusions of Law - Area of City Impact

The property is within Middleton's Area of City Impact. The city designates the area as "Residential". Pursuant to Canyon County Code §09-09-17 of the Middleton Area of City Impact Agreement, a notice was provided to the City of Middleton on December 19, 2022. The City of Middleton did not provide any comments.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends approval** of Case # CR2022-0026, a request for a conditional rezone of Parcel R38194010 from an "A" (Agricultural) zone to an "CR-R1" (Conditional Rezone -R1) zone subject to conditions of the development agreement (Attachment A).

APPROVED this _____ day of _____, 2023.

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

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this _____ day of _____, in the year of 2023 before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: _____

My Commission Expires: _____

ATTACHMENT A
DEVELOPMENT AGREEMENT CONDITIONS

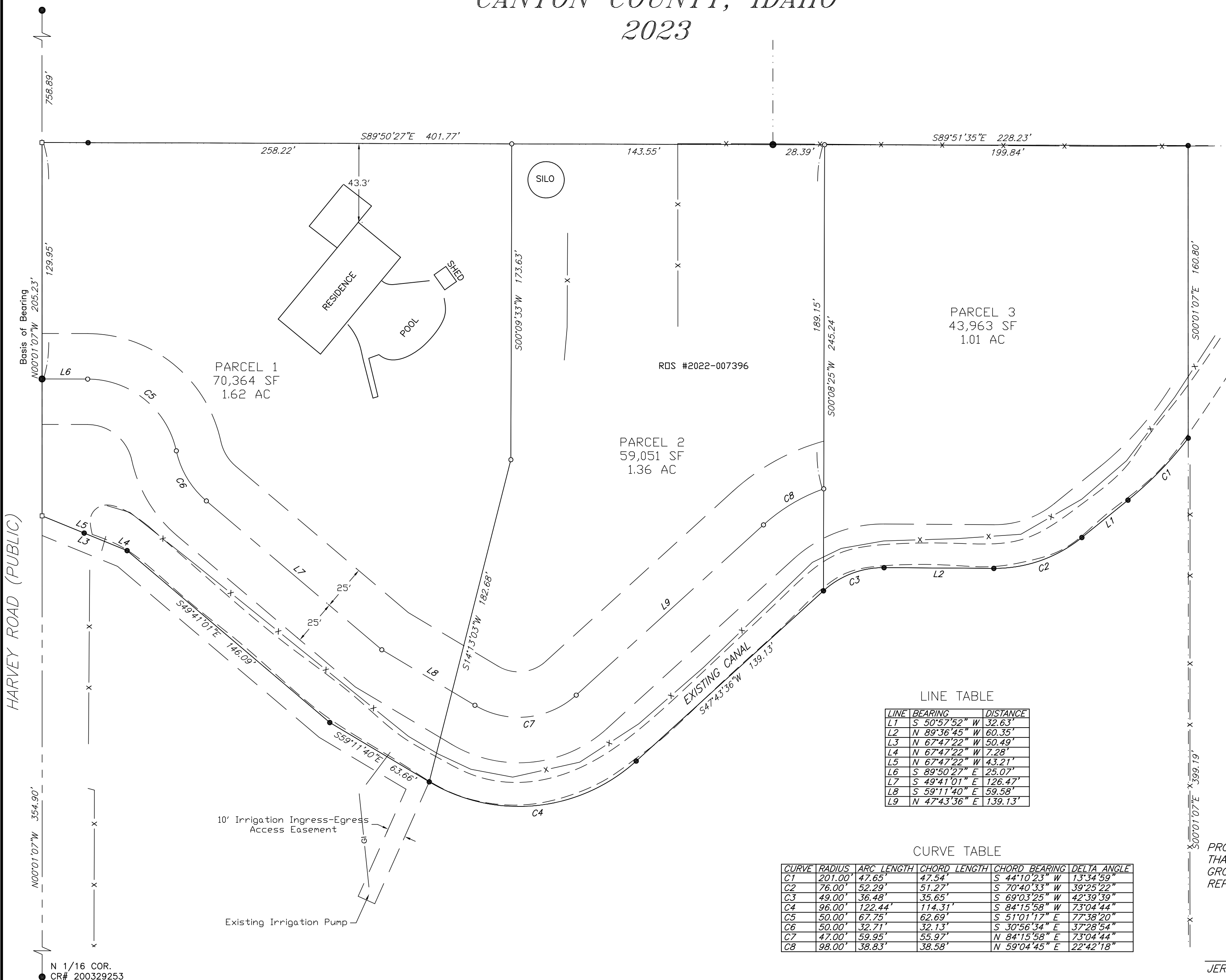
1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject parcel, 3.98 acres, shall be divided in compliance with County Administrative Land Division requirements (Chapter 7, Article 18, Canyon County Zoning Ordinance, in substantial compliance with the conceptual site plan (Attachment B) subject to the following restrictions:
 - a. Secondary dwellings (CCZO §07-10-27 & 07-14-25) are prohibited.
 - b. Further division of the parcels is prohibited unless the development agreement is modified or an approval of a zoning map amendment.
3. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification or improvements shall be approved in writing by the local Irrigation District.
4. 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.”

RECORD OF SURVEY—LAND DIVISION
PART OF THE NW 1/4 OF THE NW 1/4
SECTION 35, T. 5 N., R. 3 W.,B.M.
CANYON COUNTY, IDAHO
2023

Attachment B

RECORDER'S CERTIFICATE

NW COR. SEC. 35
CR# 200329250



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 50°57'52" W	32.63'
L2	N 89°36'45" W	60.35'
L3	N 67°47'22" W	50.49'
L4	N 67°47'22" W	7.28'
L5	N 67°47'22" W	43.21'
L6	S 89°50'27" E	25.07'
L7	S 49°41'01" E	126.47'
L8	S 59°11'40" E	59.58'
L9	N 47°43'36" E	139.13'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	201.00'	47.65'	47.54'	S 44°10'23" W
C2	78.00'	52.29'	51.27'	S 70°40'33" W
C3	49.00'	36.48'	35.65'	S 69°03'25" W
C4	96.00'	122.44'	114.31'	S 84°15'58" W
C5	50.00'	67.75'	62.69'	S 51°01'17" E
C6	50.00'	32.71'	32.13'	S 30°56'34" E
C7	47.00'	59.95'	55.97'	N 84°15'58" E
C8	98.00'	38.83'	38.58'	N 59°04'45" E

- LEGEND
- Found Brass Cap
 - Found Aluminum Cap
 - Found 5/8" rebar
 - Found 1/2" rebar
 - Set 1/2" rebar with plastic cap labeled "PLS 12220"
 - Calculated Point
 - WC Witness Corner
 - () Record Distance

- Boundary Line
- Section Line
- Property Line
- Easement Line
- Existing Fence Line
- Top of Bank

SURVEYOR'S CERTIFICATE

I, JEREMIAH B. FIELDING, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.



JEREMIAH B. FIELDING, P.L.S. IDAHO LICENSE NO. 12220

NOTES AND NARRATIVE:

- See Record of Survey No.'s 2022-007396, 8603692, 887888, 2020-013153, 200336272, 200140552, Drake Subdivision, and Vavold Heights Subdivision for additional survey information.
- This survey was at the request of Stacy Woodruff to divide their property into three buildable parcels.
- I used the found and held monuments shown on Record of Survey No. 2022-007396 for the overall boundary.

EAGLE LAND SURVEYING, LLC.

106 W MAIN ST. UNIT D, MIDDLETON, ID 83644
(208) 861-7513; pls12220@yahoo.com

INDEX #534-35-4-4-00-00

RECORD OF SURVEY FOR STACY WOODRUFF			
SEC. 35, T. 5 N., R. 3 W.,B.M.			
DATE:	1-09-23	PROJECT:	22-102
DRAWN BY:	JB	CHECKED BY:	JB
SHEET		OF	
1		1	

LAND USE WORKSH T**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633

Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☐ N/A – Explain why this is not applicable: _____

☒ How many Individual Domestic Wells are proposed? two additional (1 is existing)

2. SEWER (Wastewater) ☒ Individual Septic ☐ Centralized Sewer system

☐ N/A – Explain why this is not applicable: _____

3. IRRIGATION WATER PROVIDED VIA:

☐ Surface ☒ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION:

☒ Pressurized ☐ Gravity

5. ACCESS:

☐ Frontage ☒ Easement Easement width 50' Inst. # _____

6. INTERNAL ROADS:

☐ Public ☒ Private Road User's Maintenance Agreement Inst # _____

7. FENCING

☐ Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. STORMWATER:

☐ Retained on site ☐ Swales ☐ Ponds ☒ Borrow Ditches

☐ Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

canal

10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Stacy Woodruff

APPLICANT/REPRESENTATIVE (Signature):

Stacy Woodruff

DATE: 8 / 9 / 22

RESIDENTIAL USES**1. NUMBER OF LOTS REQUESTED:**

- ☒ Residential 3
☐ Commercial _____
 ☐ Industrial _____
☐ Common _____
 ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

- ☐ Water supply source: pressurized well

3. INCLUDED IN YOUR PROPOSED PLAN?

- ☐ Sidewalks
 ☐ Curbs
 ☐ Gutters
 ☐ Street Lights
 ☒ None

NON-RESIDENTIAL USES**1. SPECIFIC USE:** NA**2. DAYS AND HOURS OF OPERATION:**

- ☐ Monday _____ to _____
☐ Tuesday _____ to _____
☐ Wednesday _____ to _____
☐ Thursday _____ to _____
☐ Friday _____ to _____
☐ Saturday _____ to _____
☐ Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? ☐ Yes If so, how many? _____ ☐ No**4. WILL YOU HAVE A SIGN?** ☐ Yes ☐ No ☐ Lighted ☐ Non-Lighted

Height: _____ ft Width: _____ ft Height above ground: _____ ft

What type of sign: Wall Freestanding Other _____

5. PARKING AND LOADING:

How many parking spaces? _____

Is there is a loading or unloading area? _____

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: _____

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

Letter of Intent: Conditional Rezone

August 9, 2022

Stacy Woodruff
24856 Harvey Rd
Caldwell ID 83607
Cell 208-989-2861
Email: westwoodedge@gmail.com

Canyon County Development services/To Whom it May Concern,

My name is Stacy Woodruff, I would like to rezone 3.98 acres of non-farmable land that is surrounded by small lots ranging from 0.5 to 2.0 acres developed properties from Ag to R1 and eventually split parcel R38194010 (24822 Harvey Rd), a parcel with an existing home into 3 lots (existing house on 1 lot and 2 lots where my daughters and their families intend to build). All lots will be ≥ 1 acre.

I will attempt to address all the points in the zoning amendment checklist below:

- This request is consistent with the comprehensive plan located south of Purple Sage Rd on Harvey Rd and listed in the comprehensive plan for potential zoning to R1.
- This request is aligned with parcels in the direct adjacent properties and in the surrounding area with 2-, 1- and 0.5-acre parcels all within the area notification zone.
- This request is compatible with area surrounding usage of residential on lots ranging from 0.5 – 2-acre parcels.
- This request will not negatively impact the character of the area, it has been left fallow in recent years due to the very small and unfarmable nature of the parcel.
- Adequate facilities and service will be included in the final 3 lot layout and there is adequate room for a domestic well and septic system for each lot.
- Legal access exists and we will NOT need to add an additional approach. We have been in contact with the Highway District, they have 2 points that we will fully meet.
 - Plan for an additional 40 feet easement to prepare for the widening of Harvey Rd in the future – DONE in proposed plan
 - Move existing approach (private driveway) to align with Raptor Lane, it is currently off set and to ensure smooth traffic flow they recommend we move our approach to align – DONE in our proposed plan.
- We have received clear direction from the Highway department and will align fully with their direction to ensure existing and future needs are addressed.

We opt for this conditional rezone so we can comply and adapt our plans to meet the needs and requirements of the county, potential city, and all services.

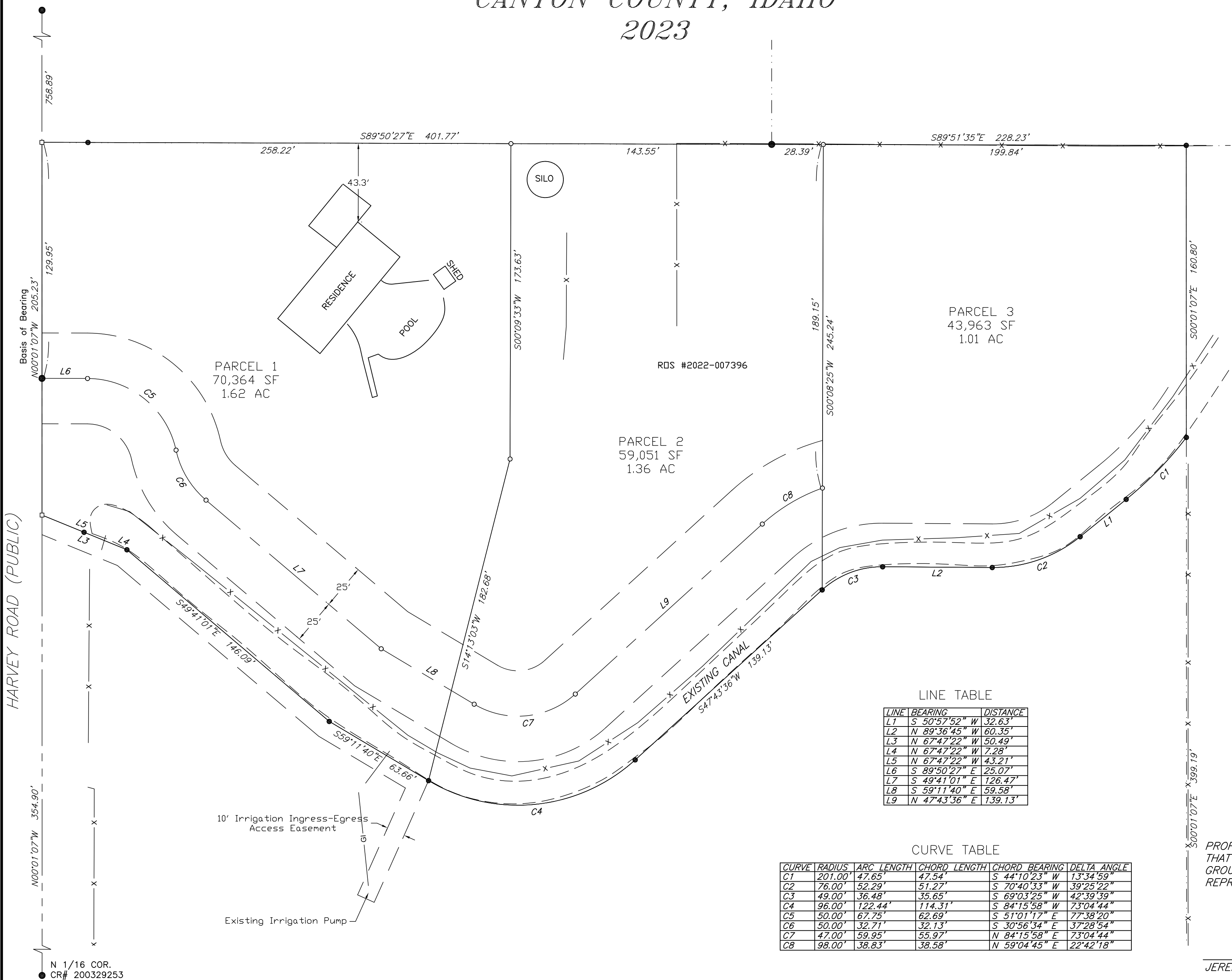
Thanks,


Stacy Woodruff

RECORD OF SURVEY—LAND DIVISION
PART OF THE NW 1/4 OF THE NW 1/4
SECTION 35, T. 5 N., R. 3 W.,B.M.
CANYON COUNTY, IDAHO
2023

RECORDER'S CERTIFICATE

NW COR. SEC. 35
CR# 200329250



LINE TABLE			
LINE	BEARING	DISTANCE	
L1	S 50°57'52" W	32.63'	
L2	N 89°36'45" W	60.35'	
L3	N 67°47'22" W	50.49'	
L4	N 67°47'22" W	7.28'	
L5	N 67°47'22" W	43.21'	
L6	S 89°50'27" E	25.07'	
L7	S 49°41'01" E	126.47'	
L8	S 59°11'40" E	59.58'	
L9	N 47°43'36" E	139.13'	

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	201.00'	47.65'	47.54'	S 44°10'23" W
C2	78.00'	52.29'	51.27'	S 70°40'33" W
C3	49.00'	36.48'	35.65'	S 69°03'25" W
C4	96.00'	122.44'	114.31'	S 84°15'58" W
C5	50.00'	67.75'	62.69'	S 51°01'17" E
C6	50.00'	32.71'	32.13'	S 30°56'34" E
C7	47.00'	59.95'	55.97'	N 84°15'58" E
C8	98.00'	38.83'	38.58'	N 59°04'45" E

- LEGEND
- Found Brass Cap
 - Found Aluminum Cap
 - Found 5/8" rebar
 - Found 1/2" rebar
 - Set 1/2" rebar with plastic cap labeled "PLS 12220"
 - Calculated Point
 - WC Witness Corner
 - () Record Distance

- Boundary Line
- Section Line
- Property Line
- Easement Line
- Existing Fence Line
- Top of Bank

SURVEYOR'S CERTIFICATE

I, JEREMIAH B. FIELDING, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.



JEREMIAH B. FIELDING, P.L.S.

IDAHO LICENSE NO. 12220

NOTES AND NARRATIVE:

- See Record of Survey No.'s 2022-007396, 8603692, 887888, 2020-013153, 200336272, 200140552, Drake Subdivision, and Vavold Heights Subdivision for additional survey information.
- This survey was at the request of Stacy Woodruff to divide their property into three buildable parcels.
- I used the found and held monuments shown on Record of Survey No. 2022-007396 for the overall boundary.

EAGLE LAND SURVEYING, LLC.

106 W MAIN ST. UNIT D, MIDDLETON, ID 83644
(208) 861-7513; pls12220@yahoo.com

INDEX #534-35-4-4-00-00

RECORD OF SURVEY FOR STACY WOODRUFF			
SEC. 35, T. 5 N., R. 3 W.,B.M.			
DATE:	1-09-23	PROJECT:	22-102
DRAWN BY:	JB	CHECKED BY:	JB
SHEET		OF	
1		1	

Exhibit 3A

NEIGHBORHOOD MEETING SIGN-UP**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.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: 24822 Harvey Rd	Parcel Number: R38194010	
City: Caldwell	State: Idaho	ZIP Code: 83607
Notices Mailed Date: 07/29/22	Number of Acres: 3.98	Current Zoning: Ag
Description of the Request: Zoning amendment from ag to R1 zone. Splitting 3.98 into 2+ acres.		

APPLICANT / REPRESENTATIVE INFORMATION

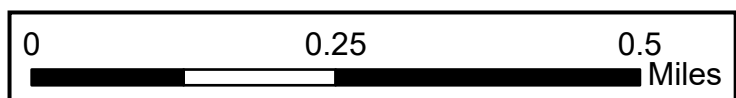
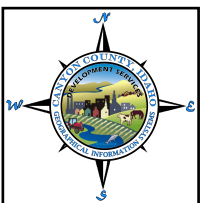
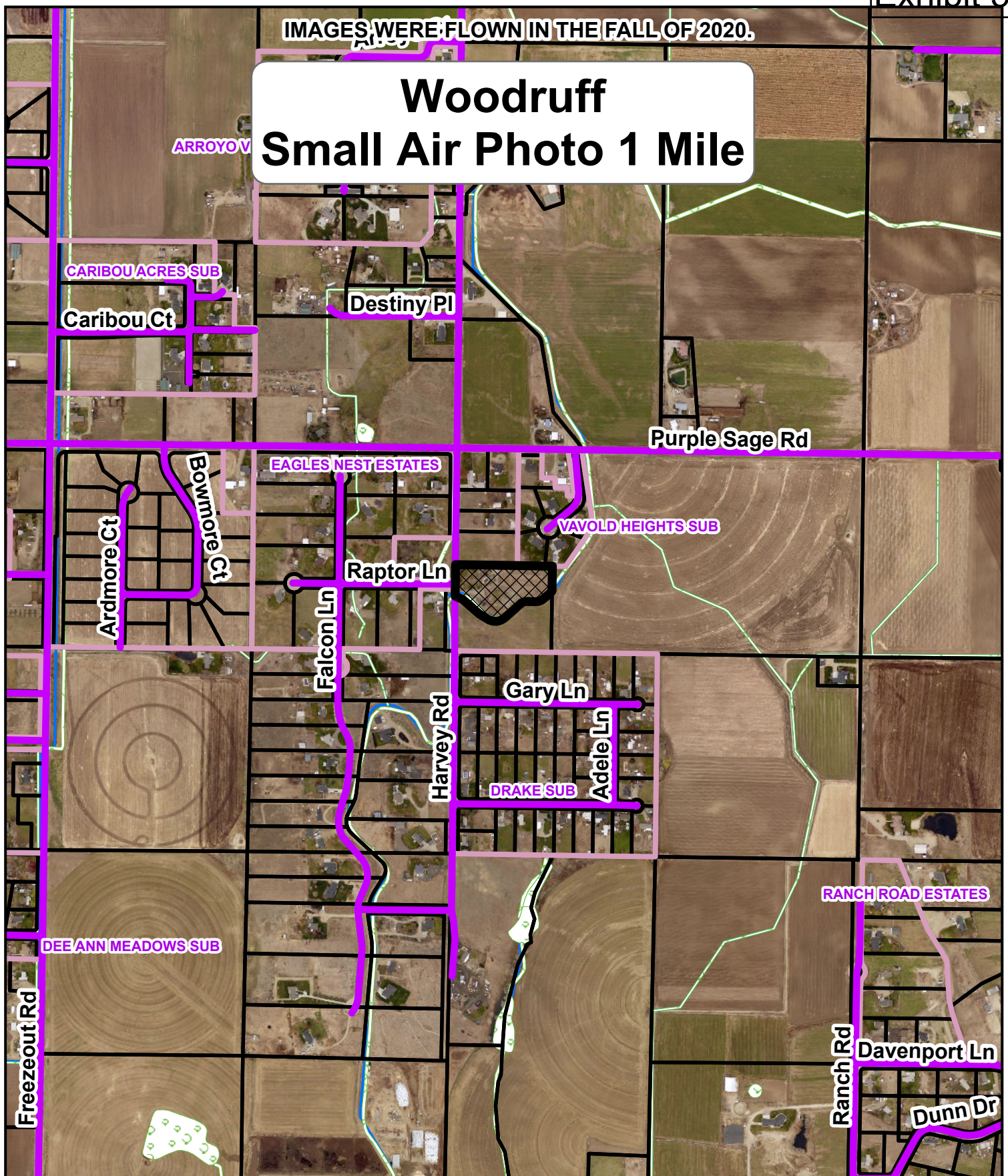
Contact Name: Stacy Woodruff		
Company Name: NA		
Current address: 24856 Harvey Rd Caldwell, Id 83607		
City: Caldwell	State: Idaho	ZIP Code: 83607
Phone: 801-707-5609	Cell: 208-989-2861	Fax:
Email: westwoodedge@gmail.com		

MEETING INFORMATION

DATE OF MEETING: 08/09/22	MEETING LOCATION: 24856 Harvey Rd. Caldwell, ID 83607	
MEETING START TIME: 8:00 AM	MEETING END TIME: 9:00 AM	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. BLAKE OSTIER	<i>[Signature]</i>	24853 VAVOLD WAY
2. Steve Refsland	<i>[Signature]</i>	24686 HARVEY
3. Tamara Cecil	<i>[Signature]</i>	13875 Gary Ln
4. Gwinda Atwood	<i>[Signature]</i>	13874 Gary Ln
5.		
6.		
7.		
8.		
9.		

IMAGES WERE FLOWN IN THE FALL OF 2020.

Woodruff Small Air Photo 1 Mile



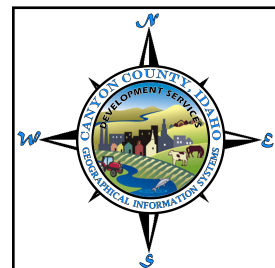
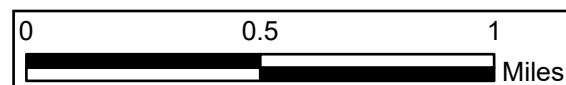
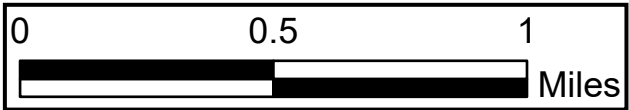
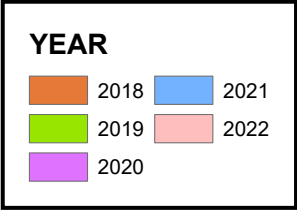
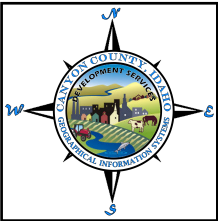
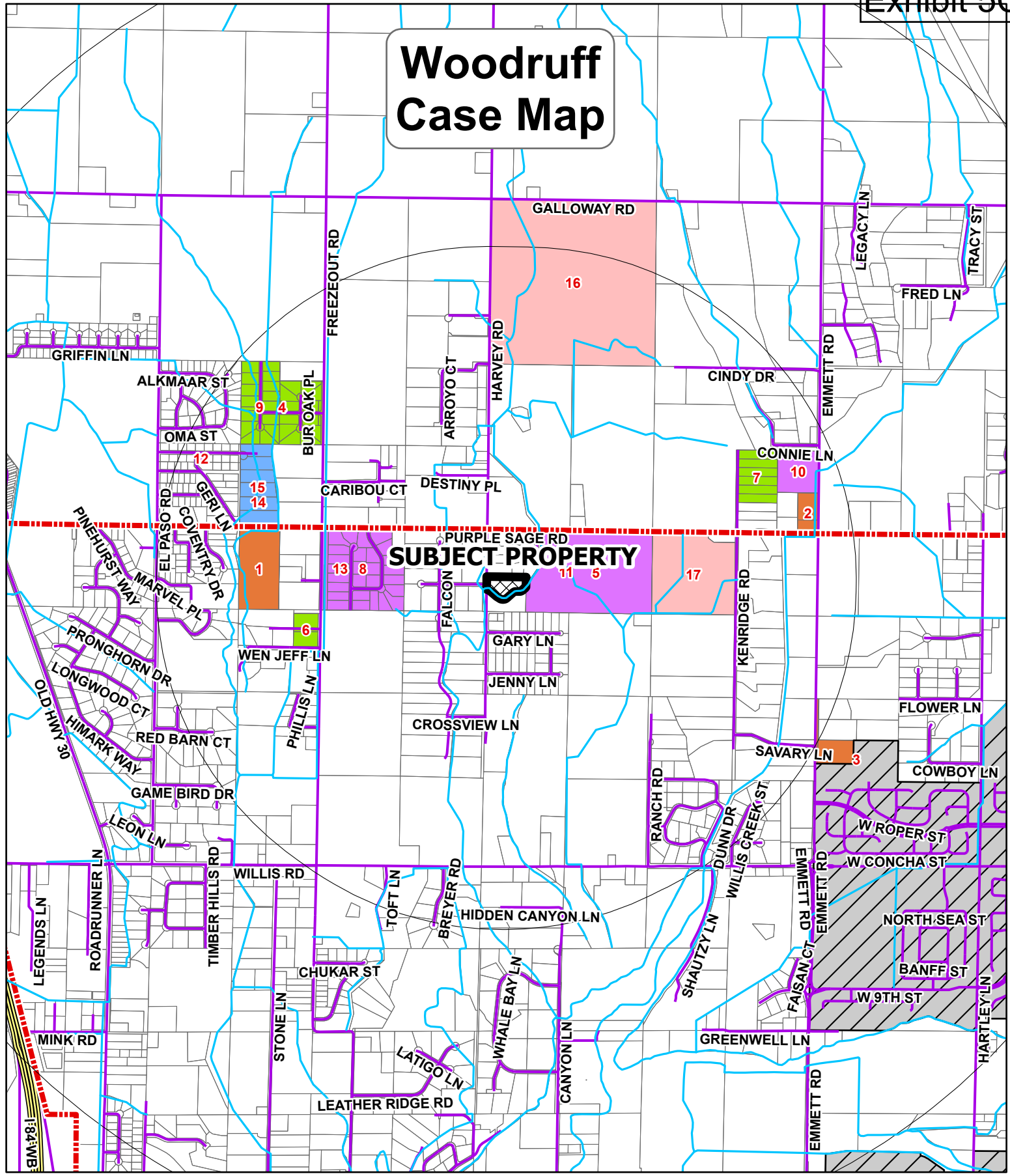


Figure 1 displays 12 different types of microstructures, each represented by a colored square with a specific pattern or border. The microstructures are labeled as follows:

- RR: Yellow square with black diagonal lines.
- CR-RR: Yellow square with black diagonal lines and a black border.
- R1: Yellow square with a black border.
- CR-R1: Yellow square with a black border and a black dot.
- R2: Orange square with a black border.
- C: Red square with a black border.
- C1: Red square with a black border and a black dot.
- CR-C1: Red square with a black border and a black dot.
- C2: Pink square with a black border.
- CR-C2: Pink square with a black border and a black dot.
- M1: Light blue square with a black border.
- CR-M1: Dark blue square with a black border.
- M2: Blue square with a black border.
- AG: White square with a black border.

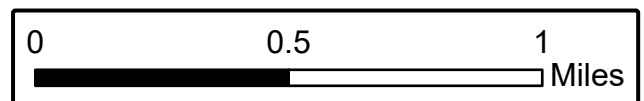
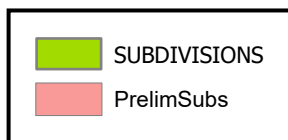
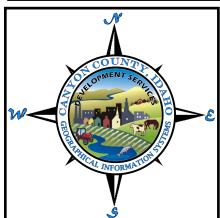
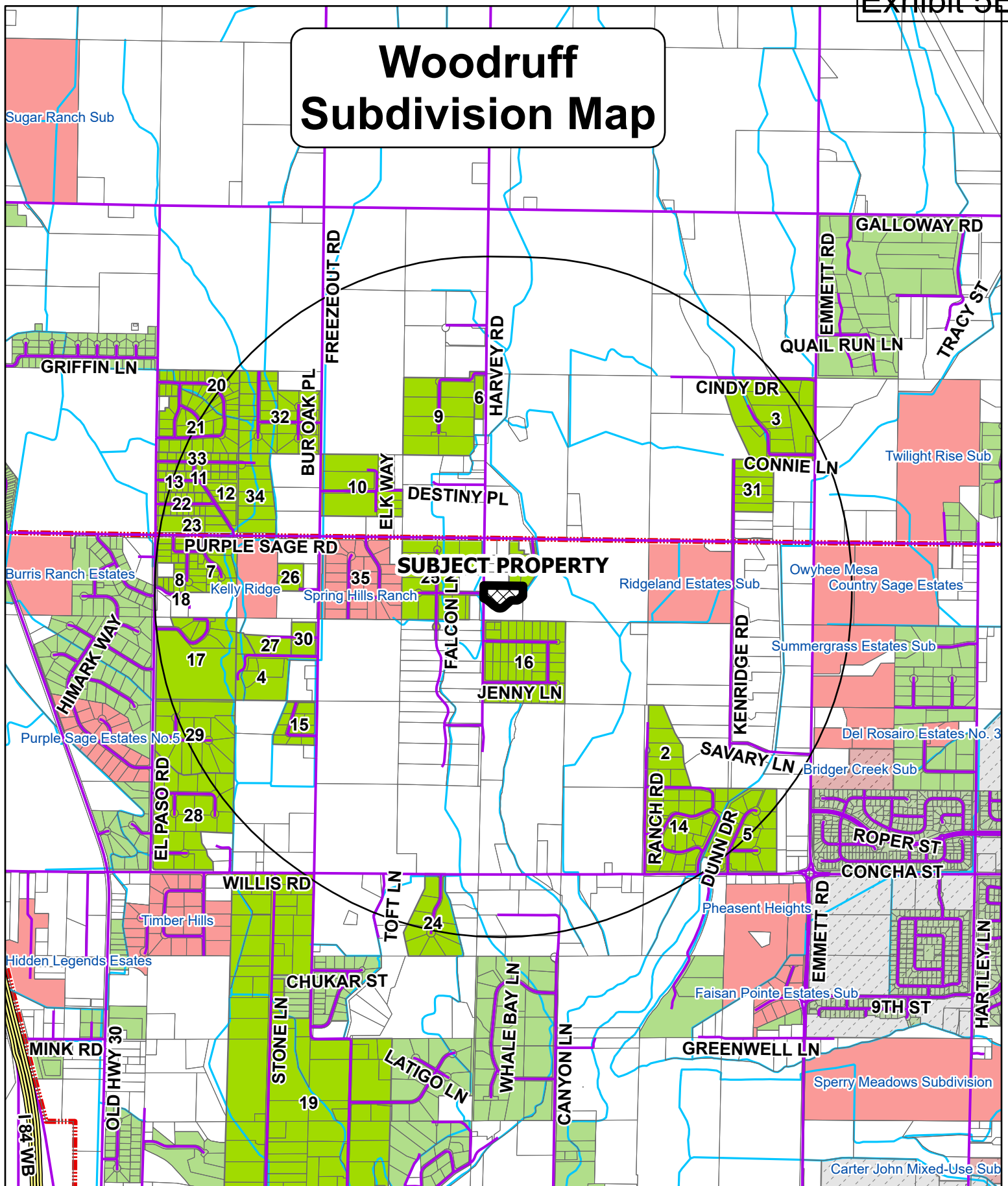


Woodruff Case Map



CASE SUMMARY				
ID	CASENUM	REQUEST	CASENAME	FINAL DECIS
1	RZ2018-0010	AG to R1	Kelley Bob & Jeanne	APPROVED
2	RZ2018-0012	AG to R1	Eaton Jeremy	APPROVED
3	RZ2018-0014	AG to R1	Hopkins, Samuel	APPROVED
4	RZ2018-0032	Rezone AG to R1	Walker, Jay	APPROVED
5	RZ2018-0021	ReZone AG to CR-R1	Doornenbal	APPROVED
6	SD2018-0006	Radford Ridges Sub No 2	Radford Ridges Sub No 2	APPROVED
7	SD2018-0005	Kachupa Ridge Estates	Kachupa Ridge Estates	APPROVED
8	CR2019-0008	Rezone AG to CR-R1	Bowman Ed	APPROVED
9	SD2019-0028	Oak Ridge Estates Subdivision	Oak Ridge Estates Subdivision	APPROVED
10	RZ2019-0042	Rezone AG to CR-R1	Weikel	APPROVED
11	SD2018-0019	Plat - Green Hills Landing Sub	Green Hills Landing Sub	APPROVED
12	RZ2019-0037	Rezone RR to R2	County Clube Wate Association, Inc.	APPROVED
13	SD2020-0010	Preliminary Plat - Sprin Hills Ranch Su	Sprin Hills Ranch Sub	APPROVED
14	RZ2020-0012	Rezone AG to RR	Steadman Land, LLC	APPROVED
15	SD2020-0039	Plat 6 lots	Steady Acres	APPROVED
16	RZ2021-0060	Rezone AG to CR-RR	Middleton Land Investments, LLC	DENIED
17	SD2022-0036	Ridgeland Estates Sub	Ridgeland Estates Sub	APPROVED

Woodruff Subdivision Map



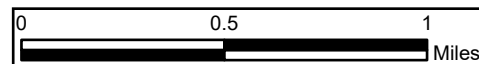
SUBDIVISION & LOT REPORT					
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE		
35	927.23	526	1.76		
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE		
0	0	0	0		
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM MAXIMUM		
42	2.85	1.02	0.28 57.40		
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE MAXIMUM		
0	0	0	0 0		

PLATTED SUBDIVISIONS									
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF ...	Year		
VAVOLD HEIGHTS SUB	1	5N3W35	6.53	6	1.09	COUNTY (Canyon)	2006		
RANCH ROAD ESTATES	2	5N3W35	15.21	7	2.17	COUNTY (Canyon)	2003		
WARD ESTATES	3	5N3W26	39.82	10	3.98	COUNTY (Canyon)	1973		
WEN-JEFF ESTATES	4	5N3W34	16.77	7	2.40	COUNTY (Canyon)	1997		
WILLIS CREEK SUBDIVISION	5	5N3W35	28.54	19	1.50	COUNTY (Canyon)	2005		
ARROYO VIEW ESTATES #2	6	5N3W27	2.36	2	1.18	COUNTY (Canyon)	2005		
FOX RIDGE ESTATES	7	5N3W34	21.64	26	0.83	COUNTY (Canyon)	1992		
FOX RIDGE ESTATES #2	8	5N3W34	3.16	9	0.35	COUNTY (Canyon)	1996		
ARROYO VIEW ESTATES	9	5N3W27	32.90	9	3.66	COUNTY (Canyon)	2004		
CARIBOU ACRES SUB	10	5N3W27	27.35	9	3.04	COUNTY (Canyon)	2002		
OF LOT 5, BLOCK 2 OF COUNTRY CL	11	5N3W27	8.92	1	8.92	COUNTY (Canyon)	2021		
COUNTRY CLUB SUB #2	12	5N3W27	9.48	11	0.86	COUNTY (Canyon)	1975		
COUNTRY CLUB SUB #3	13	5N3W27	5.36	12	0.45	COUNTY (Canyon)	1978		
D&S PURPLE SAGE RANCHETTES	14	5N3W35	36.47	31	1.18	COUNTY (Canyon)	1972		
DEE ANN MEADOWS SUB	15	5N3W34	9.71	12	0.81	COUNTY (Canyon)	1974		
DRAKE SUB	16	5N3W35	40.05	41	0.98	COUNTY (Canyon)	1973		
EL PASO HEIGHTS	17	5N3W34	37.90	7	5.41	COUNTY (Canyon)	1998		
FOX RIDGE ESTATES #3	18	5N3W34	0.42	1	0.42	COUNTY (Canyon)	1996		
FRUITDALE FARMS	19	4N3W03	273.92	83	3.30	COUNTY (Canyon)	1911		
HOLLANDIA EST #1	20	5N3W27	15.66	28	0.56	COUNTY (Canyon)	1997		
HOLLANDIA EST #2	21	5N3W27	22.96	23	1.00	COUNTY (Canyon)	2005		
MASTERS SUB	22	5N3W27	8.03	17	0.47	COUNTY (Canyon)	1994		
NOVAK ACRES	23	5N3W27	8.38	6	1.40	COUNTY (Canyon)	2001		
WILLIS ESTATES SUBDIVISION	24	4N3W03	19.35	10	1.93	COUNTY (Canyon)	2008		
EAGLES NEST ESTATES	25	5N3W34	35.62	11	3.24	COUNTY (Canyon)	1998		
CHAMBERLAIN SUBDIVISION	26	5N3W34	4.25	2	2.12	COUNTY (Canyon)	2014		
RADFORD RIDGES SUBDIVISION	27	5N3W34	4.59	2	2.29	COUNTY (Canyon)	2017		
ALBION ACRES SUBDIVISION NO. 1	28	5N3W34	41.10	19	2.16	COUNTY (Canyon)	2018		
ALBION ACRES SUBDIVISION NO. 2	29	5N3W34	33.13	14	2.37	COUNTY (Canyon)	2018		
RADFORD RIDGES NO 2 SUBDIVISION	30	5N3W34	4.75	3	1.58	COUNTY (Canyon)	2019		
KACHUPA RIDGE SUBDIVISION	31	5N3W26	13.91	6	2.32	COUNTY (Canyon)	2019		
OAKRIDGE ESTATES SUBDIVISION	32	5N3W27	35.18	30	1.17	COUNTY (Canyon)	2021		
COUNTRY CLUB SUB #1	33	5N3W27	8.64	18	0.48	COUNTY (Canyon)	1964		
STEADY ACRES SUBDIVISION	34	5N3W27	17.05	6	2.84	COUNTY (Canyon)	2022		
SPRING HILL RANCH SUBDIVISION	35	5N3W34	38.15	28	1.36	COUNTY (Canyon)	2022		

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...
------------------	--------------	-------	---------------	----------------	------------



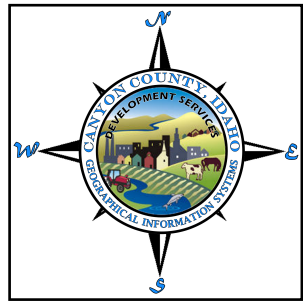
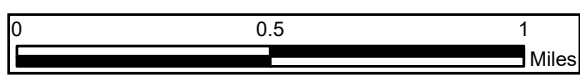
Woodruff City of Middleton Land Use

SUBJECT PROPERTY



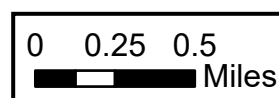
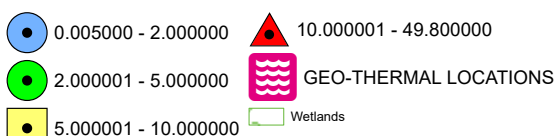
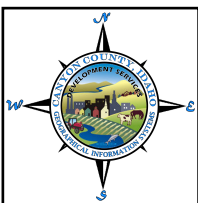
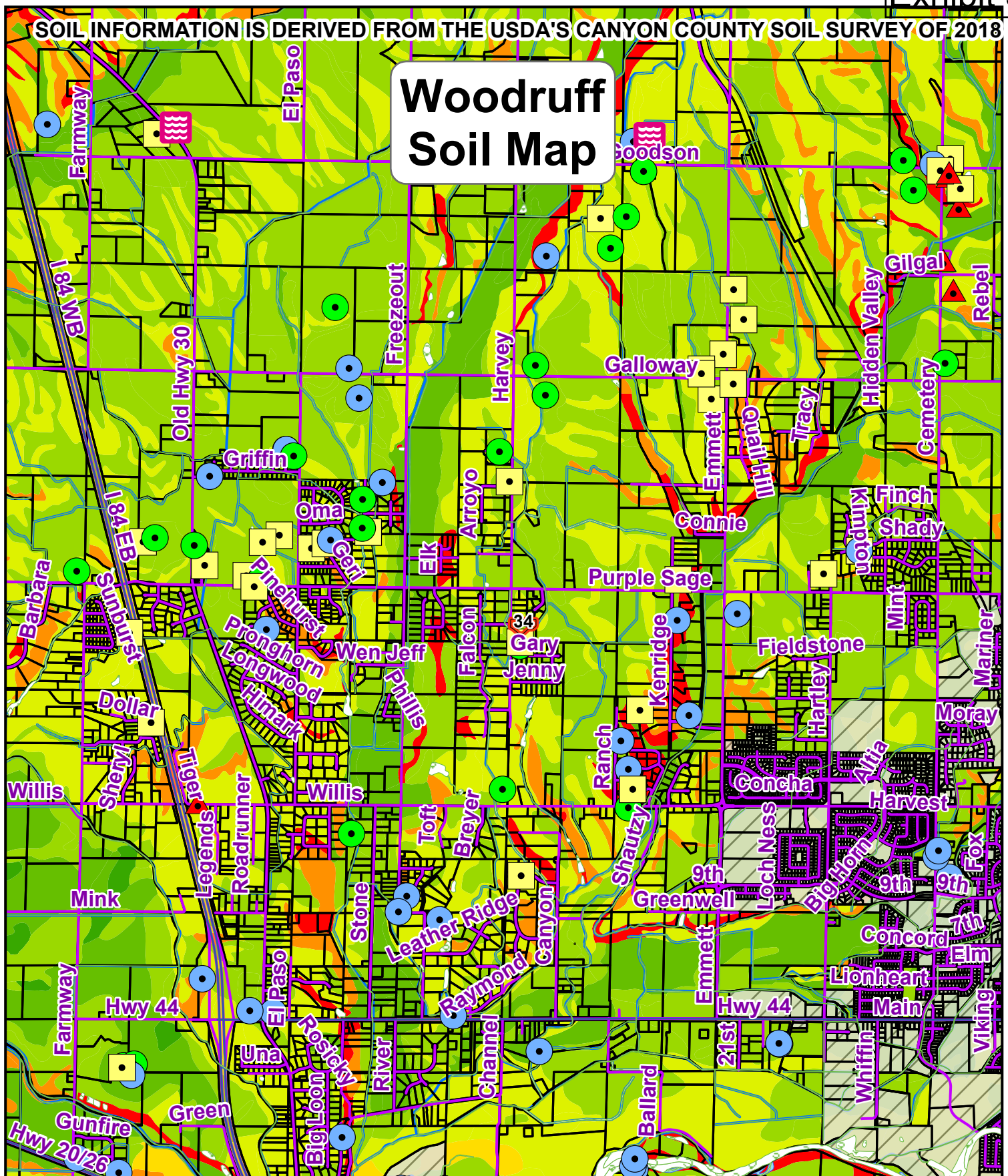
MiddletonCompPlan

- Commercial
- Industrial
- Mixed Use
- Public
- Residential
- Residential Special Areas
- Transit Oriented



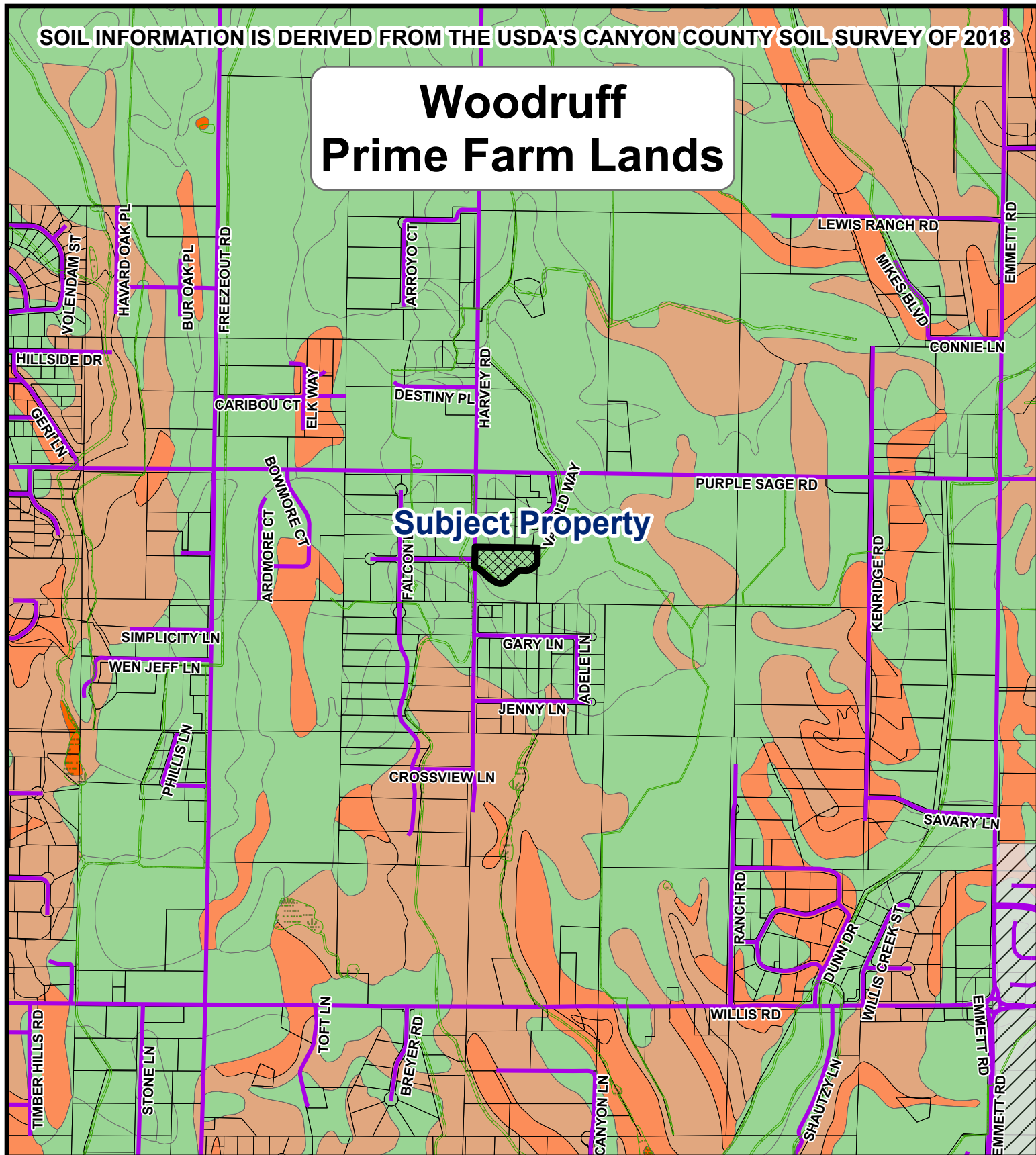
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018.

Woodruff Soil Map



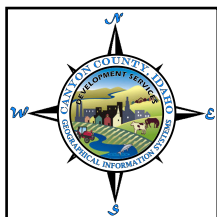
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Woodruff Prime Farm Lands

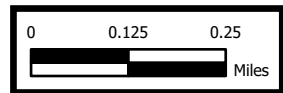


FARMLAND

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed of excess salts and sodium



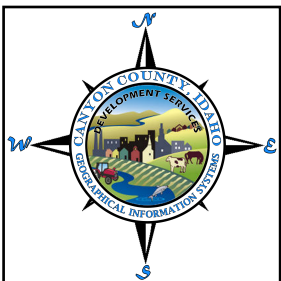
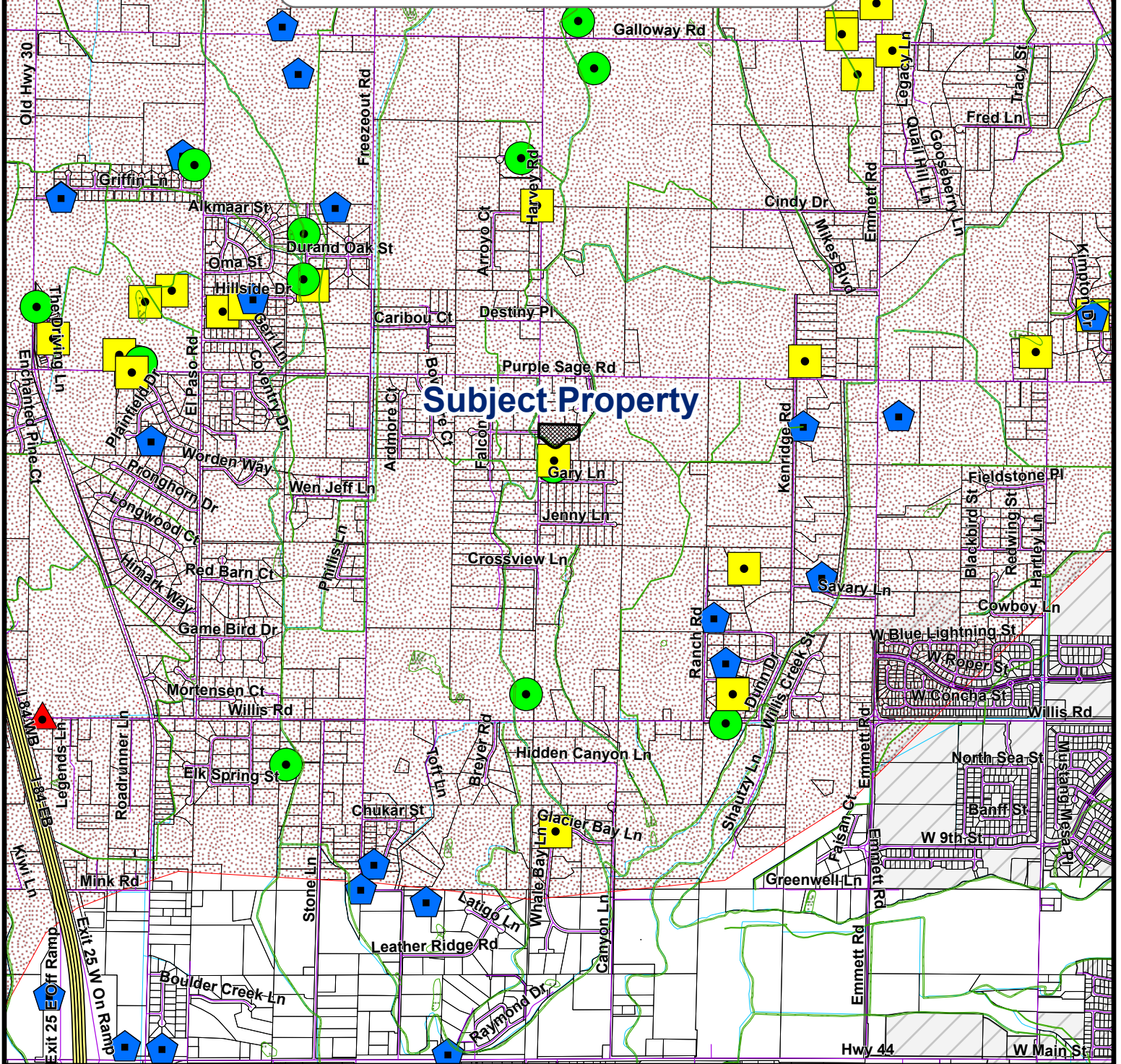
- TAXLOTS
- City Limits
- WETLANDS
- 2C_Hydro



SOIL REPORT					
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE	
3	MODERATELY SUITED SOIL	98358.48	2.26	56.75%	
4	MODERATELY SUITED SOIL	74966.76	1.72	43.25%	
		173325.24	3.98	100%	
FARMLAND REPORT					
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE	
LvB	Prime farmland if irrigated	98358.48	2.26	56.75%	
QfD	Prime farmland if irrigated	74966.76	1.72	43.25%	
		173325.24	3.98	100%	
SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018					

NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ,
NITRATE PRIORITY 2020.

Woodruff Nitrate Priority & Wells



GEO-THERMAL LOCATIONS



WETLANDS



NITRATE_PRIORITY

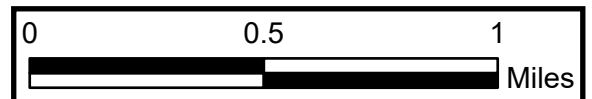
DEQ WELLS
N03_MGL

0.005 - 2.00

2.00 - 5.00

5.00 - 10.00

10.00 - 49.80



Samantha Hammond

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Tuesday, December 20, 2022 3:51 PM
To: Samantha Hammond
Subject: [External] RE: Agency Notification CR2022-0026 / Woodruff

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Samantha,

After careful review of the transmittal submitted to ITD on December 19, 2022, regarding Canyon County's Agency Notice CR2022-0026/ Woodruff, the Department has no comments or concerns to make at this time.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
 O: 208.334.8337
 C: 208.296.9750
 Email: niki.benyakhlef@itd.idaho.gov
 Website: itd.idaho.gov

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Monday, December 19, 2022 9:58 AM
To: 'lgrooms@msd134.org' <lgrooms@msd134.org>; Marc Gee <mgee@msd134.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; 'PERMITS@STARFIRERESCUE.ORG' <PERMITS@STARFIRERESCUE.ORG>; 'CHOPPER@CANYONHD4.ORG' <CHOPPER@CANYONHD4.ORG>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'CARL@BLACKCANYONIRRIGATION.COM' <CARL@BLACKCANYONIRRIGATION.COM>; dpopoff@rh2.com; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Agency Notification CR2022-0026 / Woodruff

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good morning:

Please see the attached agency notice. Please direct your comments or questions to Planner Samantha Hammond at Samantha.hammond@canyoncounty.id.gov

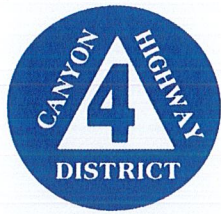
Thank you,



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

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain Personal Information from a DMV file which is legally protected from disclosure under both state and Federal law. Be advised that Personal Information may only be disclosed to third parties under the provisions of Idaho Code section 49-203. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately delete this message and any attachments, and alert the sender.



CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

January 4, 2023

Canyon County Development Services Department
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605
Attention: Samantha.hammond@canyoncounty.id.gov

Stacy Woodruff
24822 Harvey Rd.
Caldwell, Id. 83607

**RE: CR2022-0026 Conditional Rezone from Ag to CR-R-1
Parcel R38194010 aka 24822 Harvey Rd. Caldwell, Id. 83607**

In the matters above Canyon Highway District No. 4 (CHD4) has reviewed the application for a comprehensive map amendment and conditional rezone for Parcel R38194010, consisting of approximately 3.98 acres and is located in a portion of NW1/4 of Section 35, T5N, R3W. near the southeast corner of Purple Sage Rd. and Harvey Rd. CHD4 provides the following comments on the proposed use:

General:

- Canyon County, Idaho Functional Classification Map lists Harvey Road as a major collector.
- Subject property is more than a mile from city limits, considered rural.

Access:

- As shown on Preliminary Plat; align Raptor Way (Private Drive) with Raptor Ln on west side (Public). Approximately 130 feet south of north property line. Lots 1,2,and 3 access off of Raptor Way. (Note on number 1 of Preliminary Plat of Stacy Estates)
- Remove existing driveways (2)

Right-of-way

- A 40 foot right-of-way along the west boundary on Harvey Road.
- Note to remove any encroachment of said right-of-way.

Traffic Impacts

- Addition of 2 lots would not require a Traffic Impact Study.

Current CHD4 access and development related policy is found in the latest edition of the Highway Standards and Development Procedures Manual (HSDP Manual) available on the CHD4 website at www.canyonhd4.org/planning. These comments are intended to highlight those portions of CHD4 policy relevant to the proposed land use described in the materials submitted for review. For additional information on highway district policies for specific development proposals, please see the HSDP manual, or feel free to contact me with questions.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Chris Hopper', is written over a horizontal line.

Chris Hopper, P.E.
District Engineer

File: Harvey Rd.- CR2022-0026 Stacy Estates Subdivision

BLACK CANYON IRRIGATION DISTRICT

January 4, 2023

Canyon County Development Services Department
111 North 11th Ave, Suite 140
Caldwell, ID 83605
(208) 454-7458

NOTUS, IDAHO

RE: Rezone. Parcel R3819401000
Applicant: Stacy Woodruff
Planner: Samantha Hammond

The property is 24822 Harvey Road in Caldwell, Idaho.

The Black Canyon Irrigation District (District) has the following initial comments regarding this proposed land use change.

Any and all **maintenance road right-of ways, lateral right-of ways and drainage right-of ways** will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.

District policies require that the laterals affected by this proposed land change will need to be piped/tiled and structures built to ensure the delivery of irrigation water to our patrons.

According to District records, no irrigation water from the District is provided to this property, however District infrastructure is adjacent to the proposed property and will need to be piped.

Runoff and drainage from any proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

The District and Reclamation will require a signed agreement be in place prior to any changes being made to the sections of the Black Canyon C.E.10.2 lateral, and any appurtenant irrigation facilities that are affected by the proposed land changes not listed in this letter. NOTE: The District and Reclamation will require that this section be piped meeting all District and Reclamation standards. Furthermore, the District and Reclamation may require additional modifications to ensure irrigation water is made available to patrons as this proposed project proceeds.

When providing a preliminary subdivision layout and utilities, please be mindful of Idaho Administrative Procedure Act (IDAPA) 58. Please review the current administrative rules for minimum setback requirements from domestic well and septic drain fields to the existing irrigation canal.

All of the above requirements will need to be met, including any others that arise during future review. You can find the District's Project Application form and development process at <https://blackcanyonirrigation.com/development>. It is recommended that the proponent apply following the outlined process for their proposed project to help identify any additional project requirements.

Thank You,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550



Brad Little, Governor
Jess Byrne, Director

January 5, 2023

Samantha Hammond
Canyon County Development Services
111 North 11th Ave., Ste. 310
Caldwell, ID 83605
Samantha.hammond@canyoncounty.id.gov

Subject: Case No. CR2022-0026 Woodruff Conditional Rezone

Dear Ms. Hammond:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:
<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK



Findings of Fact, Conclusions of Law, and Order
Conditional Rezone – CR2022-0026

Findings of Fact

1. The applicant, Stacy Woodruff, is requesting a conditional rezone from “A” (Agricultural) to “R-1” (Residential) with the intentions that the property be split administratively into three (3) even lots. The request includes a development agreement. The 3.98-acre property is located at 24822 Harvey Rd, Caldwell, ID; also referenced as a portion of the NW¼ of Section 35, T5N, R3W, Canyon County, Idaho.
2. The subject property is designated as “residential” on the 2020 Canyon County Future Land Use Map.
3. The subject property is located within Middleton’s Area of City Impact. The City designates the property as “Residential” on their future land use map.
4. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, and Middleton School District.
5. The neighborhood meeting was held July 29, 2022 pursuant to CCZO §07-01-15.
6. Notice of the public hearing was provided as per CCZO §07-05-01: Affected agencies and City of Middleton were notified on December 19, 2022. Full political notice was sent December 19, 2022. Property owners within 600 ft. were notified by mail on January 3, 2022. Newspaper notice was published on January 3, 2022. The property was posted on January 10, 2022.
7. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on January 19, 2022 and all information contained in DSD case file, CR2022-0026.

Conclusions of Law

For this request, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Conditional Rezone (§07-06-07(6)):

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

Conclusion: The proposed zone change is consistent with the 2020 Future Land Use Map and Comprehensive Plan.

Finding: The property is designated as “residential” on the Future land use map within the 2020 Canyon County Comprehensive Plan. The proposed conditional rezone is consistent with the eight (8) policies and four (4) goals:

Chapter 1. Property Rights:

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.

Chapter 2. Population:

Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development:

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use:

Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.

Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 2. Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

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

Conclusion: As conditioned (Attachment A) the request is more appropriate than the current zoning designation and is consistent with the future land use map designation of residential.

Finding: The area is predominately zoned "A" (Agricultural). Pursuant to CCZO Section 07-10-25(1), the purposes of the "A" (Agricultural) Zone are to:

- A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*

The subject property is currently located in the Agricultural zone, the future land use for this property is designated as "Residential" in both the 2020 and 2030 Comprehensive plan along with the City of Middleton's Land Use. Within the vicinity there is a mixed use between, Rural Residential, Conditional Rezone Rural Residential, R-1, and Conditional Rezone R-1 (Exhibit 5B). There are currently 35 subdivisions within the vicinity with a total of 526 lots averaging 1.76 acres per lot (Exhibits 5E and 5F).

According to the Canyon County Soil Survey of 2018, 56.75% of the property includes Class 3 (Moderately Suited Soils) and 43.25% of the property includes Class 4 (Moderately Suited Soils) (Exhibits 5I and 5K). It also shows that 56.75% of the land is prime farm land if irrigated (LvB) and 43.25% of the land is prime farm land if irrigated (QfD) (Exhibits 5J and 5K).

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

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Finding: The surrounding area is primarily zoned agricultural and residential but is primarily used as residential. The 2020 and 2030 future land use designations are both "Residential" along with the City of Middleton's land use being "Residential" the proposed use is compatible. Within the

vicinity there is a mixed use between, Rural Residential, Conditional Rezone Rural Residential, R-1, and Conditional Rezone R-1 (Exhibit 5B). There are currently 35 subdivisions within the vicinity with a total of 526 lots averaging 1.76 acres per lot (Exhibits 5E and 5F).

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

Conclusion: As conditioned (Attachment A), the request will not negatively affect the character of the area.

Finding: The proposed rezone will be case a negative affect a total of three (3) parcels will be allowed to be created via Administrative Land Division. One parcel will contain the existing dwelling. As conditioned, secondary dwellings are prohibited. In order to mitigate any potential impacts, there will be a Development Agreement in place limiting secondary dwelling as well as the administrative splits/development must have a significant conformance to the site concept seen in Attachment B.

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

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the request at the time of development as conditioned.

Finding: City services are not available to the property. Future development will require domestic wells and septic systems. The site is located within a nitrate priority area. Wells within the area have been identified to have some nitrate issues (between 0.005-10.00 mg/l). Idaho Department of Environmental Quality finds drinking water to be unsafe if nitrates exceed 10 parts per million (or 10 milligrams per liter (mg/l). Future development will be required to meet Idaho Department of Water Resources and Southwest District Health regarding the placement of an individual well and septic system and must be demonstrated at the time of platting. The property owner will also need to comply with any conditions/regulations provided by Black Canyon Irrigation District in Exhibit 6C

F. Does the proposed conditional rezone require public street 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: As conditioned (Attachment A), the request will not cause undue interference with existing or future traffic patterns as proposed.

Finding: As conditioned by the development agreement, two land divisions (the ability to create 3 parcels) will be allowed to be created via Administrative Land Division. One parcel will contain the existing dwelling. As conditioned, secondary dwellings are prohibited. The result of the request creates two additional dwellings. As conditioned and through comments received from Canyon Highway District #4 and Idaho Transportation Department this request is not anticipated to create traffic issues.

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

Conclusion: The property will have access of a Private Road.

Finding: Canyon Highway District #4 commented all parcel must take access off of a private road and as conditioned within the Development Agreement the applicant needs to comply with Canyon Highway District #4 standards/permitting. No traffic impact study was requested or found necessary on this land use change. The applicant will be required to apply for the private road through Canyon County at the time of the Administrative Splits.

H. 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: All affected agencies were noticed December 19, 2022 and no comments from specific essential public services were received.

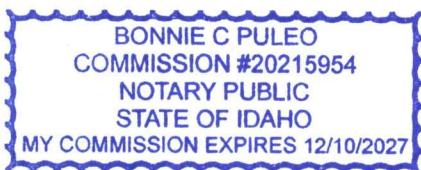
Conclusions of Law - Area of City Impact

The property is within Middleton's Area of City Impact. The city designates the area as "Residential". Pursuant to Canyon County Code §09-09-17 of the Middleton Area of City Impact Agreement, a notice was provided to the City of Middleton on December 19, 2022. The City of Middleton did not provide any comments.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends approval** of Case # CR2022-0026, a request for a conditional rezone of Parcel R38194010 from an "A" (Agricultural) zone to an "CR-R1" (Conditional Rezone -R1) zone subject to conditions of the development agreement (Attachment A).

APPROVED this 19 day of January, 2023.



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


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 19th day of January, in the year of 2023 before me Bonnie Puleo, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Bonnie C. Puleo

My Commission Expires: 12/10/2027

ATTACHMENT A
DEVELOPMENT AGREEMENT CONDITIONS

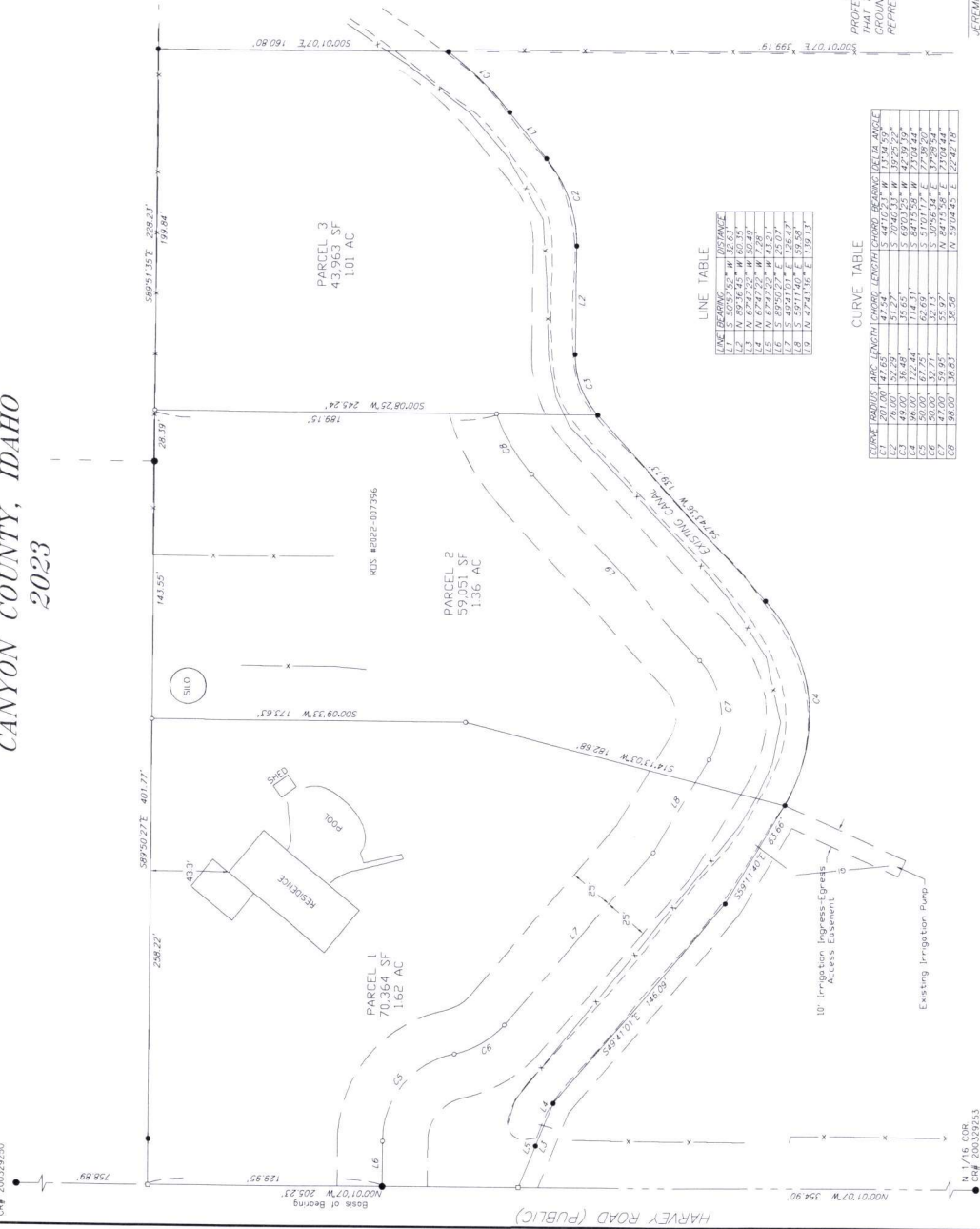
1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject parcel, 3.98 acres, shall be divided in compliance with County Administrative Land Division requirements (Chapter 7, Article 18, Canyon County Zoning Ordinance, in substantial compliance with the conceptual site plan (Attachment B) subject to the following restrictions:
 - a. Secondary dwellings (CCZO §07-10-27 & 07-14-25) are prohibited.
 - b. Further division of the parcels is prohibited unless the development agreement is modified or an approval of a zoning map amendment.
 - c. The applicant must comply with all standards and regulations outlined in the Black Canyon Irrigation District Letter.
3. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification or improvements shall be approved in writing by the local Irrigation District.
4. 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."

RECORDER'S CERTIFICATE

Attachment B

RECORD OF SURVEY-LAND DIVISION
PART OF THE NW 1/4 OF THE NW 1/4
SECTION 35, T. 5 N., R. 3 W., B.M.
CANYON COUNTY, IDAHO
2023

IDAHO REC. 35
CWA 200329250



LINE TABLE

LINE	BEARING	LENGTH	CURVE	BEARING	LENGTH	ANGLE
L1	S 50°17'33\"	12.63				
L2	N 89°29'45\"	60.35				
L3	N 89°29'45\"	60.35				
L4	N 89°29'45\"	60.35				
L5	N 89°29'45\"	60.35				
L6	N 89°29'45\"	60.35				
L7	N 89°29'45\"	60.35				
L8	N 89°29'45\"	60.35				
L9	N 89°29'45\"	60.35				
L10	N 89°29'45\"	60.35				

CURVE TABLE

CURVE	BEARING	LENGTH	CURVE	BEARING	LENGTH	ANGLE
C1	S 50°17'33\"	12.63				
C2	N 89°29'45\"	60.35				
C3	N 89°29'45\"	60.35				
C4	N 89°29'45\"	60.35				
C5	N 89°29'45\"	60.35				
C6	N 89°29'45\"	60.35				
C7	N 89°29'45\"	60.35				
C8	N 89°29'45\"	60.35				
C9	N 89°29'45\"	60.35				
C10	N 89°29'45\"	60.35				

SURVEYOR'S CERTIFICATE

I, JEREMY B. FIELDING, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.



RECORD OF SURVEY
FOR
STACY WOODRUFF

DATE:	1-09-23	SHEET	OF
BOOK:	22-102	SHEET	1
INDEX:	22-102	SHEET	1

NOTES AND NARRATIVE:

- See Record of Survey No. 3 2022-007396, 860362, 887888.
- This survey was made for the purpose of Subdivision for additional survey information.
- This survey was made at the request of Stacy Woodruff to divide their property.
- I used the found and tied monuments shown on Record of Survey No. 2022-007396 for the overall boundary.



CANYON COUNTY PLANNING & ZONING COMMISSION
 MINUTES OF REGULAR MEETING HELD
 Thursday, January 19, 2023
 6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

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

Staff Members Present: Sabrina Minshall, Director of Development Services
 Dan Lister, Planning Official
 Samantha Hammond, Planner
 Madelyn Vander Veen, Planner
 Michelle Barron, Planner
 Bonnie Puleo, Recording Secretary

Chairman Robert Sturgill called the meeting to order at 6:30 p.m.

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

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Conditions of Approval for Case CU2022-0004/Michael Rawden. Motion seconded by Commissioner Sheets. Voice vote, motion carried.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Conditions of Approval for Case RZ2022-0011 & SD2022-0034/Sierra Vista Properties-Mint Farms Estates. Motion seconded by Commissioner Williamson. Voice vote, motion carried.

- **Case No. CR2022-0026/Stacy Woodruff:** The applicant, Stacy Woodruff, is requesting a Conditional Rezone of parcel R38194010, approximately 3.98 acres, from an "A" (Agricultural) zone to a CR-R-1 (Conditional Rezone - Single-Family Residential) zone with the intent to split the lot into three residential lots. The subject property is located at 24822 Harvey Rd, Caldwell, ID; also referenced as a portion of the NW¼ of Section 35, T5N, R3W, Canyon County, Idaho.

Declaration: Commissioner Amarel disclosed that he knew the applicant, Stacy Woodruff and has worked with him in the past but has not discussed this case with him. When asked by Commissioner Sheets if his relationship with the applicant would prevent him from making an unbiased decision in this case, he said no.

Planner Samantha Hammond reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

Stacy Woodruff – Applicant (Representative) – IN FAVOR – 24856 Harvey Road Caldwell ID 83607

Mr. Woodruff wanted to provide his personal story behind the parcel of land. Mr. Woodruff, his two daughters and their husbands bought the parcel together after looking at the 2020 and 2030 Comprehensive Plan, anticipating they could split it into a total of three parcels. The house on the property was built in 1971 which they have remodeled and he said their intentions are in line with what the planner stated. They will follow all agency requirements. Their neighborhood meeting did not have a big turnout but he personally went around to most of the neighbors to get to know them. Most of the neighbors have been appreciative as the property was a wreck when they purchased it and they have spent time cleaning it up. He wanted to clarify that they were not part of that prior parcel split; they bought the parcel as the 3.9 acre parcel. Commissioner Villafana asked about the small triangle of land at the top of the parcel and if he maintained it. Mr. Woodruff stated they thought of approaching the landowner of that piece and offering to buy it; there is no easement for it. Mr. Woodruff said it is kind of 'no man's land' and the person who owned it before used it for pasture/grazing. Commissioner Villafana said if they don't want to sell it, it would be important to maintain it as it could be a fire hazard. Commissioner Williamson asked why the land was considered "not farmable". Mr. Woodruff said that "unfarmable" might be a bit of an overstatement; he clarified that they wouldn't be able to make any money off it. Commissioner Nevill asked about the piping of the ditch and if they had talked to the Irrigation District about it. Mr. Woodruff said no, they hadn't but they will. He said it is a 3-foot wide canal that runs through the south of the property with an easement on both sides of it. He thinks the Irrigation District may be more concerned about the canal where it goes under Harvey Road. Commissioner Nevill felt they might be more concerned about piping the ditch to protect it and so that kids don't fall in. Commissioner Nevill asked about the firefighting plan for the three houses. Mr. Woodruff said before they can get a building permit, they will have to talk to the Fire Department and see what is required. He doesn't know what they will want but will align with them on it. Mr. Woodruff said they will also have plenty of space on the third parcel for a fire truck to be able to turn around. When asked, Mr. Woodruff said they do not have any surface water rights but they do have an irrigation well with ground water rights for the parcels. They will make sure they have an agreement in place to handle those water rights. The land will be used primarily for pasture for animals.

MOTION: Commissioner Nevill moved to close public testimony on Case CR2022-0026 seconded by Commissioner Sheets. Voice vote, motion carried.

DELIBERATION:

Commissioner Sheets said after reviewing the application and hearing the testimony, he thinks the real issue is will two additional homes on that property be more appropriate? Based on the code, the Comprehensive Plan and the character of the surrounding area, he is not opposed to having two additional homes on that parcel.

Commissioner Nevill said when he initially heard the staff report, because he has seen too many of these, it is an area that should be platted because it is going into the middle of what will become a future residential area. But after hearing testimony from the applicant, he believes Mr. Woodruff has thought it through and has plans for everything Commissioner Nevill would be concerned about so he is in support of the case.

MOTION: Commissioner Williamson moved to approve Case CR2022-0026 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of

Canyon County Commissioners. Motion seconded by Commissioner Villafana. Roll call vote: 6 in favor, 0 opposed, motion passed.

- **Case No. CU2022-0038/Manuel Gutierrez:** The applicant, Manuel Gutierrez, is requesting a conditional use permit for a Staging Area located on parcel R30792. The requested use includes storage of landscaping materials and equipment for use off-site. The applicant has proposed 8 employees. The parcel is zoned "A" (Agricultural). The subject property is located at 17087 N Franklin Blvd, Nampa; also referenced as a portion of the SE¼ of Section 5, Township 2N, Range 1W; BM; Canyon County, Idaho.

Planner Madelyn Vander Veen reviewed the Staff report for the record including one late exhibits.

Chairman Robert Sturgill entered the late exhibit into the record and affirmed the witnesses to testify.

Testimony:

Manuel Gutierrez – Applicant (Representative) – IN FAVOR – 17087 N. Franklin Blvd Nampa ID 83688

Mr. Gutierrez is the owner of the property and is also the son of the owner of the business. He is there on behalf of the business and said he is hoping to be able to stage in that location. This is not a place of business, it is a place of storage. The employees show up in the morning and go. They store their plants and trees for the (landscaping) business in the back of the property and they try to keep it neat and respectful to neighbors and traffic passing by. The property is covered by trees. They have some small machinery; mini excavators and skid-steers. Regarding the pallets, Mr. Gutierrez said they come and go. They are not there anymore. They use them for the landscaping business to move blocks and plants. He said usually there aren't that many. They haven't had any complaints from their neighbors and have even done landscaping work and snow removal for them. They have also repaired Amy Lane, the road they all use and have filled the divots with road mix to keep it clean and level as a favor to their neighbors. Commissioner Sheets clarified with the applicant that he owns the property. Commissioner Nevill said staff proposed eight conditions and asked if he agreed with all eight. Mr. Gutierrez replied, yes. He was asked if this conditional use permit was not approved, would it shut down the business. Mr. Gutierrez said no, but they would need to find another place to use as a staging area. He said he hopes they don't have to. Commissioner Williamson said he wanted to propose a condition to Mr. Gutierrez: if there is a change in the owner of the business, is he okay with having the conditional use permit expire? Mr. Gutierrez said yes, if they sold the property or business, he would agree that it should expire. He said they moved there at the end of 2020. He was asked if he has trucks delivering materials there and Mr. Gutierrez said they go out and get the materials; there are no deliveries to the property. Chairman Sturgill asked Mr. Gutierrez about some items in the photographs and if they are used for the business. Mr. Gutierrez said yes, they were used for the business and explained what the items were. Commissioner Amarel asked about the pallets. He asked if Mr. Gutierrez had a plan for tidiness of the property? Mr. Gutierrez said that pallets come and go; some are rented and the business returns those. The pots shown in the photographs are used for their plants.

Elbia Gomez – IN FAVOR – 17083 Amy Lane Nampa ID 83687

Ms. Gomez lives next door to Mr. Gutierrez. She said she has never had any problems with them. She is thankful for them, especially when it snows. She has a small car and they plow her driveway and all the other neighbors' driveways with their trucks and are very helpful. She said that is why she is in favor of this; when driving in and out, it gets pretty bad and they fix it with their equipment. She reiterated that she is right next door and has had no problems with them as her neighbors.

Bill Plumb – IN OPPOSITION – 17154 N. Lochsa Nampa ID 83087

Mr. Plumb showed where his house was on the map. He said he is inside the city limits of Nampa and not in the County. He said contrary to how this goes, he wants Mr. Gutierrez to be successful. When this started, the Fire Department sent out a notice in June of 2022, about the staging area and 8 employees. The hours will be 7 am to 7 pm. He said what they started out with is not what they ended up with now; it's something totally different. He had taken some photos of the property and provided those as an exhibit for staff. The photo was taken a little back on Franklin. He said the pallets come and go. His significant concern is for the community. The Sheriff's Department has been called at least 5 times on that property; four times by Mr. Plumb himself because of the noise. Most of the time the noise is loud music; it starts in the morning and goes all day long. It is so loud he can't close his doors and drown it out. He would like to solve the noise issue so they can sit out on their back patio and maybe/maybe not hear the music. He began documenting the number of times he has asked them to turn it down. He said there is no noise ordinance in Canyon County. He said you have until 11:00 pm to make all the noise you want. In the City of Nampa, it is 10 pm. The total lack of concern for the surrounding community is a concern; if the business is allowed to come in now there are employees and equipment. He said his last option is to say he doesn't want it (the staging business). He wants the noise to stop. He said the noise is generally after work hours and is not related to the business per say but it is the business. If they have no respect, up until a few days ago, with this permit approval process coming up and they weren't taking into consideration their neighbors, he has a concern how this will play out in the future. He understands Mr. Gutierrez is a great neighbor and he said we need people like that but he has a right to peace and quiet and the business is disrupting it badly. Mr. Plumb spoke to Mr. Gutierrez the first time in May of last year and has left several messages since then. He no longer bothers and now calls the Sheriff. They can't do anything unless he was willing to charge a misdemeanor and he is not willing to do that, but something has to give. He said it is just music from their garage. There are times when it is the equipment on the weekends. He said if this passes without something to protect the neighborhood, then they don't have to worry about making noise. They can run anything they want from 7 am to 7 pm and there is no recourse. If it is a business, it shouldn't disrupt the neighborhood. When asked about the operating hours for the conditional use permit, he said it would be more acceptable to end it at 5 pm for the overall equipment noise. Commissioner Nevill said this is a staging area, not a repair yard. They have to apply for something different for a repair shop; it is just supposed to be for parking. Planning Official Dan Lister clarified that the code allows vehicle maintenance of the homeowner's or immediate family members' own vehicles and explained the difference between a contractor shop and a staging area. Because it is an Ag area, the landscaping business is allowed. They do not have any definition in the code for a landscaping business. Chairman Sturgill clarified with Mr. Lister that they can craft the conditions of approval for the staging area only not the landscaping business or the single family residence. Commissioner Villafana said the landscaping business can run 7 days a week; the change to the hours of operation would only apply to the staging area. The landscaping business can run until they start using it for other uses (example: retail) and then it would require a conditional use permit. A landscaping business required a conditional use permit before 2012 but now it is an allowed use. Chairman Sturgill asked if there were any other concerns about the use of the property and Mr. Plumb requested that they clean up the property a little bit or organize it better.

Manuel Gutierrez – Applicant (Representative) – REBUTTAL – 17087 N. Franklin Blvd Nampa ID 83688

Mr. Gutierrez said he understood where Mr. Plumb was coming from but he felt like the noise complaint was irrelevant to what they were speaking about that night. The music could be coming from other people in the house or anywhere else. He said that Mr. Plumb was correct; the police have come multiple times to the property. They have spoken to the police and they are fine with the music. The police agreed that there is nothing wrong with it and they are free to express noise as long as it is not after 10 or 10:30 pm.

They have not broken that rule. They listen to music in their backyard. There have been times that the police have come and the noise has not been coming from them; their neighbors play music as well. They live in an agricultural area and there is animal noise and people mowing lawns. They do sometimes operate their machinery and move trees on the weekend but they do it at a respectful time; not early in the morning or late at night. They are not trying to cause a disturbance. He agrees with Mr. Plumb on the music; they are not trying to be disrespectful. It is not disrespectful music. It's a big area and sounds echo. Mr. Gutierrez feels it is irrelevant to the business. He said they do work on equipment in the garage; it is him or his father replacing tires or working on a lawnmower. They don't contract with outside people and it is a very small space. He feels they are keeping the property organized; their trucks and trees are in line. They have fencing all around the property and it is lined with tall trees. It is distant from the road. Even their pile of wood is stacked. They try to keep it up and make it presentable. Commissioner Nevill asked if the music was related to the business or to the family living there. Mr. Gutierrez said it is related to the people who are living in the home. He and the employees are gone during the day. No employees live there. Commissioner Nevill said one of the suggestions was to end the day at 5 pm. Mr. Gutierrez said changing the hours to 5 pm would be hard to do because it would be a much earlier end to the day for them. Even compromising at 6 pm, it would be hard during the summer because it doesn't get dark until 10 pm. He agrees with 7 pm because that is the hours for their employees. Commissioner Williamson asked if this would be the only staging area and Mr. Gutierrez said yes. There was some discussion about the definition of the staging area versus what the normal landscaping business would allow. Mr. Gutierrez said he understood that they couldn't stage trees or plants over the weekend in the staging area. Mr. Gutierrez, in response to some of the photos shown, said the property looks different now. He said the complaints were only about the music and it was only one person filing the complaints. It was the same police officer who came to their property to discuss the issue most times and he said if they had to lower it by law, they would. But the police officer said he was just delivering the message that they received the complaint and there was nothing he could do. It is something they have always done (playing the music) and they have never had any complaints in the past. It's nothing obnoxious and it echoes. The music is coming from the household; they have someone living with them who loves music. He said again that he feels like the music has nothing to do with the business.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2022-0038 seconded by Commissioner Nevill. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill's concern was that he didn't want to put them out of business but he doesn't know what to do about this. He said he doesn't think they can do anything about the noise as it was not related to the business, it was from the family. He doesn't think they can put conditions on the noise, as it is from a single family dwelling. They could condition the hours of operation for things related to the staging area. He said he thinks they should decide whether they are going to add the condition that once the business is sold, the conditional use permit expires. On condition #4, he would be willing to change the time.

Commissioner Villafana would be willing to change the hours on condition #4 but would want it to be seasonal. Winter and Spring would be 7 am – 6 pm; Summer and Fall would be 7 am to 7 pm.

Commissioner Amarel said he understands they can't limit personal music; but the business says they want to be friendly and a good neighbor but they aren't willing to turn down the music. That doesn't seem to be an option.

Commissioner Sheets said this is a unique piece of the county. It is an enclave and directly abutting a residential area. When he looks at the code he asks if it would be injurious to the other property in the immediate vicinity or negatively change the character of the area. The code is not asking if it would only be injurious to the County area. They could impose some conditions to remedy some of those injuries. He

understands the music issue and that it's a private residence. If the music is related to the business or being played by employees, they can condition that. If it is related to the residence, that would be a nuisance claim. He would be in support of reducing some of the injuries by reducing the hours and limiting the music related to the business. He would have to think about how to phrase that. Planning Official Dan Lister reminded the Commissioners that they are talking about the staging area; they can't condition the landscaping business or the house. It would only be applicable to the staging area. There was discussion about decibel levels, what would be measurable and how that would be enforced. Commissioner Villafana suggested Nov 1 – March 1: 7 am to 6 pm and March 1 to November 1, 7 am to 7 pm. There was discussion about using daylight savings time versus specific months. Commissioner Williamson said he agreed with Commissioner Amarel. The applicant is being an exceptional neighbor with those he shares the street with, but when a neighbor asks to turn the music down, how that is not possible. He does think they should add a condition #9; if the ownership of the property or business changes, the conditional use permit would expire. He also agreed on the changes to condition #4 (hours of operation). There was extensive discussion regarding the conditions imposed on the staging area and how that overlaps with the running of an allowed business in an agricultural zone which also has a residence onsite. Chairman Sturgill said based on the existing authorized uses, it was already having a negative impact on the immediate vicinity. There is an ongoing compliance issue with the existing uses and the applicant has indicated not granting the conditional use permit would not destroy the business. Under those circumstances, he is not inclined to increase the uses and create any future negative impact on the immediate vicinity.

MOTION: Commissioner Nevill moved to approve Case CU2022-0038 including modified Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Villafana. Roll call vote: 3 in favor, 3 opposed, motion failed.

MOTION: Commissioner Sheets made a motion to table this item for conclusion after the last agenda item. Seconded by Commissioner Nevill. Voice vote, motion passed.

- **Case No. CU2022-0037/Kevin Roberts:** The applicant, Kevin Roberts, is requesting a Conditional Use Permit to allow a Dog Kennel Use within an "A" (agricultural) zone. The dog kennel will have the ability to house a maximum of 30 dogs at a time. The subject property is located at 15368 Mink Rd., Caldwell, ID; also referenced as a portion of the NE¼ of Section 04, T4N, R3W, Canyon County, Idaho.

Planner Samantha Hammond reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

Kevin Roberts – Applicant (Representative) – IN FAVOR – 15368 Mink Road Caldwell ID 83605

Mr. Roberts and his wife both grew up in the Middleton and Caldwell area. He was excited when they got the property for a dog boarding facility. They dropped down from 40 to 30 dogs because they felt the 3-foot by 10-foot kennels weren't enough so they amended it to 30 dogs and are using 4-foot by 12-foot kennels. The dog runs have guillotine-style doors on a pulley system so the dogs can go in and out. He went door to door to speak to all the neighbors about this project. When they talked to the neighbors, the main concern was dogs barking so the foam was an idea to mitigate the noise. The property is only

about 50 feet from the freeway. They are starting with R21 spray foam or padded insulation which should reduce the noise, especially with the freeway noise. If there is a noise issue after that, they will get additional studio foam and put that in the kennels. The kennel floors will be sloped concrete with a trough system that runs through it. That trough system will lead to a separate animal waste septic system at it will be pressure washed twice a day. Any other waste found will be picked up. He showed an aerial photo of the property and indicated where the kennel would be located. He said they may put slats in the back fence to mitigate the view of the neighbor behind them. They want the business to look professional. When asked what the need for a kennel was, he said they also train personal protection and police dogs so they have always been around dogs and in that world. When they moved to this property, he couldn't find a place to board his dogs in Canyon County and all boarding facilities were booked out 6 months. They saw the need. He said this is for people going on vacation, moving or who have visitors allergic to dogs. Commissioner Nevill asked if he had reviewed the conditions of approval; Mr. Roberts said he read them and had a question about condition 9. There was discussion about condition 9 and if the conditional use permit could be transferrable if someone wanted to buy the property and the business. Commissioner Sheets asked if there would be any dog breeding and Mr. Roberts said no. They might add dog training but there will be no dog breeding. Commissioner Williamson asked about the insulation and if would be the same in the walls and the ceiling. Mr. Roberts said he was not the builder but he believed the insulation would be in both the walls and the ceiling. He also said that there would be a separate heating and air conditioning system so the kennel would be a temperature controlled environment. Mr. Roberts said they don't anticipate that the freeway noise will disturb the dogs. The hours of operation would be 10 am to 5 pm for drop off and pick up. The 24 hour operation is so he and his wife can clean up and taking care of the dogs after hours. The dogs will be inside by 10 pm. Commissioner Nevill about the hours of operation if there is an emergency: should they add some verbiage to the conditions regarding that? Mr. Roberts said that he felt that scenario was covered by the fact that it stated employees would be on call 24/7. Commissioner Nevill felt putting language that limited customers to only 10 am to 5 pm could pose a problem if customers come with an emergency drop off. Commissioner Sheets asked if the 6-foot fence alongside the property and the freeway would be tall enough. Mr. Roberts said he believed so as not many dogs can jump a 6-foot fence. They will be having clients fill out questionnaires and if the dog is one that jumps fences, they will be brought outside with an employee. Mr. Roberts showed the photo of the property and showed how the 6 foot fencing will be around the part of the property that houses the dogs. Commissioner Amarel asked about the number of employees Mr. Roberts would have. Mr. Roberts said at first, there will just be him and his wife, but they plan on hiring more people as they bring in more dogs. Commissioner Amarel asked if there was an existing fence separating the property from the freeway and Mr. Roberts confirmed that there was a 6-foot fence in a ditch next to the freeway.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2022-0037 seconded by Commissioner Williamson. Voice vote, motion carried.

DELIBERATION: Commissioner Nevill suggested they change condition #4 to "all fencing around the facility" and condition #6 add "except in an emergency". On condition #9, he suggested they strike "individual" from the condition. Commissioner Williamson said he thought they would need to come in for an amendment to the conditional use permit if it was sold. Commissioner Sheets said he found that this area was more conducive for a dog kennel as it is next to a freeway.

MOTION: Commissioner Nevill moved to approve Case CU2022-0037 including modified Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Williamson. Roll call vote: 6 in favor, 0 opposed, motion passed.

REOPENED: CASE CU2022-0038 / Manual Gutierrez

Chairman Sturgill opened up the floor for further discussion on this item. Commissioner Sheets asked how this could be potentially injurious to the area. Chairman Sturgill explained his concern was that when the applicant was told that existing uses were injurious to the neighbors, he expressed very little consideration to make modifications to the behavior under the existing uses to accommodate the neighbors' concerns. By increasing the scope of the allowed uses, they might be potentially pushing the envelope and increase the impact on adjacent properties. Commissioner Nevill asked staff, given the enforcement concerns expressed by the Director of Development Services, does it help to give the intent about why he is changing the condition? Director Minshall said the definitions written in the code is what makes it challenging. She said giving intent is always helpful in creating the record as long as they stick to what they can use to make decision criteria. Intent isn't going to help for enforcement purposes because it has to be whatever is specifically in the code but it can help as part of the findings for the decision if there is an appeal to the Board. There was additional discussion with Planning Official Dan Lister about the mitigation of impacts and adding special conditions. He said the focus should be on the conditional use permit; not the landscaping business or the single family dwelling playing the music. Commissioner Nevill said he didn't think they could mitigate the possible damage. Any of the ways they were crafting conditions for this conditional use permit would not provide protection for the neighbors because they can't do anything about the landscaping business, and single family residence was not in their purview. He was not sure he was able to vote to approve it.

Commissioner Sheets said he would have liked to see the code complaint because he felt it could have helped inform his decision to see what the issues were. He feels the overlay between the landscaping business and the staging area is razor thin. What part of the activity is related to the landscaping business and what is part is the staging business is so fuzzy that it can't be enforced. Without an enforcement mechanism, it has convinced him to change his vote.

Commissioner Amarel said the only thing they can do is limit the time, but the time is for the business and doesn't have anything to do with the staging. He clarified that he meant they could limit the time for access to the facility. Planning Official Dan Lister said the original complaint was in reference to two sheds that were built on the property without building permits and from that, they found the staging area issue.

Commissioner Villafana outlined the difficulties with separating the differences between the business storing items versus the items contained in a staging area.

Planning Official Dan Lister gave some examples of what staging areas have been in past hearings.

Commissioner Williamson wanted to state that it might have been proven that complaints were being made about noise but it wasn't proven that the business associated with the property was making the noise.

Commissioner Villafana wanted to state that even though the business hadn't been operating out of the property for very long, it is an agricultural area. The residential area approached the agricultural area; the Ag zone was there first and the landscaping business is allowed. Even though the residential area has moved in and it is injurious to them, they are operating a business that is allowed. The residential area moved into the Ag area and he felt they needed to think about that more. It is injurious to the Ag zone when residential areas move in and try to change the Agricultural area to try to suit them.

Commissioner Amarel agreed with what Commissioner Villafana said but he felt it didn't fit this case.

Commissioner Sheets felt the applicant didn't need this and without mechanisms to enforce it, he didn't feel it was necessary.

MOTION: Commissioner Nevill moved to deny Case CU2022-0038 including revised Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Amarel. Roll call vote: 5 in favor, 1 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 12/15/2022, seconded by Commissioner Villafana. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director Minshall discussed the first workshop she had with the Board of County Commissioners. The first thing the Board is interested in is the schedule and process for land use applications and hearings. They discussed concerns, solutions and using the Planning and Zoning Commission at a higher level as a screening body. She will be meeting with the new Chief Operation Officer to find out if they are going to formalize those procedures with the Legal Department and when the processes will change. She said the Development Services Department has already made some internal process changes. They had some good discussions with the Highway District staff about staff report information and turnaround time for comments. There was discussion on the time frame of posting applications online for the public and the possibilities of late exhibits during the hearing itself.

She discussed scheduling joint meetings or workshops between the Planning and Zoning Commissioners and the Board of County Commissioners and the topics of interest that could be covered including standardized conditions of approval to help the Commissioners.

Planning Official Dan Lister provided a personnel update for the Department of Development Services.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Williamson. Voice vote, motion carried. Hearing adjourned at 10:12 pm.

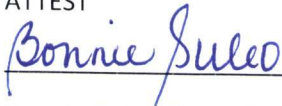
An audio recording is on file in the Development Services Departments' office.

Approved this 16TH day of February, 2023

A handwritten signature in blue ink, appearing to read "Robert Sturgill", written over a horizontal line.

Robert Sturgill, Chairman

ATTEST

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

Bonnie Puleo, Recording Secretary

Samantha Hammond

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Monday, February 13, 2023 2:45 PM
To: Samantha Hammond
Cc: Bonnie Puleo
Subject: [External] RE: Agency Notice: Woodruff / CR2022-0026

Good Afternoon,

After careful review of the transmittal submitted to ITD on February 13, 2023 regarding Woodruff/CR2022-0026, the Department has no comments or concerns to make at this time. Due to the size and distance from a state highway, this development will have no impact.

Thank you,



Niki Benyakhlef
 Development Services Coordinator

District 3 Development Services
 O: 208.334.8337 | C: 208.296.9750
 Email: niki.benyakhlef@itd.idaho.gov
 Website: itd.idaho.gov

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Monday, February 13, 2023 1:20 PM
To: 'srule@middletoncity.com' <srule@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; Marc Gee <mgee@msd134.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; 'PERMITS@STARFIRERESCUE.ORG' <PERMITS@STARFIRERESCUE.ORG>; 'CHOPPER@CANYONHD4.ORG' <CHOPPER@CANYONHD4.ORG>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'CARL@BLACKCANYONIRRIGATION.COM' <CARL@BLACKCANYONIRRIGATION.COM>; dpopoff@rh2.com; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Agency Notice: Woodruff / CR2022-0026

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dear Agencies:

Please see the attached agency notice regarding the Board of County Commissioners' hearing on this project. No response is required.



Bonnie Puleo

Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

NEW public office hours **effective January 3, 2023**

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour****

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

RECEIVED**MAR 16 2023****CANYON COUNTY
COMMISSIONERS**

March 12th, 2023

Canyon County Board of Commissioners

Case No. CR2022-0026

To Whom It May Concern,

We are opposed to the split into three acres on property 24822 Harvey Rd, Caldwell Idaho. We have lived here since November of 1999 and we have growing concerns that the building around us is getting completely out of hand. That property was never meant to be split up after the original owner(farmer) sold it. The person who obtained the property promised not to split but when he couldn't sell it for the amount he wanted, he reneged on his original agreement. The property south of this acreage is asking for a subdivide as well (3 more houses I believe) from this same split of acreage. We want to maintain the rural feel that initially drew us to this area.

Harvey Road is a dead end road and the increased traffic onto Purple Sage is dangerous. We have two huge subdivisions that have been approved to the east and west of this property which only increases the flow of traffic on Purple Sage & at 50 MPH we are looking at future accidents. The increase of wells will be a drain on the aquifer as houses around us are not on city services. Middleton has put a moratorium on building and I believe it's time for Caldwell to do the same over here. We have a ton of new houses over here with little to no amenities. Our schools cannot handle this influx of new houses. Caldwell doesn't even require sidewalks/lights/very little landscaping when subdivisions are being created. We need to say no to subdividing more land or we risk losing the rural feel that brought us out here in the first place.

Thank you,

Patti & Curt Guiles

24613 Harvey Rd.

Caldwell, ID 83607