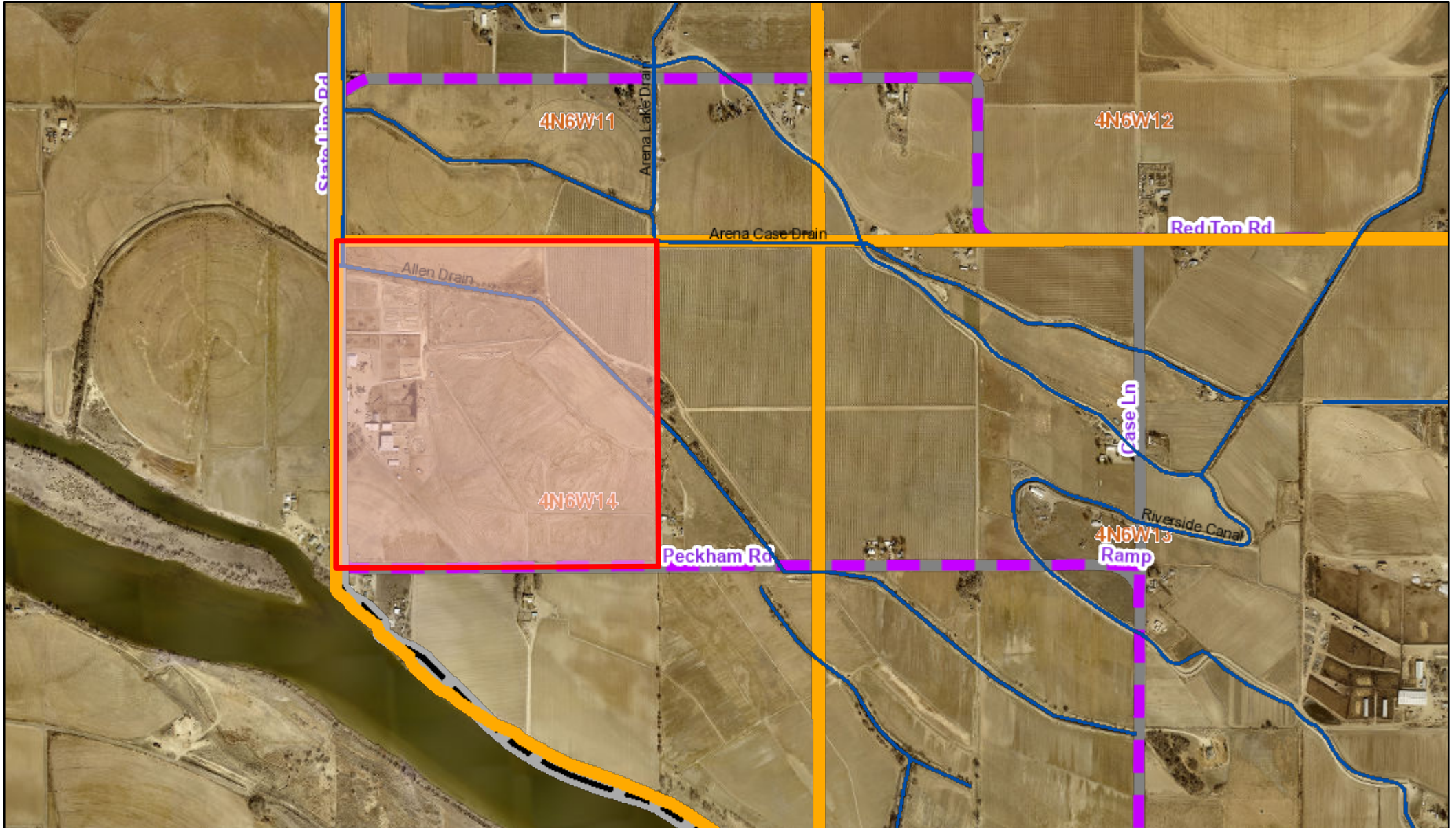
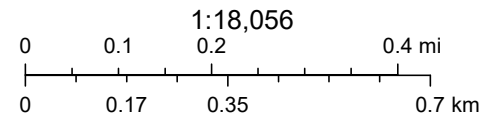


# Canyon County, ID Web Map



1/4/2024, 10:38:38 AM

- Multiple Parcel Search\_Query result
- Hydro\_NHDFlowline
- County Boundary
- Current Impact Area
- City Limits
- Sections
- CanyonCountyRoads
- Roads
- ITDFunctionalClassification
- Major Collector
- Imagery\_2022
- Red: Band\_1
- Green: Band\_2



Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA



# APPEAL OF DECISION APPLICATION

APPELLANT	NAME: <u>Danny W. Cardoza / Debra L. Cardoza</u>
	MAILING ADDRESS: <u>31252 Peckham Rd. Wilder ID 83676</u>
	PHONE: [REDACTED] EMAIL: [REDACTED]

Property owner:  Other Appellant:

Signature: Debra L. Cardoza Date: 1/4/2024

REPRESENTATIVE: IF DIFFERENT FROM THE APPELLANT	NAME:
	COMPANY NAME:
	MAILING ADDRESS:
	PHONE: _____ EMAIL: _____

SITE INFO	STREET ADDRESS: <u>21696 Stateline Rd. Wilder ID 83676</u>
	PARCEL NUMBER: <u>R37348010</u>
	PARCEL SIZE: <u>163.23</u>

CASE NUMBER OF REQUESTED APPEAL: CU2022-0036

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	<u>CU2022-0036-APL</u>	DATE RECEIVED:	<u>1-3-24</u>
RECEIVED BY:	<u>M. Barron</u>	APPLICATION FEE:	<u>\$600</u> <input checked="" type="radio"/> CC CASH

*Revised on the  
Newer Appeal form  
dr*

RECEIVED

JAN 04 2024

RECEIVED



# APPEAL OF DECISION CHECKLIST

**GENERAL APPEAL PROCEDURE CCZO - Section 07-05-05 or 07-05-07**

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION TO BE DEEMED COMPLETE (PLEASE CHECK OFF THE ITEMS REQUIRED):

Description	Applicant	Staff
Master Application completed and signed	✓	MB
Letter of Intent/Statement of Reason	✓	MB
<b>Fee: \$600.00</b>		
**Fees are non-refundable**		

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

January 3, 2024

**HAND DELIVERED**

Commissioner Zach Brooks  
Commissioner Brad Holton  
Commissioner Leslie VanBeek  
Canyon County Board of Commissioners  
1115 Albany Street  
Caldwell, ID 83605

c/o Development Services Department  
Room 310  
111 N. 11th Avenue  
Caldwell, ID 83605

**RE: Notice of Appeal for CU2022-0036, AK Feeders**

Dear Commissioners:

Pursuant to Canyon County CAFO Ordinance 08-01-16, herewith is our written notice of appeal for the above-listed Conditional Use Permit approved by the Planning & Zoning Commission ("Commission") on December 21, 2023. On behalf of ourselves and the other local property-owning citizens ("Citizens") in opposition to the permit, we are appealing this decision on several grounds, including, but not limited to, those outlined below.

The Citizens are all affected persons, as defined by Title 67, Chapter 65, Idaho Code. We stand to be directly affected by the establishment of this CAFO with 3,700 head of cattle near our properties. These effects include, but are not limited to, increased truck traffic creating an impact to surrounding property owners, an increase in nitrates creating an additional impact to domestic wells of area property owners, an increased facility footprint creating public health and environmental impacts to Citizens, and reduced property values.

**A. Violations of Citizens' statutory rights by County authorities include, but are not limited to: (see attached #2-4):**

(1) Citizens' statutory rights to the use and enjoyment of our properties were violated by approving this new CAFO to be located next to our homes and properties. The Idaho Supreme Court has held that "substantial rights" in the context of Idaho Code Section 67-5279(4), which governs agency action, are "harmed when (1) property values are impacted; or (2) there is interference with the use and enjoyment of property." *Hungate v. Bonner Cty.*, 458 P. 3d 966, 972 (2020) (citations omitted). The Idaho Legislature explicitly finds that "(c)onfined animal feeding operations increase social and environmental impacts in areas where these facilities are located." I.C. Section 67-6529B. The AK Feeders CAFO will diminish both the value and the use and enjoyment of our properties, among other social and environmental impacts. The smells, coming from ammonia and other air pollutants, along with the water pollution coming from the site, will create a public nuisance. Odors and flies from the CAFO will make it impossible to use our outdoors. Impacts to the Snake River, already occurring, will become worse. No one will want to live next to this facility, thus driving land values down further.

Further to the paragraph above, Citizens placed into the Record (see exhibit #1) a copy of that August 18, 2022 District Court Order (Amended Memorandum Decision and Order Granting Petitioners' Petition for Judicial Review - Case No. CV14-21-10123) referencing the Idaho Supreme Court precedent on "substantial rights" from a previous CAFO proceeding (CU2020-0001, Peckham Road Trust) for a CAFO located near the AK Feeders site, yet the Commission disregarded the Idaho Supreme Court precedent information they had been provided with and approved the AK Feeders permit. In the District Court's Order citing *Hungate v. Bonner County*, the Court stated:

***"The Idaho Supreme Court has not established a bright line test governing whether a petitioner's substantial rights have been violated. Id., The Court, however, has previously held that substantial rights were harmed when property values are impacted or there is interference with the use and enjoyment of property. Id. (citing Price v. Payette Cty. Bd. Of Cty. Comm'rs, 131 Idaho 426, 431, 958 P.2d 583, 588 (1998) (recognizing prejudice to a substantial right and vacating a board decision because it could impact property value or the petitioners' use and enjoyment of their land)). "The nature of the proof required to establish such prejudice is aptly shown by reference to other cases from (the Idaho Supreme Court)".***

The District Court further stated, ***“The Idaho Legislature finds that (c)onfined animal feeding operations increase social and environmental impacts in areas where these facilities are located.” I.C. Section 67-6529B.***

The Commission’s 12/21/23 FCO (“FCO”) states on page 13 item (9), “T...there was not evidence in this record that demonstrated loss of property values”. As stated above, the Idaho Supreme Court precedent states ***“ The nature of the proof required to establish such prejudice is aptly shown by reference to other cases from (the Idaho Supreme Court).” (emphasis added).*** At the November 16, 2023 P&Z Hearing, Citizens provided both written and oral testimony regarding the prejudice to their substantial rights that included concerns about environmental and health impacts, nitrates in ground water and drinking water wells, and other water quality impacts, as well as negative impacts on their property values, citing this Supreme Court precedent and informing the Commission that, based on said Idaho Supreme Court precedent, the Commission had no legal authority to knowingly violate citizens’ substantial rights, yet the Commission disregarded Citizens’ testimony and the Idaho Supreme Court precedent and approved this AK Feeders permit, thus violating Citizens’ Constitutional right to the use and enjoyment of their property and allowing the destruction of their property values.

(2) In addition, the Commission violated Canyon County CAFO Ordinance 07-05-01 that states:

***“07-05-01: NOTICE PROCEDURE:***

***(1) Notice Procedures: Notice shall be given for all proceedings in accordance with Idaho Code sections 67-6509, 67-6511 and 67-6512, as applicable, except as provided for in subsection (2) of this section...***

Citizens were not given Notice “for all proceedings”. The FCO was signed by Vice Chairman, Brian Sheets on December 21, 2023 outside the view of the public because Citizens were not Noticed of any “proceeding” where the signing of this FCO was to take place.

(3) Also, the Record shows that the Commission further violated Citizens statutory rights by violating Canyon County Zoning Ordinance 07-01-15(3) the Neighborhood Meeting law shown below:

***“07-01-15: NEIGHBORHOOD MEETINGS:***

***(1) Applicants shall conduct a neighborhood meeting for any proposed variance, conditional use, zoning ordinance map amendment, expansion, or extension of nonconforming uses requiring a public hearing.***

(2) It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within six hundred feet (600') of the exterior boundary of the property subject to the application. Notice of a neighborhood meeting shall be in addition to, and not combined with, notices already required by this chapter, and shall include the date, time, location and purpose of the meeting.

***(3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any...."***

### **B. Violation of Citizens' Due Process rights:**

Contrary to the strange statements for an FCO made in the FCO (twice) that "due process of law was provided to all persons present to testify", the Record shows that the due process rights of Citizens was violated. Issues include, but are not limited to:

(1) Although a motion was put forward and a vote taken by the P&Z Commissioners to allow late exhibits into the P&Z Hearing Record ("the Record"), no such motion was even entertained, nor a vote taken, to allow the sworn, written testimony of Citizens who testified at this hearing to be entered into the Record.

(2) A written request duly submitted to the Development Services Department ("DSD") by Citizens before the final filing date of October 28, 2023, requested that County-held records from a previous CAFO permit hearing (CU2020-0001, Peckham Road Trust CAFO) and subsequent District Court proceeding (CV14-21-10123, Petitioners v Canyon County) be entered into the Record for review by the Commission prior to their 11/16/23 hearing. Said case records had previously been electronically submitted by DSD to the District Court for case no. CV14-21-10123 and would have simply required a push of a button to enter them into the P&Z's 11/16/23 Hearing Record. This request for submission into the Record of these County-held records was ignored by DSD and the Commission and these records were not entered into the official Record. As a result, Citizens were denied their right to utilize these County-held records in furtherance of their testimonies at the 11/16/23 hearing. These records included, among other documents, Idaho State documents regarding CAFOs and many prestigious studies done by national organizations regarding CAFOs.

### **C. Additional Reasons for Appeal of the Decision:**

(1) In approving this permit, both DSD and the Commission did not require the exhaustive research of the environmental risk for a HIGH RISK designation of this potential CAFO, as determined by the Site Advisory Team.

(2) The September 14, 2023 CAFO Site Advisory Team Report rated the AK Feeders proposed new CAFO as HIGH RISK, the highest cautionary rating for a proposed CAFO site, yet the Commission did not call for an independent water quality testing for the wells on the AK Feeders site before approving their permit. The parcel of land in which this CAFO site would be located is 200 feet from the Snake River and there is a drain at the corner of this parcel that carries drainage water year-around from the AK Feeders parcel into the Snake River. Shockingly, recent data from water quality testing coming off this parcel site shows significant pollution, including highly toxic-levels of nitrates near and above 10 mg/L, dissolved solids, and fecal coliform (see attachment #5)

(3) The Canyon County High Nitrate Priority Zone Maps used by DSD for the 11/16/23 Hearing to confirm their conclusion that the AK Feeders site is not in the High Nitrate Priority Area and therefore there are no toxic nitrates in the aquifer are flawed. There are no State test wells near the AK Feeders site where tests would have revealed the nitrate levels and included this site in the High Nitrate Priority Zone maps. These maps show no High Nitrate values for 31252 Peckham Road, Wilder and 31453 Peckham Road, Wilder (well samples). Independent lab testing done from domestic wells at these addresses showed high nitrate values. The FCO states in Chapter 6, Natural Resources, Component page. 8, that the AK Feeders site lies 3,300 feet west and down gradient from the identified Nitrate Priority Area (see attached #5 A-D).

(4) DSD and the Commission did not comply with the 10/24/23 letter from the State Department of Environmental Quality ("DEQ") found in the Record instructing DSD and the Commission to contact DEQ to discuss the potential requirement for this CAFO to apply for an Idaho NPDES permit. As a result, the Commission put no Condition on their permit regarding the need for an Idaho NPDES permit with instructions to provide the County with copies of any yearly reporting requirements (see attachment #6).

(5) The Commission's decision erroneously finds and concludes that CU2022-0036, AK Feeders, is consistent with the Canyon County Comprehensive Plan (the "Plan"). A detailed rebuttal to this conclusion will be provided at the Board's public hearing, however, below are a few examples:



-Page 1, item (1) c. states, "Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the Commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity". As stated above, the Commission did not demand independent water quality testing of the wells on the AK Feeders site before approving their permit yet, as stated above, recent data from water quality testing coming off the AK Feeders site parcel shows significant pollution, including highly toxic levels of nitrates near and above 10 mg/L, dissolved solids, and fecal coliform. The already existing contamination to the aquifer in this area combined with the Commission's now approved addition of a 3,700 head CAFO on top of it, will contaminate the aquifer further and with it the properties of local Citizens in violation of their Constitutional right to the use and enjoyment of their properties.

-Page 4, Findings (2) Chapter 1: Property Rights Component. The Commission found that "the hearing and notifications were consistent with the requirements of the law and that the applicant and property owners were provided due process of law by the nature of these proceedings". As we have shown above, this is not the case.

-Page 5, (3) Chapter 2: Population Component. The Commission found that "...There is no evidence to suggest that population growth trends are occurring in this area of the county". Because the records discussed above that the Citizens requested to be placed into this Record were ignored by DSD and the Commission, Citizens were denied their right to provide documented evidence that this statement regarding growth trends in this area is misleading. Those documents for CU2020-0001 discussed above that were denied to Citizens to use in their testimonies included the FCO from the previous P&Z Commission denying that permit. In those documents is data proving that within 3 miles of this AK Feeders site County officials have approved over 200 platted lots indicating a "trend" for growth in this area of the County. Also, a copy of this P&Z FCO for CU2020-0001 was put into the AK Feeders official Record by Citizens before the 11/16/23 Hearing so the Commission had this data before making their flawed finding on the AK Feeders FCO that there is no evidence of population growth trends in this area of the county.

-Page 6, (5) Chapter 4: Economic Development Component. The Commission found that, "...The applicant asserts that the CAFO will create jobs....". There was no evidence provided by the applicant to support the Commission's finding.

(6) The new proposed AK Feeders Site plan map and the Site Team Report both describe future expansion of this CAFO. The potential of even greater degradation of our water, air, and other environmental issues regarding any expansion was not addressed by the Commission (see attached #7)

The criteria for approving a conditional use permit are set forth in the Canyon County Zoning Ordinance. In relevant part, they include whether the proposed use is consistent with the comprehensive plan, whether it will be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area, and whether there will be undue interference with existing or future traffic patterns.

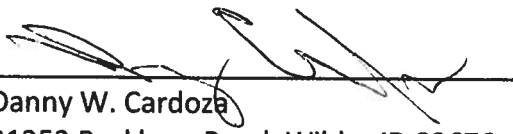
Because this AK Feeders land use is not consistent with the comprehensive plan; this proposed land use will be injurious to our properties in the immediate vicinity; it will change the essential character of the area; and there will be undue interference with traffic patterns, we look forward to a Board public hearing to discuss vacating this AK Feeders' permit and the denial of this land use in our area.

In addition, we present this notice of appeal as a result of our statutory and Constitutional rights also being violated.

Citizens reserve the right to assert additional issues on appeal to the Canyon County Board.

Sincerely,

  
Debra L. Cardoza  
31252 Peckham Road, Wilder ID 83676

  
Danny W. Cardoza  
31252 Peckham Road, Wilder ID 83676

attachments

October 27, 2023



**HAND DELIVERED**

Planning & Zoning Commissioners  
Canyon County  
c/o Canyon County Development Services Department  
111 N. 11<sup>th</sup> Street, #310  
Caldwell, ID 83605

RE: CU2022-0036 AK Feeders' Request for Conditional Use Permit

Dear Commissioners:

Attached you will find the August 18, 2022 District Court's **Amended Memorandum Decision and Order Granting Petitioners' Petition for Judicial Review** striking down the decision by the previous Canyon County Board (VanBeek, White, & Smith) to allow the addition of 6,000 head of cattle to a feedlot owned by Peckham Road Trust located nearly next door to AK Feeders' proposed site, about 5 minutes away.

You will see on the District Court's Order, on page 14 beginning at item "D. Petitioners Have Shown Prejudice to Their Substantial Rights" and continuing on to page 17, why the Court ruled in favor of Petitioners. The Petitioners' May 31, 2022 Reply Brief that lead to the District Court's Order is also attached. It is important to note that the previous Board and the Canyon County Prosecuting Attorney's office did not dispute the District Court's ruling because they did not file a Request for Reconsideration with the District Court nor did they file an appeal with the Idaho Supreme Court, precipitating the Court's Remittitur that is also attached.

Also attached is the DENIAL by the previous P&Z Commissioners dated March 4, 2021 to the Peckham Road Trust request to add 6,000 head of cattle to their site. DSD Staff had also recommended denial of Peckham's proposal. Note the items the P&Z Commissioners cited in their DENIAL that established why the proposal was not consistent with the Comprehensive Plan.

The similarities in the findings by the State Siting Team for both the Peckham Road Trust proposal, struck down by the District Court, and the AK Feeders' proposal are striking, they could be identical twins, with one glaring difference even more problematic for AK Feeders, the CAFO Site Advisory Team's report designated the AK Feeders' proposed project as "**High Risk**" versus the Medium Risk finding for Peckham.

A comparison of page 16 of the Court's Order and the Site Team Report for AK Feeders shows many similarities between the Team's reviews of both Peckham and AK Feeders. For instance, the mean nitrate level in groundwater within a 5-mile radius is virtually identical at 5.3mg/L and the percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 25%-35%. The AK Feeders' Site Team review found 4 "High Risk Factors" that reveal that allowing either 6000 head of cattle (on the only plan shown to the neighbors in AK Feeders' Neighborhood meeting) or the nearly 4,000 head of cattle (now shown on a totally different plan on the County's Land Hearings web page for a November 16, 2023 Hearing that AK Feeders' neighbors know nothing about) on this site would be disastrous because the soil is so porous the cattle waste would easily and quickly go directly into, and further destroy, the aquifer that is next to the Snake River.

On page 15 of the Court's Order, the District Court Judge stated, "...The (Supreme) Court, however, has previously held that substantial rights were harmed when property values are impacted or there is interference with use and enjoyment of property. *Id.* (citing *Price v. Payette Cty. Bd., of Cty. Comm'rs*, 131 Idaho 426, 431, 958 P.2d 583, 588 (1998) (recognizing prejudice to a substantial right and vacating a board decision because it could impact property value or the petitioners' use and enjoyment of their land))", and "The nature of the proof required to establish such prejudice is aptly shown by reference to other cases from (the Idaho Supreme Court". The Judge went on to confirm findings from the Idaho Legislature by stating, "The Idaho Legislature finds that confined animal feeding operations increase social and environmental impacts in areas where these facilities are located".

The Court found that citizens' Constitutional rights to the "use and enjoyment of their property" would be violated by the Peckham proposal to add 6,000 head of cattle near their properties and the property values would be destroyed so the Court vacated and made null and void the Board's decision to allow that proposed use. This AK Feeders' proposed plan is virtually a carbon copy of the Peckham proposal and would be disastrous for citizens living nearby who have been here long before Mr. DeBenedetti appeared. Whether the AK Feeders' plan is for the 6,000 head of cattle that they showed us at their Neighborhood Meeting or the plan we now see posted on the County's website that no local property owners know anything about calling for almost 4,000 head with, as the Site Team states on top of page 3 of their report "...if/when the facility expands", would violate of the Constitutional right to "the use and enjoyment" of our properties and our property values.

By copy of this letter to DSD Staff, we ask that the following documentation be put into the AK Feeders County Record (CU2022-0036) for reference and review by the P&Z Commissioners:

- 1) all documentation in County file CU2020-0001 - Peckham Road Trust
- 2) Petitioners vs. Canyon County, case # CV14-21-10123, all documents in the County legal file for this case

Our Constitution and the Idaho Supreme Court have spoken. Canyon County does not have the right or authority to violate our Constitutional right to "the use and enjoyment of our property" or to destroy our property values that would happen if this land use was approved. As a result, we, as property owners and citizens living near this AK Feeders' proposed land use DEMAND that you DENY AK Feeders' Application and proposed land use.

Sincerely,



Susan Isaak  
31492 Red Top Road, Wilder, ID 83676



Debbie Cardoza  
31252 Peckham Road, Wilder, ID 83676

Attachments:

RE: Peckham Road Trust issue:

- ✓ P&Z Commissioners' DENIAL FCO of CU2020-0001 – Peckham Road Trust
- ✓ -Petitioners' Reply Brief to District Court (Case CV14-21-10123)
- ✓ -Amended Memorandum Decision and Order Granting Petitioners' Petition for Judicial Review from District Court (Case CV14-21-10123)
- ✓ -District Court Remittitur (Case CV 14-21-10123)

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

Case No. CV14-21-10123

Petitioners' names have been removed for privacy. Copies of the original document can be obtained from Canyon County.

Petitioners,

vs.

CANYON COUNTY, a political subdivision of the State of Idaho, acting through the CANYON COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent.

**PETITIONERS' REPLY BRIEF**

On appeal of final action by the Canyon County Board of County Commissioners

Before the Honorable Judge Gene A. Petty

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## **I. ADDITIONAL ARGUMENT**

Respondent Canyon County and Intervenor/Applicant Peckham Road Trust attempt to convince this court that the Board of County Commissioners' Decision in this matter is legally sound, despite the significant deficiencies identified by the Petitioners. They also make an effort to convince the court that none of the 32 individual Petitioners in this matter have any substantial rights that have been prejudiced by the Board's Decision to authorize a significant expansion of the existing feedlot. These arguments fall short of the mark, requiring that the Decision be vacated and that the matter be remanded for further proceedings.

### **A. The Decision's Required Findings and Conclusions Cannot be Inferred by the Court.**

In response to *Petitioners' Opening Brief*, Canyon County readily admits that there is a "deficiency in the written findings" of the Board – namely that the Decision contains no finding that the proposed use is consistent with the County's Comprehensive Plan. *Respondent's Brief* at 3. The Applicant begrudgingly acknowledges this, as well. *Intervener/Applicant's Response Brief* at 19. A determination that the proposed use is consistent with the Comprehensive Plan is required for the approval of a conditional use permit under Canyon County's Zoning Ordinance. CCZO § 07-07-05 As a result, this deficiency is fatal to the Board's Decision.

The County urges the court to nonetheless uphold the Decision on the basis that its omission of the required finding is "a scrivener's error" or a "minor flaw." *Respondent's Brief* at 5, 8. The Applicant similarly labels this legal deficiency as a "negligible defect" or a "scrivener's error." *Intervener/Applicant's Response Brief* at 9. However, a scrivener's error is a type of error that is absolutely clear, such as a typographical mistake, clerical error or unintentional addition or omission of a word, altering the meaning of a document. [www.definitions.uslegal.com](http://www.definitions.uslegal.com); [www.yourdictionary.com](http://www.yourdictionary.com). That is not what occurred here.

The Decision completely fails to make any finding as to whether – let alone how – the proposed use is consistent with the Comprehensive Plan. This glaring omission cannot simply be ignored by the court. And the court cannot – as suggested by both the County and the Applicant – make this finding for the County. “It is not the role of the reviewing court to scour the record for evidence which may support the decisionmaker’s implied findings and legal conclusions.” *Jasso v. Camas County*, 151 Idaho 790, 795, 264 P.3d 897, 902 (2011); see also *Crown Point Development v. City of Sun Valley*, 144 Idaho 72, 156 P.3d 573 (2007) (remanded to make proper factual findings). Such circumstances, constitute a failure to provide a reasoned statement for decision, contrary to the requirements of I.C. § 67-6535. *Id.* “Failure to identify the nature of compliance . . . with express approval standards or failure to explain compliance . . . with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization.” I.C. § 67-6535(2)(a).

**B. The Board Failed to Recognize its Discretion to Address Concerns with “Open Water.”**

In its response, the County proclaims: “This is not *917 Lusk*.” *Respondent’s Brief* at 7. However, the Board’s failure to recognize its discretion to include conditions specific to the concerns raised about the “open water” on the subject property is exactly like the circumstances in *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 41 (2015) (reversing and remanding decision to grant conditional use permit for failure to recognize discretion to impose conditions beyond minimum standards). In that case, the singular issue was whether Boise’s City Council recognized the discretion that it had to place conditions on parking, beyond those contained in its ordinance. Here, the parallel question is whether the Canyon County Board understood the discretion that it had to impose conditions on the “open water” that exists on the subject property. It is clear that it did not.

Critically, the Board's Decision did not identify either I.C. § 67-6512(d) or CCZO § 07-07-17 as decision criteria, both of which provide authority for the County to regulate "open water," beyond the minimum requirements of the CAFO Ordinance. The Decision incorrectly concluded that the permit must be granted if the CAFO Ordinance was met. R p. 2876.

Setbacks from "open water" canal segments or monitoring of water quality to ensure that waste does not drain into those waters were both raised as potential mitigation measures by the Board during the proceedings. Contrary to the County's argument that there was no basis for such conditions being considered, the CAFO Siting Team Report identified this risk factor. R pp. 2877, 2883. It was also raised in written public comments to the Board. R pp. 2773-74 (noting that waste ponds would drain into open canal segments). However, the input provided by staff made clear – erroneously – that the CAFO Ordinance, including the requirement that the Applicant need only comply with state and federal law, wholly addressed those "open water" issues. There was no room for the suggested mitigation measures. Aug. 2, 2021 Tr p. 6, L. 6-25, p. 16, L. 23 – p. 18, L. 21; R p. 2870. As a result, the Board failed to comprehend the discretion that it had to impose setbacks or monitoring requirements on the open canal segments.

Canyon County and the Applicant argue that the Board's imposition of other types of conditions serves as proof that it understood the discretion that it had. It simply chose not to exercise that discretion when it came to dealing with the "open water" issue. *Respondent's Brief* at 9. However, this runs contrary to the discussion that occurred on the record between the Board and County staff, specific to the "open water" issue. Again, this is very similar to the parking discussion that occurred between the City of Boise and its staff in *917 Lusk*. In both instances, the decisionmaker was erroneously led to believe that it had no discretion over that particular issue.

Compounding the problem here is that there is no reasoned, written explanation of the Board's supposed decision not to exercise the Board's discretion to address the "open water" issue. Without the written explanation required by I.C. § 67-6535(2), it is not possible for the court to conclude that the Board has "perceived the issue in question as discretionary" or that it "acted within the outer limits of its discretion and consistently with the legal standards applicable to the available choices, and reached its own decision through an exercise of reason." *Krempasky v. Nez Perce Cnty. Planning & Zoning*, 150 Idaho 231, 237, 245 P.3d 983, 989 (2010) (quoting *Haw v. Idaho State Bd. of Med.*, 143 Idaho 51, 54, 137 P.3d 438, 441 (2006)).

In response to the concern that the Decision provides only that the CAFO expansion "should avoid impacting the historic landfill to prevent any impact to human health & environment" (R p. 2879), rather than making the condition mandatory, the County and the Applicant blame the Siting Report. *Intervener/Applicant's Response Brief* at 34. However, the Siting Team was making a recommendation to the County, which explains the Report's use of the word "should." To accept that recommendation, the County needs to make the condition mandatory, through use of the word "shall" or "must," as it did for all other approved conditions. R pp. 2877-79. This abuse of discretion by the Board needs to be addressed on remand.

The County and the Applicant failed to respond to the Petitioners' argument that the Decision did not require any financial assurance from the Applicant for the expanded CAFO, despite the large financial costs that could be required to correct potential problems, including the "very costly" removal and proper disposal of all found waste from disturbing the landfill, as noted by the CAFO Siting Team. R p. 2884. This is a further abuse of discretion.

Again, the specific impacts to property owners in the vicinity were not adequately addressed by the Board, despite the fact that such injury must be avoided to approve a conditional

use and that authority exists to impose additional conditions. CCZO § 07-07-01 (higher standards of site development may be required “in order to assure that the proposed use will be compatible with other property and uses in the vicinity”); CAFO Ordinance § 08-01-05 (“The provisions of this article are minimum standards”); I.C. § 67-6512(d)(7) (authorizes conditions requiring more restrictive standards than those generally required in an ordinance). The Idaho Supreme Court has made clear that such limited action constitutes an abuse of discretion. *917 Lusk*, 343 P.3d at 45-47 (2015). That is certainly the case here.

As a result, the Board’s Decision must be reversed and remanded.

**C. The Decision did not Consider the City of Wilder Area of Impact.**

The County and the Applicant respond that it was sufficient that the Decision provided an “acknowledgment” and “called out” the City of Wilder’s Area of Impact designation for the subject property. *Respondent’s Brief* at 11; *Intervener/Applicant’s Response Brief* at 39. Of course, this falls far short of the ordinance, which requires that “Canyon County shall give consideration to the city’s comprehensive plan map designations when evaluating development requests within the Wilder area of city impact.” Wilder City Area of Impact Ordinance § 09-17-15(1).

To take into consideration means “to bear in mind; consider; deliberate.” *Colliers English Dictionary* (12<sup>th</sup> Ed. 2014); *Webster’s College Dictionary* (2010). The Board’s Decision does not indicate that any of these things were done with the City’s Area of Impact designation for the subject property, thereby running afoul of I.C. § 67-6535(2).

The Applicant attempts to evade this shortcoming by arguing – as an additional issue raised in this judicial review action – that the Petitioners do not have standing to raise it. *Intervener/Applicant’s Response Brief* at 35-38. For this proposition, the Applicant first argues that the Petitioners cannot stand in the shoes of the City of Wilder. The Petitioners are doing no such thing. They have a right, pursuant to LLUPA and the Idaho APA, to challenge the County’s

Decision. That is not dependent upon the City of Wilder. The issue was separately raised to the Board by one of the Petitioners. R p. 1595.

In addition, the Applicant argues that the Petitioners do not have standing under *Coalition for Agriculture's Future v. Canyon County*, 160 Idaho 142, 369 P.3d 920 (2016). However, the reliance on this case is badly misplaced. The case did not involve judicial review of an agency decision under the APA. It was an action filed under the Uniform Declaratory Judgment Act. *Id.* at 143-44. Accordingly, it does not address the issue of who an “affected person” entitled to judicial review is within the meaning of the APA. The decision precluded a party who could have appealed an adverse zoning decision through judicial review from later challenging the decision by bringing a declaratory judgment action. *Id.* at 147. That does not describe the instant case at all, where Petitioners have filed a timely petition for judicial review, pursuant to the APA. In fact, the decision recognized that an adjacent property owner suffered a particularized injury due “to detrimental dust, noise, and traffic” created by the proposed activity, sufficient to demonstrate a particularized harm. *Id.* That is very similar to the harm alleged by many of the Petitioners here.

So long as the Petitioners demonstrate prejudice to their substantial rights – an issue which is further addressed below, they have the ability to bring an APA action. This includes consideration of whether the Board’s Decision was consistent with the law, including the County’s ordinances, of which the Wilder City Area of Impact Ordinance is one. The Applicant’s attempt to argue that the Petitioners do not have standing to raise this issue is misplaced.

Because the Decision does not contain an explanation of the Board’s consideration of the City’s Area of Impact designation for the subject property, it must be reversed and remanded.

**D. The Petitioners Clearly have Substantial Rights that Stand to be Prejudiced.**

To receive relief, the Petitioners must show real or potential prejudice to their substantial rights. *Hawkins v. Bonneville Cnty. Bd. Of Comm'rs*, 151 Idaho 228, 233, 254 P.2d 1224, 1229

(2011). The County and the Applicant claim that the Petitioners have failed to make this showing. In particular, the Applicant claims that the Petitioners only made general arguments in their testimony and comments, not specific to the proposed CAFO expansion. *Intervener/Applicant's Response Brief* at 42. This is simply incorrect.

The Applicant points to *Hungate v. Bonner County*, 166 Idaho 388, 458 P.3d 966 (2020) to support its argument that the Petitioners do not have substantial rights that stand to be prejudiced. However, the case is easily distinguished. In *Hungate*, the Court found that there was “no additional harm in granting” the requested variance, when the buildings had been there for twenty years. *Id.* at 968. Great weight was placed on this fact. *Id.* at 972. The same cannot be said about the proposed CAFO expansion in this case, which proposes to double the number of permitted livestock from what is currently allowed. In addition, there was no evidence in the record to support the claims of potential impacts in *Hungate*. *Id.* at 973-74.

In this matter, there are 32 individual Petitioners. Ample evidence exists in the record regarding the potential to impact the substantial rights of those parties, thereby satisfying the “something more” test of *Hungate*. *Id.* at 972. Following is a summary of those potential impacts.

Petitioner Brenda Abbott submitted written comments that the expanded CAFO would adversely impact her irrigation right-of-way, that disturbance of the landfill site could cause impacts to her property, and that waste ponds draining into the open canal segments on the subject property would run in front of her home. R pp. 1364-81, 2760, 2773-74.

Petitioner Paul Chismar commented that leaching of waste into the groundwater from the expanded CAFO could impact his drinking water well. R p. 2757.

Petitioner Angela Galloway commented about potential impacts to her property from the CAFO expansion’s potential disturbance of the abandoned landfill. R pp. 1325-28.

Petitioner Merle Hammons provided detailed, specific comments that he lives “across the street” from the proposed CAFO expansion and shared test results showing that his drinking water well is already “approaching maximum concentration of 10.0 mg/L” of nitrates, which is likely to increase with the expansion. He also expressed concerns about his property value potentially decreasing by 50-90%. R pp. 1123, 1357-58, 1571, 1599.

Petitioners Dennis and Stacie Harvey commented that they live just west of the proposed expansion, which will result in increased noise, odors, and traffic on and near their property, and an increase in nitrates in the groundwater that supplies their drinking water well, which is tested regularly. They also expressed concerns about the reduction in property values that would result from all of these increased impacts. R pp. 1569, 2753.

Petitioner Shari Hastings provided comments about the increased noise, odor, flies, and dust that would occur on her property, one mile away, as a result of the CAFO expansion, as well as impacts to her drinking water well and property values. R pp. 1344, 1536, 2532, 2548.

Petitioners Stephen and Mary Lou Kaplan commented that the noise and smell from the CAFO expansion 1.3 miles from their property “would make any outdoor activity impossible” and “would negatively impact our neighborhood.” R pp. 1542, 1546.

Petitioners Gregory and Elizabeth Liefer are “property owners located 300 yards” from the proposed CAFO expansion who built their retirement home there in 2016. Their comments detailed increased odors from the expansion, as well as increased road usage, damage and safety hazards associated with the expanded CAFO. In addition, the Liefers commented on potential impacts to their residential well, surface runoff from the site, and potential dumpsite disturbance impacts. All of this will cause reduced property values for them. R pp. 1341-43.



Petitioner Francisco Rodriguez lives adjacent to the proposed CAFO expansion and his comments detailed potential impacts to his domestic well, R pp. 1348-1350, 1823, 2561, 2567.

Petitioner Kent Vaughters commented that his property is “within about 100 feet” of the proposed expansion and that smells from the site will increase on his property. R p. 2650.

The Petitioners are all affected persons, as defined by Title 67, Chapter 65, Idaho Code. They have been injured and had their fundamental rights violated by the Board’s Decision. These residents live in close proximity to the CAFO and are all injured by the Decision. The Petitioners stand to be directly affected by the expansion of the CAFO from the 6,000 head of beef cattle to 12,000 head and from the current nine (9) parcels (totaling 113 acres) to 13 parcels (totaling 183 acres). As detailed above, there is substantial evidence in the record of the potential prejudice to the Petitioners’ substantial rights resulting from the Board’s Decision to grant the conditional use permit, thereby satisfying the *Hungate* test.

**E. Petitioners are Entitled to Attorney Fees; the Applicant is Not.**

The Petitioners renew their request for attorney fees in this action, pursuant to Idaho Code § 12-117. The statute allows for an award of attorney fees in any proceeding involving as adverse parties a political subdivision and a person, if the court finds that the non-prevailing party acted without a reasonable basis in fact or law.

As explained above, the Board did not make required factual findings in its Decision. It failed to recognize the discretion that it had to impose certain, additional conditions to protect property owners in the area. And the Board failed to consider the City of Wilder’s Area of Impact designation, as required by the County’s own ordinance. The County could have addressed these shortcomings by acting upon the Petitioners’ request for reconsideration, but it failed to do so. The Board has therefore acted with no reasonable basis in approving the Application, thereby entitling the Petitioners to attorney fees under Idaho Code §12-117.

Conversely, the Applicant is not entitled to attorney fees in this matter. As a threshold matter, the Applicant is not likely to be the prevailing party. Even if so, the Applicant is not adverse to the County and is therefore not eligible for attorney fees under Idaho Code §12-117. And the Petitioners' positions in this matter are not obviously unreasonable, frivolous, or without foundation, thereby precluding an award of attorney fees under Idaho Code § 12-121.

Canyon County has not requested attorney fees and is not entitled to the same.

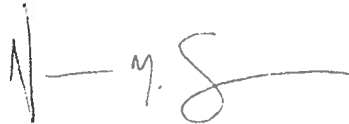
## II. CONCLUSION

For the reasons set forth above, the Petitioners respectfully request that the Board's Decision approving the Application be vacated and rendered null and void, and further that they be awarded reasonable attorney fees and costs.

The Petitioners renew their request for oral argument on their Petition for Judicial Review.

DATED this 31<sup>st</sup> day of May, 2022.

PARSONS BEHLE & LATIMER

A handwritten signature in black ink, appearing to read "N. M. Semanko", written over a horizontal line.

Norman M. Semanko  
Attorneys for Petitioners

Attach #/Cont

Filed: 08/18/2022 14:48:41  
Third Judicial District, Canyon County  
Chris Yamamoto, Clerk of the Court  
By: Deputy Clerk - Erickson, Ashley

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

Case No. CV14-21-10123

**AMENDED<sup>1</sup> MEMORANDUM  
DECISION AND ORDER GRANTING  
PETITIONERS' PETITION FOR  
JUDICIAL REVIEW**

Petitioners,

vs.

CANYON COUNTY, a political subdivision  
of the State of Idaho, acting through the  
CANYON COUNTY BOARD OF COUNTY  
COMMISSIONERS,

Respondent.

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<sup>1</sup> The only change to this decision is the removal of the following language from the Order: "This case is remanded to the Board of County Commissioners of Canyon County for further proceedings consistent with this opinion."

On November 12, 2021, Petitioners

(collectively “Petitioners”) filed a Petition for Judicial Review. Petitioners filed their Opening Brief on April 11, 2022. Respondent Canyon County and Intervenor/Applicant Peckham Road Trust filed separate Response Briefs on May 9, 2022. On May 31, 2022, Petitioners filed their Reply Brief. The Court heard oral argument from the parties on June 24, 2022, and took the matter under advisement.

## **I. BACKGROUND**

Peckham Road Trust (“Peckham”) owns a confined animal feeding operation (“CAFO”) located at 27443 Peckham Road, Wilder, Idaho, in Canyon County. The existing CAFO has been established since 1966. Peckham filed an application with the Canyon County Planning and Zoning Commission (“Commission”) for a modification of a conditional use permit. Peckham requested to expand its existing CAFO from the approved 6,000 head of beef cattle to 12,000 head, and to expand the CAFO from the current nine (9) parcels to thirteen (13) parcels.

The Commission requested a siting team from the Idaho Department of Agriculture perform a site review of the CAFO and determine whether the proposed modification is suitable for its location. The siting team determined that the proposed expansion posed a moderate environmental risk. On March 4, 2021, the Commission denied Peckham’s request for a modification to its conditional use permit to expand the existing CAFO from 6,000 head of cattle to 12,000 head.

Peckham appealed the Commission's decision to the Canyon County Board of Commissioners ("Board"). The Board received evidence and testimony at multiple public hearings and reviewed Peckham's proposed expansion de novo. Petitioners, who are residents living in close proximity to the CAFO, submitted written comments to the Board describing the potential impacts to their properties if the Board approves the expansion of the CAFO. R., pp. 1123, 1325, 1327, 1342, 1344, 1348-50, 1536, 1542, 1546, 1569, 1571-2561-62, 2650, 2757, 2762-66, 2773-87. Petitioners alleged the following impacts: (1) concerns for their health because of the CAFO's proximity to an old landfill; (2) potential leaching waste into the groundwater that could impact their drinking water; (3) an increase in noise, odors, flies, and traffic; and (5) concerns that their property values would decrease.

At the July 13, 2021 public hearing, Commissioner Kerri Smith noted the need for conditions imposed on the CAFO to mitigate the potential adverse impacts on the people and properties in the vicinity of the CAFO:

I find it hard if we were to approve the conditional use permit to not have any conditions in front of us that would help us determine if it – because of Darin Taylor's testimony I think he said it best that there are concerns for changing the character of the area. So conditional use permits help place conditions so that you can mitigate those concerns.

July 13, 2021 Transcript ("T."), p. 217, ll. 18-25. Commissioner Smith further stated the following in support of approving Peckham's conditional use permit:

And so for those reasons I would like to approve the conditional use permit. However, I do believe that we need to thoughtfully consider what those conditions of approval are to protect the operator and to protect the constituents that live there. And so I would like to give some time to allow the applicant and staff to review conditions today or over the next couple of weeks based on the testimony that was received, to hear some of those mitigating factors that we can consider for the constituents, and then also to allow them to operate within the rules of the state and federal guidelines for these without us getting into the weeds too much on them.

July 13, 2021 T., p. 239, ll. 1-15.

The Board set a hearing on July 27, 2021 to discuss the conditions they wanted to add to the conditional use permit. At the hearing, the Planning and Zoning Staff prepared conditions for the Board's consideration. The Board discussed and deliberated on the proposed conditions at length before issuing its final decision.

On August 2, 2021, the Board issued its Findings of Fact, Conclusions of Law and Order ("FCO") approving Peckham's application to modify its conditional use permit to expand its CAFO to 12,000 head of beef cattle and to thirteen (13) parcels. The Board's decision included twenty (20) conditions of approval. Petitioners filed a request for reconsideration of the Board's decision, but the Board failed to respond to the request within 60 days as required under I.C. § 67-6535(2)(b) and the request for reconsideration was, therefore, denied.

On November 12, 2021, Petitioners filed a Petition for Judicial Review. Peckham filed a Motion to Intervene and the parties stipulated to allow Peckham to intervene. The Court granted Peckham's Motion to Intervene on March 18, 2022. Petitioners filed their Opening Brief on April 11, 2022. Canyon County and Peckham filed separate responding briefs on May 9, 2022. On May 31, 2022, Petitioners filed their reply brief.

## II. APPLICABLE STANDARD

The Local Land Use Planning Act ("LLUPA") allows an affected person to seek judicial review of a final decision approving, denying, or failing to act upon a land use application, as provided for in the Idaho Administrative Procedure Act. *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 14, 343 P.3d 41, 43 (2015); I.C. § 67-6521(1)(d). "For purposes of judicial review of LLUPA decisions, a local agency making a land use decision, such as the Board of Commissioners, is treated as a government agency under [the Idaho Administrative Procedure Act]." *Hungate v. Bonner Cty.*, 166 Idaho 388, 392, 458 P.3d 966, 970 (2020). The court reviewing an agency

decision must consider the proceedings as a whole and evaluate the adequacy of the procedures and resulting decisions “in light of practical considerations with an emphasis on fundamental fairness and the essentials of reasoned decision making.” I.C. § 67-6535(3). “The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.” I.C. § 67-5279(1).

The court must affirm the agency action unless it finds that the agency’s findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) not supported by substantial evidence on the record as a whole; or
- (e) arbitrary, capricious, or an abuse of discretion.

I.C. § 67-5279(3). “There is a strong presumption that the zoning board’s actions were valid and that it has correctly interpreted its own zoning ordinances.” *Rouwenhorst v. Gem Cty.*, 168 Idaho 657, 666, 485 P.3d 153, 162 (2021).

An agency’s actions are considered arbitrary or capricious “if made without a rational basis, or in disregard of the facts and circumstances, or without adequate determining principles.” *Id.* at 662, 485 P.3d at 158 (quoting *Lane Ranch P’ship v. City of Sun Valley*, 145 Idaho 87, 91, 175 P.3d 776, 780 (2007)). “So long as the Board’s findings, conclusions and decision are sufficiently detailed to demonstrate that it considered applicable standards and reached a reasoned decision, [the Court] will find that the decision was not arbitrary or capricious and was based on substantial evidence in the record.” *Id.* (internal quotations omitted). An agency’s discretionary decisions are reviewed for an abuse of discretion under a four-part standard: whether the agency “(1) correctly perceived the issue as one of discretion; (2) acted within the outer boundaries of its discretion; (3) acted consistently with the legal standards applicable to the specific choices

available to it; and (4) reached its decision by the exercise of reason.” *Lunneborg v. My Fun Life*, 163 Idaho 856, 863, 421 P.3d 187, 194 (2018); *see also Haw v. Idaho State Bd. of Med.*, 143 Idaho 51, 54, 137 P.3d 438, 441 (2006).

Further, the agency action shall be affirmed “unless substantial rights of the appellant have been prejudiced.” I.C. § 67-5279(4). “The party challenging the decision of the Board must not only demonstrate that the Board erred in a manner specified by I.C. § 67-5279(3) but must also show that its substantial rights have been prejudiced.” *Hawkins v. Bonneville Cty. Bd. of Comm’rs*, 151 Idaho 228, 232, 254 P.3d 1224, 1228 (2011) (quoting *Kirk-Hughes Dev., LLC v. Kootenai Cty. Bd. of Comm’rs*, 149 Idaho 555, 557, 237 P.3d 652, 654 (2010) (citing I.C. § 67-5279(4))).

The petitioner must show both an error under § 67-5279(3) and prejudice under § 67-5278(4), but nothing in the IAPA requires the courts to address these two requirements in any particular order. This Court may therefore affirm a governing board’s decision solely on the grounds that the petitioner has not shown prejudice to a substantial right. *See Krempasky v. Nez Perce Cty. Planning & Zoning*, 150 Idaho 231, 235-36, 245 P.3d 983, 987-88 (2010) (upholding a conditional-use permit because the petitioner failed to challenge the district court’s adverse ruling regarding substantial rights); *Kirk-Hughes Dev.*, 149 Idaho at 558, 237 P.3d at 655 (same).

*Hawkins*, 151 Idaho at 232, 254 P.3d 1228. Therefore, remand is only appropriate if an error prejudiced the petitioner’s substantial rights. *Jasso v. Camas Cty.*, 141 Idaho 790, 793, 264 P.3d 897, 900 (2011); I.C. § 67-5279(4).

### III. DISCUSSION

Petitioners assert that the Board’s decision should be vacated because (1) the Board failed to decide whether the proposed CAFO expansion was consistent with the County’s Comprehensive Plan, (2) the Board did not impose sufficient conditions in Peckham’s conditional use permit, (3) the Board failed to consider the City of Wilder’s Area of Impact, and (4) the Board’s decision



violates their fundamental rights. All of the parties also assert that they are entitled to attorney fees.

**A. The Board Abused its Discretion by Failing to Conclude Whether Peckham's Proposed CAFO Expansion was Consistent with the Comprehensive Plan.**

Petitioners assert that the Board's decision to approve Peckham's application is deficient and warrants reversal because the Board failed to conclude whether the proposed CAFO expansion is consistent with the Canyon County Comprehensive Plan as required by Canyon County Code § 07-07-05(3). Petitioners further assert that the Board's decision is not supported by the substantial evidence to the contrary in the record and is clearly erroneous, and that the Commission properly concluded that the proposed expansion was not consistent with the Canyon County Comprehensive Plan, and that the Planning and Zoning Commission's decision was based on a reasoned analysis and an application of the facts to the relevant provisions of the Comprehensive Plan and ordinances.

Canyon County argues that the Board's written findings meet the LLUPA requirements, but if the Court finds that the decision is deficient, the Board's conclusions are supported by the record. Canyon County further argues that the Board's findings that the proposed CAFO expansion is consistent with several goals and policies of the 2020 Canyon County Comprehensive Plan demonstrates that the Board made an affirmative finding that the expansion is consistent with the Comprehensive Plan. Peckham also argues that the record as a whole supports a finding that the Board concluded that the proposed expansion was consistent with the Comprehensive Plan.

Idaho Code § 67-6535 governs the issuance of findings of fact or conclusions of law relevant to a local land use agency's approval or denial of a land use application as follows:

- 1) The approval or denial of any application required or authorized pursuant to this chapter shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation

of the city or county. Such approval standards and criteria shall be set forth in express terms in land use ordinances in order that permit applicants, interested residents and decision makers alike may know the express standards that must be met in order to obtain a requested permit or approval. Whenever the nature of any decision standard or criterion allows, the decision shall identify aspects of compliance or noncompliance with relevant approval standards and criteria in the written decision.

- 2) 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.
  - a) Failure to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of same, on appeal.

I.C. § 67-6535. “[T]he reasoned statement must plainly state the resolution of factual disputes, identify the evidence supporting that factual determination, and explain the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest.” *Jasso*, 151 Idaho at 794, 264 P.3d at 901. In order to satisfy I.C. § 67-3535, a local decision-maker “must articulate in writing both (1) the facts found and conclusions reached and (2) the rationale underlying those findings and conclusions.” *Id.*

However, I.C. § 67-6535 requires more than conclusory statements from which a decision-maker’s resolution of disputed facts and legal reasoning may be inferred. It is not the role of the reviewing court to scour the record for evidence which may support the decision-maker’s implied findings and legal conclusions. To the contrary, the reviewing court’s responsibility is not to evaluate the sufficiency of the evidence or the soundness of the legal principles upon which a decision *may* have rested; rather, the role of the reviewing court is to evaluate the process by which the decision was reached, considering whether substantial evidence supported the factual findings, and evaluate the soundness of the legal reasoning advanced in support of the decision.

*Id.* at 795-96, 264 P.3d at 902-03 (emphasis in original).

When considering a conditional use permit application, Canyon County Zoning Ordinance § 07-07-05(3) requires the presiding party to find adequate evidence to answer in its findings of fact, conclusions of law, and order or recommendation whether the proposed use is consistent with the Canyon County comprehensive plan.

The Board's decision is an abuse of discretion because it failed to comply with the requirements for approving a conditional use permit under Canyon County Code § 07-07-05. The County's zoning ordinance requires the Board to decide whether the modification of Peckham's conditional use permit is consistent with the County's Comprehensive Plan. Canyon County Code § 07-07-05(3). The Board failed to do so. In the Board's Conclusions of Law, it stated: "The proposed use is consistent with the Canyon County Future Land Use Map which designates the area as 'Agriculture.'" R., p. 2873. The Board then found that the use is consistent with seven goals and policies in the Comprehensive Plan. The Board failed to decide whether the use is consistent with the Comprehensive Plan as required by Canyon County Code § 07-07-05. *See* I.C. § 67-6535(1). While it is clear that the Board found the use consistent with the Future Land Use Map and seven goals and policies in the Comprehensive Plan, the Board did not state that it had considered the entire Comprehensive Plan or that the use is consistent with the Comprehensive Plan. The County and Peckham argue that this is a "negligible defect" or a scrivener's error. The Court is not persuaded by this argument. The Court will not assume that the Board reached a conclusion that it did not state in its written findings. The Board's decision is an abuse of discretion because it failed to act consistently with the legal standards that governed its decision,

**B. The Board Did Not Abuse Its Discretion When Adding Conditions to the Conditional Use Permit.**

Petitioners assert that the Board's decision approving Peckham's conditional use permit application should be vacated and remanded because the Board abused its discretion by failing to

recognize it had authority to impose conditions in the conditional use permit that go beyond the requirements in the CAFO ordinance and state/federal law. They also argue that the Board abused its discretion by failing to include sufficient conditions to minimize adverse impacts of the open canal site setbacks and the dump site/landfill to persons or property located in the vicinity of the CAFO. Petitioners cite to the Idaho Supreme Court's decision in *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 41 (2015), in support of their arguments. Canyon County argues that the Board did not abuse its discretion because it recognized its authority to include additional conditions of approval to Peckham's conditional use permit, and imposed stricter conditions than required by the ordinance. Peckham also argues that it is clear from the record that the Board understood its ability to impose additional or more restrictive conditions in approving the conditional use permit.

Pursuant to Canyon County Code § 07-07-17, special conditions may be attached to a conditional use permit including, but not limited to, conditions that “[m]inimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity,” or “[r]equire more restrictive standards than those generally required in [the zoning regulations].” *See also* I.C. § 67-6512(d)(1) and (7).

The Board did not abuse its discretion when deciding what special conditions to include in the conditional use permit. It is clear from the record that the Board understood that it had authority to impose additional and/or more restrictive conditions on the conditional use permit to mitigate the potential adverse impacts of the CAFO expansion. During the public hearings, the Board heard testimony from residents who live near the existing CAFO and their concerns for their health, use and enjoyment of their property, and potentially decrease in their property values. The Board took their concerns into consideration when deciding what conditions to impose to minimize any

adverse impacts to the people and properties in the vicinity of the CAFO. The Board held a hearing to decide what conditions to add to the conditional use permit.

In condition of approval no. 3, the Board requires the CAFO expansion to “comply with all site setbacks as provided in the County CAFO Ordinance (Canyon County Code Section 08-01-012(1)(C).” R., p. 2877. In addition to the requirements set forth in Canyon County Code § 08-01-12(1)(C), the Board ordered in condition of approval no. 10 that the CAFO “shall comply with the recommendations in the Mitigation section of the CAFO Siting Team report, to minimize potential water source contamination (Exhibit 99 and attached to FCOs as Exhibit B.” R., p. 2878. The CAFO Siting Team report states that the “facility should ensure a two hundred (200) foot setback from the stockpiling or land application of waste or wastewater to any domestic or irrigation well or down-gradient surface water of the state of Idaho.” R., p. 2884. The 200-foot site setback is a more restrictive standard than the 100-foot setback required in Canyon County Code § 08-01-12(1)(C)(6).

In general, the Board ordered that the CAFO shall comply will all applicable federal, state, and county laws, ordinances, rules, and regulations, including compliance with the Idaho Department of Agriculture, the Idaho Department of Environmental Quality, and the Idaho Environmental Protection Agency requirements. Petitioners argue that the Board’s condition of approval no. 19 concerning the dump site/landfill is an insufficient condition because the condition does not require the CAFO to avoid impacting the historic landfill. Rather, the condition only orders that the plan operations “should avoid impacting the historic landfill,” and cites to the siting team report, Exhibit 99. R., p. 2879. While the Board chose not to make this a requirement, it was under no obligation to do so. The Board, in condition of approval no. 4, also requires the following: “Prior to expansion, The [*sic*] feedlot shall be developed in substantial conformance

with the updated site plan attached to the FCOs as Exhibit A. The composting area shall be located as identified on said plan and shall not be located over the historic landfill sit.” R., p. 2878. The conditions ordering the CAFO to avoid the historic landfill are additional conditions imposed by the Board to minimize potential health and environmental hazards to the people and properties in the vicinity.

The Board understood that it could order additional and/or more restrictive conditions than required by law, and it did so throughout the 20 conditions of approval imposed on the CAFO, including the site setbacks and the dump site/landfill. The Board considered the concerns raised by the residents in the vicinity of the CAFO and imposed conditions to minimize the potential adverse impacts to the residents and their properties pursuant to Canyon County Code § 07-07-17. Based on the foregoing, the Board did not abuse its discretion.

**C. The Board Correctly Applied the Canyon County Comprehensive Plan to the Wilder Area of City Impact.**

Petitioners assert that the Board failed to consider and discuss the Wilder area of city impact land map designation in its decision. Petitioners concede that the Board included the Wilder’s area of city impact designation in its Findings of Fact, but asserts that there is no discussion as to whether it impacted the Board’s analysis or conclusions. Canyon County argues that the Board correctly applied its own comprehensive plan in its written findings pursuant to Canyon County Code § 09-17-15(1). Canyon County further argues that neither LLUPA nor Canyon County ordinances require a written finding regarding the area of city impact land map designation. Peckham argues that Petitioners lack standing to raise this issue.

LLUPA confers standing to seek judicial review of a local land use decision to an “affected person” aggrieved by the decision. I.C. § 67-6521(d). The Idaho Supreme Court noted that “while it recognizes the underlying policy of I.C. § 67-6521(d) conferring standing to affected persons,

the legislature cannot, by statute, relieve a party from meeting the fundamental constitutional requirements of standing.” *Evans v. Teton Cty.*, 139 Idaho 71, 75, 73 P.3d 84, 88 (2003) (citing *Noh v. Cenarrusa*, 137 Idaho 798, 53 P.3d 1217 (2002)). An affected person is “one having a bona fide interest in real property which may be adversely affected by” the issuance or denial of a special use permit. I.C. § 67-6521(1)(a)(i).

Petitioners have standing to raise whether the Board properly considered the Wilder area of city impact land map designation. Petitioners live in the vicinity of the existing CAFO. The proposed CAFO expansion includes an expansion of land and an increase in the total head of cattle. Petitioners have alleged that this expansion will adversely impact their health, use and enjoyment of their property, and property values. Though the expanded CAFO includes parcels in the Wilder area of city impact, Petitioners are affected persons aggrieved by the Board’s decision.

Pursuant to Canyon County Code § 09-17-15, the Canyon County comprehensive plan shall apply to the Wilder area of city impact.

The Canyon County comprehensive plan, as amended, shall apply to the Wilder area of city impact. Canyon County recognizes that the city of Wilder has also developed a comprehensive plan and accompanying map for the Wilder area of city impact. Canyon County shall give consideration to the city’s comprehensive plan map designations when evaluating development requests within the Wilder area of city impact.

Canyon County Code § 09-17-15(1). Further, Canyon County zoning ordinances shall apply within the Wilder area of city impact. Canyon County Code § 09-17-17. “There is a strong presumption that the zoning board’s actions were valid and that it has correctly interpreted its own zoning ordinances.” *Rouwenhorst*, 168 Idaho at 666, 485 P.3d at 162.

The Board correctly interpreted its zoning ordinance and applied the Canyon County comprehensive plan to the Wilder area of city impact. The Board made a finding of fact that the CAFO expansion would include four (4) parcels located within the Wilder area of city impact, and

that Wilder designates the four (4) parcels as “low density residential.” R., p. 2872. This shows that the Board gave consideration to Wilder’s comprehensive plan map designations. In Canyon County, this land is located in an “A” agricultural zone. The Board’s findings and reasonings throughout its decision state that the property is zoned agricultural and a CAFO is permitted in an agricultural zone if a conditional use permit is granted. For these reasons, the Board did not abuse its discretion when it applied the Canyon County comprehensive plan to the parcels located in the Wilder area of city impact.

**D. Petitioners Have Shown Prejudice to Their Substantial Rights.**

Petitioners assert that they have been injured and had their fundamental rights violated by the Board’s decision to approve the conditional use permit to expand the existing CAFO from 6,000 head of beef cattle to 12,000 head, and from the current nine (9) parcels of land to thirteen (13) parcels. They assert that this expansion will increase truck traffic creating an impact to surrounding property owners, increase nitrates in the area that could impact domestic wells in the area, increase health and environmental impacts to nearby property owners, reduce property values, and increase noise, lights, odor, and flies. Canyon County argues that Petitioners have failed to show that their substantial rights have been prejudiced. Peckham further argues that Petitioners did not present any site-specific testimony or evidence in support of their allegations that their property values or other rights would be prejudiced.

An agency action shall be affirmed “unless substantial rights of the appellant have been prejudiced.” I.C. § 67-5279(4). “The party challenging the decision of the Board must not only demonstrate that the Board erred in a manner specified by I.C. § 67-5279(3) but must also show that its substantial rights have been prejudiced.” *Hawkins*, 151 Idaho at 232, 254 P.3d at 1228 (quoting *Kirk-Hughes Dev., LLC v. Kootenai Cty. Bd. of Comm’rs*, 149 Idaho 555, 557, 237 P.3d



652, 654 (2010) (citing I.C. § 67-5279(4))). The petitioner opposing a permit “must still show, not merely allege, real or potential prejudice to his or her substantial rights.” *Id.* (holding that a petitioner must show “something more” than the county misapplied its own ordinance).

In [*917 Lusk, LLC v. City of Boise*], the petitioner satisfied the “something more” test articulated in *Hawkins* by showing that the proposed construction of 622 bedrooms for student housing in their neighborhood, with only 280 parking spaces, would potentially drive business away from the neighborhood, require time and expense for the petitioner to police parking on its own property, and cause a reduction of value of the petitioner’s property. 158 Idaho 12, 19, 343 P.3d 41, 48 (2015). The Court held that the bare facts of the project, without even attempting to evaluate the impact of guests who arrive by automobile, presented “sufficient evidence that Lusk is in jeopardy of economic harm from the project to satisfy the requirements set forth in *Hawkins*.” *Id.*

*Hungate v. Bonner Cty.*, 166 Idaho 388, 394, 458 P.3d 966, 972 (2020).

The Idaho Supreme Court has not established a bright line test governing whether a petitioner’s substantial rights have been violated. *Id.* The Court, however, has previously held that substantial rights were harmed when property values are impacted or there is interference with the use and enjoyment of property. *Id.* (citing *Price v. Payette Cty. Bd. of Cty. Comm’rs*, 131 Idaho 426, 431, 958 P.2d 583, 588 (1998) (recognizing prejudice to a substantial right and vacating a board decision because it could impact property value or the petitioners’ use and enjoyment of their land)). “The nature of the proof required to establish such prejudice is aptly shown by reference to other cases from [the Idaho Supreme Court].” *Id.*

The Idaho Legislature finds that “[c]onfined animal feeding operations increase social and environmental impacts in areas where these facilities are located.” I.C. § 67-6529B. Expansion of the Peckham’s CAFO from 6,000 head of cattle to 12,000 head would further increase the social and environmental impacts in the area. Petitioners have shown that the CAFO expansion would adversely impact their persons or property and prejudice to their substantial rights.

The CAFO Siting Team states “The Environmental Risk, as determined by the Team, is Medium Risk. In addition to the factors described below, the team applied a moderate risk based on the site’s location with a Nitrate Priority Area, the number of downgradient domestic wells, and the presence of a historic landfill facility.” R., p. 2883. The Siting Team found that the following risk factors contributed to the environmental risk rating:

High Risk Factors

- The aquifer geology is composed of gravels and sand.

Moderate Risk Factors

- Predominate soil type is loamy fine sand that is somewhat well drained.
- Clay layers are not continuous, but are generally present and range from 10 to greater than 100 feet thick.
- The mean nitrate level in ground water within a 5-mile radius is 5.39 mg/L.
- The percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 35%.
- The time of travel to the closest downgradient spring is between 6-10 years.
- Downgradient distance to the nearest off-site domestic well is approximately 700 feet.
- Nearest downgradient exposed surface water canal is greater than 1,000 feet to the south of the facility. However, facility contains an underground canal which is exposed at the eastern and western edges of property boundary.
- Average annual precipitation is 10-11 inches.

R., p. 2883. This report gives credence to Petitioners’ concerns that the CAFO expansion would adversely impact the local environment, their health, the nitrates in their water, and their property values.

Petitioners have also shown that the increase in odors and flies from the CAFO expansion would interfere with the use and enjoyment of their property and decrease their property values.

An increase from 6,000 head of cattle to 12,000 head is likely going to smell worse and adversely affect the neighbors. This expansion will also increase the amount of excrement being produced on Peckham’s property and possibly increase the number flies as well. Although the record says

that Peckham will improve the current CAFO site through this expansion, it is reasonable to assume that doubling the number of cattle could cause harm to the neighbors. There is a significant likelihood that this will interfere with Petitioners' use and enjoyment of their properties and decrease their property values. *See Hawkins, supra*. For these reasons, Petitioners have shown that the Board's decision prejudiced their substantial rights, and Petitioners' Petition for Judicial Review is granted.

**E. No Party is Entitled to Attorney Fees.**

Petitioners request attorney fees under I.C. § 12-117. The County also requests attorney's fees pursuant to I.C. § 12-117, and argues that Petitioners should not be awarded attorney's fees if they are the prevailing party because the County acted with a reasonable basis in fact or law in issuing its decision on Peckham's conditional use permit application. Peckham requests its attorney's fees under I.C. §§ 12-117 and 12-121 because it had to join this Petition for Judicial Review to ensure its rights and interests were protected.

Idaho Code § 12-117(1) provides for the award of attorney's fees "in any proceeding involving as adverse parties a state agency or a political subdivision and a person ... if [the court] finds that the nonprevailing party acted without a reasonable basis in fact or law." A "political subdivision" includes a county. I.C. § 12-117(6)(d). The Idaho Supreme Court has held that I.C. § 12-117 requires as adverse parties a county and a person, and that one person cannot recover from another person "solely because of the presence of a governmental entity in the litigation." *Citizens Against Linscott/Interstate Asphalt Plant v. Bonner Cty. Bd. of Comm'rs*, 168 Idaho 705, 720-21, 486 P.3d 515, 530-31 (2021) (declining to award attorney fees on appeal to a petitioner against a non-government intervening party).

Idaho Code § 12-121 only applies in civil actions. *S Bar Rach v. Elmore Cty.*, 170 Idaho 282, \_\_\_, 510 P.3d 635, 667 (2022). “A petition for judicial review is not a civil action because it is not commenced by the filing of a complaint.” *Id.* (citing *In re Workers Comp. Bd.*, 167 Idaho 13, 24-25, 467 P.3d 377, 388-89 (2020)). Therefore, I.C. § 12-121 cannot be the basis for an award of attorney’s fees in proceedings initiated by the filing of a petition for judicial review. *Id.* Whether to award attorney’s fees is discretionary for the district court. *Id.* at \_\_\_, 510 P.3d at 665-66.

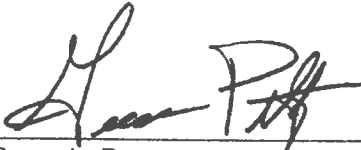
Canyon County and Peckham are not prevailing parties and, therefore, they are not entitled to attorney’s fees. Petitioners are the prevailing parties in this Petition for Judicial Review. Petitioners, however, cannot recover their attorney’s fees from Peckham pursuant to I.C. § 12-117 because Peckham is not a political subdivision. Also, the Court finds that Petitioners are not entitled to an award of attorney’s fees because Peckham and the County did not act without a reasonable basis in fact or law. For these reasons, the requests for attorney’s fees are denied.

#### IV. ORDER

Based on the foregoing, IT IS HEREBY ORDERED that Petitioners’ Petition for Judicial Review is GRANTED.

8/18/2022 09:43 AM

Dated:

  
\_\_\_\_\_  
Gene A. Petty  
District Judge

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

Petitioners' names have been removed for privacy.  
An official copy of this document can be obtained  
by Records Request to Canyon County.

**CASE NO. CV14-21-10123**

**REMITTITUR**

Petitioners,

vs.

CANYON COUNTY, a political subdivision  
of the State of Idaho, acting through the  
CANYON COUNTY BOARD OF COUNTY  
COMMISSIONERS.

Respondent.

TO: Board of County Commissioners of Canyon County

The District Court having announced its Decision in this cause on **August 18, 2022**

which has now become final;

REMITTITUR

IT IS HEREBY ORDERED that the Board of County Commissioners of Canyon County shall forthwith comply with the directive of the District Court, if any action is required.

DATED: 10/14/2022 3:43:37 PM

By: M Martinez  
Deputy Clerk



Canyon County Planning and Zoning Commission  
Peckham Road Trust - CU2020-0001

**FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER**

1. Peckham Rd. Trust is requesting a modification of a conditional use permit (Case No. CU2004-92) to allow the existing feedlot (CAFO) to expand from the approved 6,000 head of beef cattle to 12,000 head. The operation will be expanded from the current nine (9) parcels to 13 parcels, R36987010, R36987, R36988, R36989, R36991, R36991010, R36967, R36968012, R36968013, R36975010, R36992, R36992010, & R36986. The facility is located at 27443 Peckham Rd., Wilder, ID in Section 21, T4N, R5W, BM, Canyon County, Idaho.
2. The 13 parcels total approximately 183 acres and are zoned "A" (Agricultural).
3. The request is an expansion of the existing CAFO (Case No. CU2004-92).
4. Parcel No.s R36967, R36968013, R36968012, R36975010 are located within Wilder's Area of City Impact. The city designates the properties as "low density residential."
5. The property has adequate access to the public road system.
6. On July 22, 2020, the Board of Commissioners sent a Siting Team Request Letter to the Department of Agriculture. The siting team was formed and completed a site analysis on September 8, 2020 and December 15, 2020.
7. The neighborhood meeting was held in compliance with CCZO §07-01-15 on 12/3/19.
8. Notifications were completed in compliance with CCZO §07-05-01. Agency Notice was transmitted on 9/14/20, 1/7/21 and included notice to the City of Wilder. Property owners within 300 ft. were notified on 9/25/20, 11/25/20, and 1/7/21. Publication of the legal notice on 9/30/20, 11/25/20, and 1/13/21. The property was posted on 10/8/20 and on or before 1/21/21.
9. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing held on 1/28/21, 2/4/21, 2/11/21, public testimony, and all other documents in case file CU2020-0001.

**Conclusions of Law**

For case file CU2020-0001 the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (CCZO §07-07-05).

**1. Is the proposed use permitted in the zone by conditional use permit?**

Conclusion: The proposed use is permitted in the zone by conditional use permit.

Finding: Canyon County Zoning Ordinance §07-10-27 provides opportunity for the proposed use as a conditional use permit.

**2. What is the nature of the request?**

A modification of a conditional use permit (Case No. CU2004-92) to allow the existing feedlot (CAFO) to expand from the approved 6,000 head of beef cattle to 12,000 head. The operation will be expanded from the current nine (9) parcels to 13 parcels, R3698701, R36987, R36988, R36989, R36991, R3699101, R36967, R36968012, R36968012,

R3697501, R36992, R3699201, & R36986.

3. **Is the proposed use consistent with the Comprehensive Plan?**

Conclusion: The proposed use is consistent with the Canyon County Future Land Use Map which designates the area as "Agriculture."

Finding: The proposed use is consistent with the Canyon County Future Land Use Map, which designates the property as "Agriculture."

The use is consistent with the following 2020 Canyon County Comprehensive Plan goals and policies:

Economic Development Goal No. 2: *"To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities."* The property is zoned "A" (Agricultural) and the requested use is an agricultural activity, permitted by conditional use permit.

Economic Development Goal No. 4: *"Provide an economically viable environment that builds and maintains a diverse base of business."* The use provides employment in the agricultural industry within Canyon County.

Economic Development Policy No. 1: *"Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community."* The property is zoned "A" (Agriculture). The feedlot provides employment in the agricultural industry within Canyon County.

Transportation Policy No. 13: *"Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency services purposes."* The property has frontage on public roadways under Golden Gate Highway District No. 3 jurisdiction. The facility will have emergency access points as well as a primary access to the feedlot (Exhibit 3).

Transportation Policy No. 19: *"Require and accept traffic studies in accordance with highway district procedures that evaluate the impact of traffic volumes, both internal and external, on adjacent streets and preserve the integrity of residential neighborhoods where applicable."* The applicant has completed a traffic impact study (Exhibit 66). The applicant will be adhere to Golden Gate Highway District No. 3 requirements, including, but not limited to a structural capacity analysis of Peckham Road from Rodeo Lane To Batt Corner Road due to proposed increase in heavy truck traffic, prior to expansion of the facility (Exhibit 24b).

Agriculture Goal No. 1: *"Acknowledge, support, and preserve the essential role of agriculture in Canyon County."* The property is zoned "A" (Agriculture) and is utilized for agriculture use.

Agriculture Goal No. 2: *"Support and encourage the agricultural use of agricultural lands."* The property is zoned "A" (Agriculture) and is utilized for agriculture use.

The use is **not** consistent with the following 2020 Canyon County Comprehensive Plan goals and policies:



Property Rights Policy No. 8: "Promote orderly development that benefits the public good and protects the individual with minimum of conflict" The expansion of the feedlot to 12,000 head of cattle will double the number of animals currently housed at the facility. The property is zoned "A" (Agriculture), however, there are numerous residences within close proximity to the site. There are also 200 platted lots within one (1) mile of the site. The increase in numbers will increase truck traffic to /from the site creating an impact to surrounding property owners. The property is also located within a nitrate priority area (Ada Canyon Nitrate Area) and numerous wells within the vicinity have tested high in nitrate (Exhibit 16).

Land Use Goal No. 1: "To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services." The feedlot is in close proximity to existing residential uses. The operation is also located within a nitrate priority area in which numerous domestic wells in the vicinity have tested high in nitrates (Exhibit 16).

Land Use Policy No. 6: "Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality." The property is located within a nitrate priority area in which numerous domestic wells in the vicinity have tested high in nitrates. The request to increase the animals on site poses a Medium/Moderate Risk, as noted in the siting team report (Exhibit 5b).

Natural Resources Water Goal No. 1: "Water is an essential and limited natural resource. Groundwater and surface water should be preserved and protected." The property is within a nitrate priority area in which numerous domestic wells in the vicinity have tested high in nitrates (Exhibit 16). The expansion also encroaches on a historic landfill (Exhibit 21).

Natural Resources Water Policy No. 1: "Encourage the protection of groundwater and surface water quality." Expansion of the feedlot beyond the current boundary will increase the footprint of the facility over a historic landfill. Although the applicant indicates the area will be used as a "composting area," this may involve trucks/equipment activity within the dumpsite. Furthermore, the facility will be expanding within a nitrate priority area (Exhibit 18).

Hazardous Areas Policy No. 6: "Discourage development near solid waste disposal areas unless it is an ancillary use." The "composting area" as shown on the applicant's site plan (Exhibit 3) is located over an historic landfill.

Agriculture Policy No. 5: "Recognize that confined animal feeding operations ("CAFOS") may be more suitable in some areas of the county than in other areas of the county." Although the site is currently being utilized as a feedlot under the approval of a conditional use permit (CU2004-92), the expansion of the site being considered is within a nitrate priority area and encroaches over an historic landfill. Expansion of the site may not be suitable in this area.

**4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

Conclusion: The proposed use may will injurious to other property in the immediate vicinity and will negatively change the essential character of the area.

Finding: The proposed expansion has the potential to negatively change the essential character of the area with the increase in truck traffic to and from the site. Golden Gate Highway District No. 3 has requested the applicant complete a structural capacity analysis from Peckham Road and

Batt Comer Road.

The feedlot will encroach upon a historic landfill which could potentially pose a risk to public health and the environment, as noted in the siting team report (Exhibit 5b). The site plan depicts this area as being a "composting area," however, any disturbance of the site should be avoided.

Also noted as "moderate risk" factors in the siting team report, is the percentage of wells over 5mg/l within a five mile radius is 35% (Exhibit 5b).

**5. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use;**

Conclusion: Adequate facilities for sewer, irrigation, drainage and storm water drainage facilities, and utility systems will be required at the time of expansion.

Finding: Adequate water, sewer, irrigation, drainage and storm water drainage facilities will be provided. The applicant will be required to comply with state and federal regulations with respect to the CAFO siting team report and recommendations as well as the Nutrient Management Plan.

**6. Does legal access to the subject property for the development exist or will it exist at the time of development;**

Conclusion: Legal access exists for the subject property.

Finding: The property has frontage on Fish Road, Peckham Road, and Rodeo Lane. The Fish Road and Peckham Road access points will be utilized for emergency purposes only. Daily traffic will only utilize the south leg of Rodeo Lane. All requirements of Golden Gate Highway District shall be adhered to (Exhibit 24, 24a, & 24b).

**7. Will there be undue interference with existing or future traffic patterns?**

Conclusion: There may be undue interference with existing or future traffic patterns.

Finding: There may be undue interference with existing or future traffic patterns due to the increase of heavy truck traffic to and from the site. The expansion request will double the amount of cattle housed at the facility from the current 6,000 head to 12,000 head.

The applicant has completed a Traffic Impact Study for the proposed use (12,000 head), see Exhibit 66. The expansion is estimated to generate 90 trips per weekday.

The traffic impact study (TIS) states that there will be no 129,000 pound heavy trucks anticipated at the site. All heavy truck traffic from the feedlot operations utilize truck routes [Exhibit 66 pg. 2, 1.6]. No heavy truck traffic generated by the feedlot is expected on Fish Road or Peckham Road, west of the site. The internal road network within the site will circulate traffic to various areas of the property. The internal roads will be utilized to deliver feed to the livestock pens.

- The feedlot will continue to use the existing access points. No new site accesses are proposed with the expansion.
- The Fish Rd. & Peckham Road access is intended for emergency/irrigation use as noted in the TIS.

- The site will not have operational access to Fish Road or the existing private approach on Peckham Road, west of Rodeo Lane.
- Daily traffic will only utilize the south leg of Rodeo Lane.

The study concluded that no intersection turn lanes were warranted under 2020 existing traffic conditions as well as 2023 build out traffic conditions. [Exhibit 66, pg. 2 & 3, 2.1-4.3]

Golden Gate Highway District No. 3 has reviewed the draft traffic impact study. The district has requested the applicant submit an updated study in response to the comments outlined in Exhibit 24, 24 a and 24b. The district will require the applicant to provide a structural analysis of Peckham Road (from Rodeo Ln. to Batt Corner Rd.) prepared by a professional engineer or geologist licensed in the State of Idaho and approved by GGHD3.

8. **Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

Conclusion: Essential services will be provided and this application will not negatively impact existing services or require additional public funding.

Finding: The proposed CAFO expansion is not anticipated to impact essential services.

Canyon County Ambulance District, Wilder School District, Canyon County Sheriff, and Wilder Fire Protection District were notified of the request and did not provide responses to indicate that the proposed use would have a negative impact. No mitigation measures are proposed at this time.

**Additional Criteria for Approval of a CAFO Expansion: Canyon County Code: §08-01-12:**

**A. General Requirements:**

1. The expanding CAFO shall be within an area zoned A (Agricultural), M-1 (Light Industrial), M-2 (Heavy Industrial), where appropriate.

Conclusion: The subject property is in an area zoned "A" (Agricultural).

2. The expanding CAFO shall comply with and not be in violation of any federal, state or local law or regulatory requirements.

Conclusion: The siting team, which included staff from Idaho Department of Environmental Quality, Idaho Department of Water Resources (IDWR) and Idaho State Department of Agriculture (ISDA), did not find any violations on-site. Idaho State Department of Agriculture also submitted Exhibit 27, and stated the feedlot is in compliance.

3. An applicant shall not begin construction of an expanding CAFO prior to approval of the CAFO siting permit.

Conclusion: During the siting team review on September 9, 2020 and December 15, 2020 there were no new structures or development on the subject property.

4. An expanding CAFO shall comply with IDAPA rules governing dead animal disposal.

Conclusion: Idaho State Department of Agriculture is the regulatory agency for disposal, IDAPA 02.04.17.

**B. Animal Waste:**

1. The expanding CAFO shall comply with the terms of its nutrient management plan for land application.

Conclusion: The CAFO shall comply with the terms of the approved nutrient management plan (Exhibit 6).

2. The expanding CAFO shall be in compliance with all applicable environmental regulations and requirements.

Conclusion: The CAFO shall comply with all applicable environmental regulations and requirements.

3. All new lagoons shall be constructed in accordance with state and federal regulations.

Conclusion: Any new lagoons on site must comply with IDAPA 02.04.14 "Rules Governing Waste".

**C. Site Setbacks:**

Conclusion: The site plan provided by the applicant demonstrates the existing CAFO and proposed expansion meets all eight (8) criteria for setbacks. Required site setbacks are to be maintained on an on-going basis.

**CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:**

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.

- NP (Nutrient Pathogen Study) provided by applicant may be beneficial.

Order

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein, the Planning and Zoning Commission denies Case # CU2020-0001 request for a modification of a Conditional Use Permit (CU2004-92) to allow the expansion of the existing feedlot from 6,000 head of cattle to a maximum of 12,000 head.

APPROVED this 4<sup>th</sup> day of March, 2021

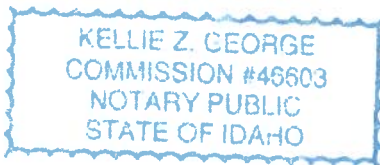
PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO

*Robert Sturgill*  
Robert Sturgill, Chairman

State of Idaho

County of Blaine

On this 4 day of March, in the year of 2021, before me Kellie Z George a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged to me that he (she) executed the same.



Notary  
My Commission Expires

*Kellie Z George*  
3-14-2024

Attachment #2



**Canyon County, 111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605**

(208) 454 7458 ▪ (208) 454 6633 Fax ▪ [zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov) ▪ [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

Sent Via Email

Debbie Cardoza  
31252 Peckham Rd  
Wilder, ID 83676

Re: Public Records Request dated November 21, 2023

Dear Ms. Cardoza,

This letter acknowledges receipt of your public records request dated and received by the Canyon County Development Services Department on November 21, 2023. (See attached request). Canyon County Development Services Department has researched your request and found no records to provide you at this time.

The FCO's for Case# CU2022-0036 are being revised, as discussed during the Planning & Zoning hearing on November 16, 2023. The next occasion the Planning & Zoning Commission is meeting is December 21, 2023 and the FCOs are scheduled to be signed that evening. Any appeal period (15 days) would begin on the day the FCOs are signed. Once they are signed, they will also be posted on the County's website under the Land Hearings Tab (see link below). Look for the case under P&Z/HE Hearings, then find the case. The tab "P&Z or HE Action will be the link with the signed FCOs.

[Land Hearings | Canyon County \(id.gov\)](#)

If you feel you have been improperly denied the information you requested, you have the right to institute proceedings in the district court of this county within 180-days from the date of this letter to attempt to compel disclosure of the information requested (§ 74-103).

Please feel free to contact our office if you have any questions or concerns.

Sincerely,

Pam Dilbeck  
DSD Administrative Specialist

**Planning • Zoning • Building • Code Enforcement • Engineering • GIS**  
*While balancing diverse interests, the Canyon County Development Services Department (DSD) delivers community development services to implement the County's vision and values, provide stewardship of public resources, and maintain a prosperous future for all.*



**CANYON COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

111 North 11<sup>th</sup> Avenue, Suite 310 • Caldwell, Idaho • 83605  
Phone (208) 454-7458  
[www.canyoncounty.id.gov/elected-officials/commissioners/dsd](http://www.canyoncounty.id.gov/elected-officials/commissioners/dsd)

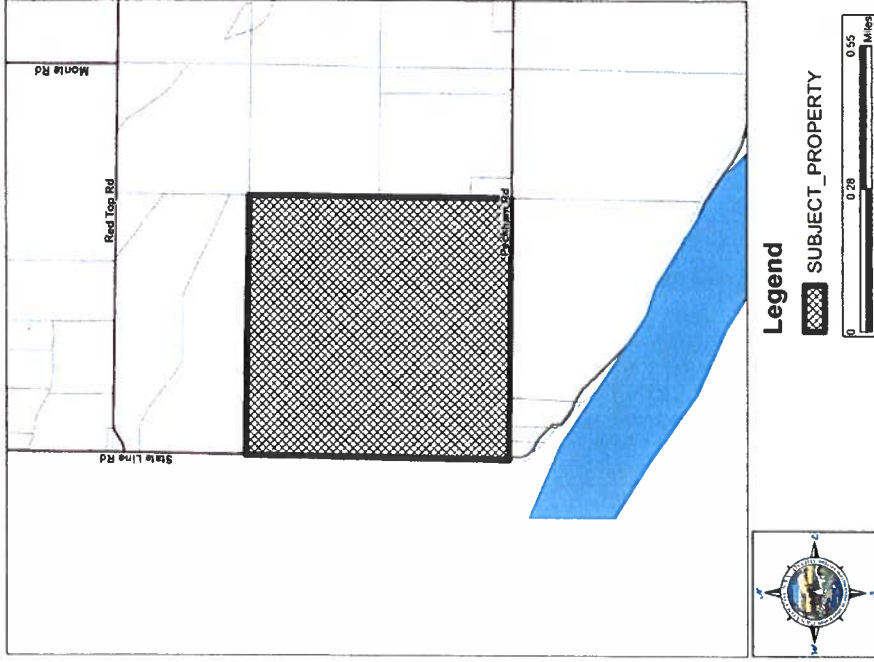
Greetings Property Owner:

**NOTICE IS HEREBY GIVEN** that the Canyon County Planning & Zoning Commission is scheduled to hold a public hearing on **November 16, 2023** beginning at 6:30 p.m. on the following case. The hearing will be held in the Public Meeting Room on the 1<sup>st</sup> floor of the Canyon County Administration Building, located at 111 North 11<sup>th</sup> Avenue, Caldwell, Idaho.

Case No. CU2022-0036: The applicant, AK Feeders, represented by Matt Wilke, is requesting a conditional use permit for a Confined Animal Feeding Operation for 3700 beef cattle. The facility is currently located and will be expanded on approximately 80 acres of parcel R37348010 located at 21696 State Line Road, Wilder, ID. The subject property is zoned "A" (Agricultural).

Public comments are very important in evaluating this case. You are invited to provide written testimony by **October 28, 2023**, or oral testimony at the hearing. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet – allowing the hearing body adequate time to review the submitted information. **All written testimony or exhibits received after the deadline will need to be brought to the public hearing and read into the record by the person submitting the information.** If it is a large document that can't easily be read into the record, the hearing body will determine if they will accept it as a late exhibit.

Copies of all documents concerning public hearing items can be obtained from the county website <https://www.canyoncounty.id.gov/elected-officials/commissioners/dsd/land-hearings/> as they are available. Development Services' public office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except on Wednesdays when public office hours are 1:00 p.m. to 5:00 p.m. If you have questions, please contact the Case Planner, Debbie Root at [Debbie.root@canyoncounty.id.gov](mailto:Debbie.root@canyoncounty.id.gov). In all correspondence concerning this case, please refer to the case number noted.



Assistance is available for persons with disabilities. Please call the Development Services Department at 454-7458 at least five (5) days prior to the hearing so that arrangements can be made

CHANGED SITE PLAN - NEW INFO  
WITHOUT A NEIGHBORHOOD MEETING  
ATT.#3 cont.

**Suggestions for Testifying at the Public Hearing**

**Be informed . . .**

Review the proposal, the staff report, applicable provisions of the ordinance and comprehensive plan. Learn the criteria used to consider the proposal's merits, or other pertinent material.

**Be on time . . .**

Although the item you are interested in may not be first on the agenda, you never know when it will be heard. The governing body has authority to adjust the schedule according to its discretion. Thus, anticipate attending from the beginning.

**Speak to the point . . .**

The governing body appreciates pertinent, well organized, and concise comments. Redundant testimony is discouraged and each individual is given 3 minutes to comment. Long stories, abstract complaints, or generalities may not be the best use of time. Neighborhood groups are encouraged to organize testimony and have one person speak on behalf of the group -- "opposition representative," like the applicant's representative, receives 10 minutes to make comments. Applicant has 5 minutes to rebut or discuss issues raised by any opposition.

**If you don't wish to speak, write . . .**

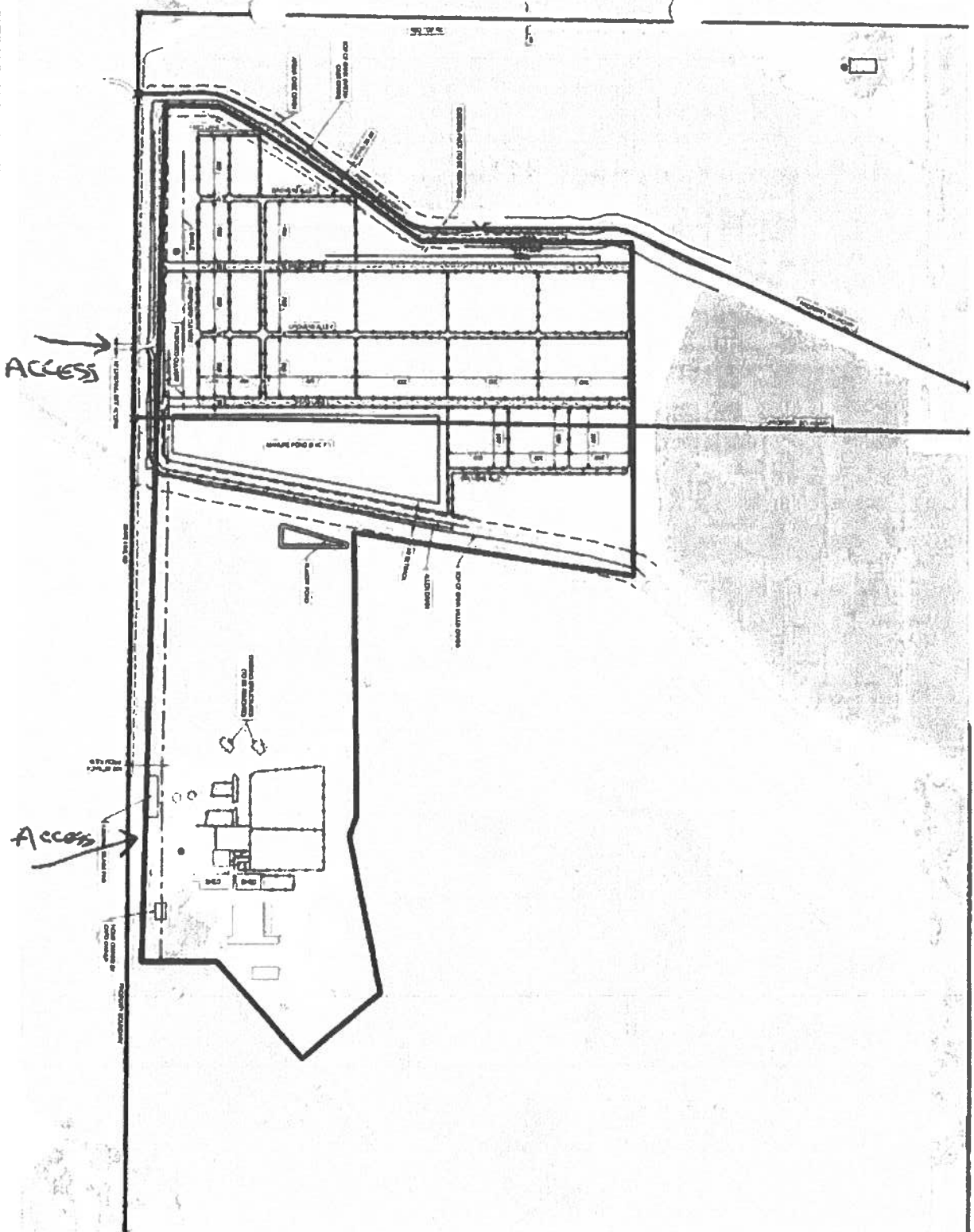
At most hearings, previously submitted written testimony has been reviewed by the governing body before the meeting. It is unreasonable to submit extensive written comments or information at the hearing and expect them to be reviewed prior to a decision. All documents or written comments should be submitted to the Development Services Department by October 28, 2023.

Hearing Case: AK Feeders LLC  
Case No.: CU2022-0036  
R37347  
Conditional Use Permit CU2022-0036

**Notice of Public Hearing**



SITE PLAN



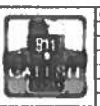
ORIGINAL SITE PLAN

ATTACH 3 (cont)

Area	Sched. 2000		Sched. 2000	Sched. 2000	
	Area	Count		Area	Count
TOTAL	4500	9	4500	9	

LEGEND

	PROPERTY BOUNDARY
	CONSTRUCTION EASEMENT
	PROPERTY EASEMENT
	PROPERTY EASEMENT
	PROPERTY EASEMENT
	EXISTING UTILITY
	EXISTING UTILITY
	EXISTING UTILITY
	EXISTING UTILITY
	EXISTING UTILITY
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	EXISTING UTILITY
	EXISTING UTILITY



My name is Susan Isaak and my address is 31492 RED TOP RD WILDER ID. My family lives across the street from AK Feeders

On October 27, 2023 we hand-delivered your Exhibit 61 to both you and DSD that contained a request that all documentation from your County-held Records for File CU2020-0001, Peckham Road Trust, and the file for lawsuit case #CV14-21-10123, Petitioners vs. Canyon County, be inserted into the Official Record for this proceeding. This was not done. As a result, the Record before you is incomplete.

The reason for our request to put County-retained documents into this Official Record is that there is documentation in those files we planned to use at this hearing for various reasons and to show that information your Planner has put into the draft FCO is cherry-picked, misleading, and inaccurate. As an example, your Planner states in this draft FCO that CAFOs QUOTE: "...are regulated and regularly inspected by the ISDA to ensure compliance with the applicable standards". There is information in the records we requested for this hearing, obtained through FOIA requests, that proves that the ISDA "regular inspections" over a 5 year period on a feedlot 3 minutes from AK Feeders' proposed site whose Application for 6,000 head of cattle you DENIED in 2021 amount to no more than 30 to 40 minute "inspections" once a year. This is not "regular inspections" as your Planner has led you to believe. These are drive-bys!

Further, your Planner wants you to agree that you find that the AK Feeders' proposed plan is consistent with the 2020 Comprehensive Plan. Nothing could be further from the truth. The Comprehensive Plan mandates that, QUOTE: "Provisions for the protection of private property rights are predicated on Sections 67-6508(a) and 67-8001 of the Idaho Code. The Comprehensive Plan requires that QUOTE: "land use policies do not violate private property rights or adversely impact property values....". As you have heard from other local citizen property owners, and we agree, the AK Feeders' proposed feedlot would do just that, violate our Constitutional right to use and enjoy our properties AND destroy our property values.

Your Planner uses the term "mitigate" throughout the draft FCOs. The term "mitigate" means "to make less severe" which means the situation is still left "severe". Your Planner states that QUOTE: "lined evaporation ponds will be regulated by the ISDA". The documentation from the County Records we requested for this hearing that were not put into this Official Record, would have provided us with the opportunity to present reporting of toxic feedlot "ponds" in Idaho breaching and causing damage to local citizens living as far away as 10 miles from the breached "pond". We have been denied our right to provide you with this material.

*Attachment #4*

Your Planner wants you to agree that QUOTE, “ The proposed facility is not located in an identified nitrate priority area”. This is not true. State authorities have informed citizens in the past that the edge of the drawing on a map of nitrate priority areas is only a rough guess of where that area could be based on test wells in the area, and that the nitrate priority area does not stop at the edge of a pink spot on a map. All DEQ maps have a disclosure that says they aren’t accurate. Your Planner’s assertion that the nitrate area is 3,300 feet away from AK Feeders’ proposed project is ludicrous! Further, the Site Team Report dispels your Planner’s assertion by stating that QUOTE, “the mean nitrate level in groundwater within a 5-mile radius of AK Feeders’ proposed feedlot is 5.3 milligrams per liter (5 mg/L) and at least 25% of their test wells within that 5-mile radius have OVER 5 milligrams per liter of nitrates in them. At 10 milligrams per liter, as you know, your well is destroyed and so is your property value. And that’s just their test wells. Factor in all domestic wells and that number could be even higher. 5.3 milligrams per liter of nitrates in our wells is half way to our wells being completely destroyed and our properties becoming worthless, not to mention the destruction of our families. Allowing 3,700 head of cattle peeing and pooping 24/7/365 on top of this land that has never been anything but a huge sandy bog where the “first encountered water” is 0-25 feet and domestic wells are 6-12 feet like the Cardoza’s well and ours , you will have willfully and knowingly destroyed our properties, which you DO NOT have the authority to do.

Your Planner wants you to sign on the dotted-line that the proposed project QUOTE, “will not be injurious to properties in the immediate vicinity”. As we and others have now testified, this is ABSOLUTELY UNTRUE.

You have heard testimony from long-time local citizen property owners near this proposed feedlot :

- that DeBenedetti’s property was not a feedlot in the past
- that this area has been nothing but a huge sandy bog for years
- that this bog is only 200 feet from the Snake River
- that there are very shallow wells that would become contaminated & destroyed by this proposed feedlot
- that your Planner’s draft FCO’s are erroneous and flawed
- that our Constitutional rights have been denied because our right to provide meaningful and complete testimony has been denied due to your Planner’s negligence in not putting the requested County documentation into this Official Record for our use in testifying
- Mr. DeBenedetti’s current 1,000 head of cattle is already violating our rights to the use and enjoyment of our properties and destroying our property values and many of our local citizens were here long before he arrived so he has no Right-to-Farm protection.
- and, finally, but most importantly, the information about the Constitution and Idaho Supreme Court precedent that you have been provided with on page 15 of Exhibit 61B proves that you do not have the authority to do anything that could violate our Constitutional right to the use and enjoyment of our property or that could destroy our property values. As a result you are compelled by our laws to DENY this AK Feeders’ Application.

If you reschedule this hearing, do not close the Record or the Testimony until the records we have requested for your hearing have been put into the Official Record and the County's adherence to Exhibit 20 from the Idaho DEQ has been done, and local citizen property owners have been given our right to testify regarding both.

I have given you my testimony thus far, and will not stand for questions.

Thankyou,

A handwritten signature in cursive script that reads "Susan Baak". The signature is written in black ink and is positioned below the typed name "Susan Baak".

Please place this in the file for this case:

CU2022-0036

Case No. CU2022-0036

Good Evening, My name is Christina Marston and I live at 31396 Red Top Road directly across from the northern properties of AK Feeders. Our property has been in the Marston Family for over a 100 years, my husband and I have owned it since 2005. I personally grew up in a farm family that operated a feed lot, cow/calf operation, and row crops in Iowa and graduated from Iowa State University. Needless to say we are a pro agriculture family but smart agriculture.

AK Feeders flooded you with over 100 petitioners saying they are in favor of expanding their feedlot, but I noticed the majority don't live anywhere close to this operation. Some as far away as Melba, ID and Vale, OR. It's really convenient to be in favor of 3700 head CAFO operation when it won't ever affect your property value, your domestic well, or use and enjoyment of your property. I'm personally friends with some who signed letters of support, and when I questioned them why they signed in favor all their responses were, Oh, I didn't know anything about it or where it was even located. 14 homeowners who all live within miles of AK Feeders current operation sent you in letters with concerns. In your report there seemed to be a rebuttal or way around all of our concerns such as:

Red Top Road and Peckham Road are already dangerous roads with multiple 90 degree corners. In your report it said there have been no reported incidences. Apparently I'm the only one that remembers a little girl getting hit by a car while getting the mail at the end of her drive way, or the car full of teenagers hitting our ditch rider and one teenager dying, apparently I should have reported the Simplot Semi who ran me and my 3 children off the road on the curve by Brad Case's house. You mentioned that the Golden Gate Highway District has no concerns about the expansion, but one might stop and ask how un-bias are they? Highway commissioner Ed Leavitt tried to put in a Multi 1,000 head pig operation on Red Top Road and Commissioner Andy Bishop's family once owned the land that AK Feeders is located on.

The proposed site has been deemed high risk, it's right next to the Snake River, in a nitrate priority area, on a high water table, in blow sand, with multiple drain ditches running through it. With all these ground water concerns how can we not be worried about our domestic wells becoming contaminated. What will happen when they ultimately become unusable and our properties unsellable?

AK Feeders proposal will violate our Constitutional rights to the use and enjoyment of our properties and negatively impact our property values. You should also be aware, based on the Idaho Secretary of State Filings, Mr. DeBenedetti is NOT an Idaho or Canyon County Resident. He lives in Oregon and California. In Addition the parcel of land in his application is owned by a foreign Entity in California, AK Feeders LLC. If you were to allow his application, his profits would go to California while his feedlot would be destroying the homes and properties of lifetime Idahoans.

Please protect our Constitutional rights and see that this CAFO would cause damage, hazard, and nuisance to our community. As residents of Canyon County please protect us and our properties and not a resident of Oregon and California.

This is my testimony thus far and I will not stand for questions.

Christina Marston  
31396 Red Top Road  
Wilder, ID 83676

*attachment #4*

My name is Raleigh Hawe and my address is 31453 Peckham Road, Wilder, Idaho. My wife and I have lived on our property south across the street from the current AK Feeders' property for 29 years.

There is a statement that there was a feedlot in 1994 on the AK Feeder property with a Google map attached supposedly showing proof of a feedlot on that property. This 1994 Google map shows no proof of a feedlot and there was no documentation proving that a feedlot existed there.

We bought our property in 1994. At that time, this property now owned by Mr. DeBenedetti was owned by Darwin and Sharon Schwitzer and they had a cattle and bull operation. He had a bull sale once a year. There was no feedlot there in 1994

Besides testimony here tonight, you have further proof that AK Feeders' proposed feedlot will violate our Constitutional right to the use and enjoyment of our property and destroy our property values from the Site Team's official determination that this proposed feedlot is HIGH RISK.

This area has and always had a high water table. The toxic nitrates from the waste of 3,700 head of cattle will contaminate our wells and the Snake River and destroy our properties.

AK Feeders' proposal will violate our Constitutional right to the "use and enjoyment" of our property and destroy our property values as his current operation is doing. As a result, you are not empowered by law to grant his application. Remember what the Supreme Court said,

*attachment #4*

“substantial rights were harmed when property values are impacted OR there is interference with the use and enjoyment of property”

“recognizing prejudice to a substantial right and vacating a board decision because it could impact property value or the petitioners’ use and enjoyment of their land” and “The nature of the proof required to establish such prejudice is aptly shown by reference in other cases from the Idaho Supreme Court.” This means you do not have the right or authority to violate our rights.

You must deny this application or otherwise you will be willfully and knowingly violating the constitutional rights and destroying the property values of my family and other local citizen property owners.

This is my testimony thus far. I will not be standing for questions.

cc: [rbrown@ccid.canyoncounty.id.gov](mailto:rbrown@ccid.canyoncounty.id.gov)

**Subject:** [External] In Regards to #CU2022-0036

From:

Deidre and Randy Brown  
22470 State Line Road  
Parma, Id. 83660

To:

Canyon County Development Services Department  
111 North 11th Avenue, #310  
Caldwell, Id. 83605  
[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov)

In regards to #CU2022-0036

My husband and I moved to our property in August 2001. The area of our home is located close to the Idaho/Oregon border and the Snake River. When we moved to our property there was a small cattle grazing operation located at 21696 State Line Road Wilder Idaho 83676. The area was quiet and peaceful and the perfect place for us to raise our children. At NO time was a feedlot functioning or in operation before, or even after, we moved to the property until recently (the last year without approval). We would not have purchased land for our home by an operating feedlot due to the noise, pollution, smell, and damage to property values. I am attaching Google Earth maps to reference the period from when we moved to our property to the current year.

In the Master Application, there is a Conditional Use Permit Checklist (page 19 original, page 56 amended copy). On that checklist, the following items have not been addressed by the AK Feeders in the application.

- Item # 4, will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- Item #5, will adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- Item #7, Will there be undue interference with existing or future traffic patterns; and
- Item #8, Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency services, and irrigation facilities, and will the services be negatively impacted by such use or require additional public funding to meet the needs created by the requested use?

I would like to address item #4 first. In the Canyon County Comprehensive Plan for 2030, on page 10, property rights, "the right to enjoy", it states, the right to enjoy the property for its intended use without creating nuisances. Zoning categorizes land uses based on compatibility, such as agriculture, residential, commercial, and industrial.

*attachment #4*



and industrial.

The area we are in is considered agricultural. However, due diligence should be given in approving businesses or structures that have changed in their nature from the time private property has been granted to homeowners. Numerous homes have been built and bought in the 20-plus years when we moved to the area. To allow the homes to be built, collect property taxes on those properties, assess the value of those properties, and then allow a feedlot/CAFO to form is negligence on the part of the county. This NEW feedlot will absolutely change the quality of life we have enjoyed for over 20 plus years.

Item #5, according to the application by AK Feeders, they plan to pull water from wells. Have they applied for new permits? How will this affect the homeowners that live next to AK Feeders wells? How will they maintain runoff (are new storm drains being installed?)? I could go on and on over this item. AK Feeders has patched together an application without getting proper permits or planning. They reference a permit dated May 17th, 2013 but no current permit for the allotted increase in cattle.

Item #7, according to the application the hours of operation will be consistent with the school bus hours of operation and the commute by individuals to their jobs. The AK Feeders mention one small road section (State Line) in front of their property but no other access roads. To get to the access point for AK Feeders, Semis, tractors, feed trucks, etc. must use other roads, Red Top and Peckham. Both of these roads have very sharp corners on them that have multiple accidents due to various reasons. I see no permit or plan to address the access roads to State Line road by AK Feeders or the effect of the increase in large transporting semis will have. The site advisory team did not assess the roads per their report.

Item #8, when we moved to our property we had to have a permit from the Wilder Fire Department for insurance purposes. What will the new facilities require for our already overburdened public services?

In the Canyon County Comprehensive Plan for 2030, there are numerous conditions that will either not be met, have not been met, or violate the land plan by this application. To mention a few;

- P5.01.04a Develop procedures and requirements that can be used to assess the impact of proposed developments on the water supply of adjacent landowners or residents (numerous wells will be affected to the detriment of the neighboring properties).
- P5.01.05 Protect the areas where crucial aquifers are replenished and restrict new development in flood-prone areas. According to the CAFO Site Advisory Team, the area of impact has a very high water table and is high risk. AK Feeders has not addressed this issue other than a patched-together plan of dry scraping. Evidently, all the standing water on their property occurring before they dry scrape will not cause harm. Every rainfall, snowfall, and irrigation event leads to flooding in this area. There is no way around it. At the neighborhood meeting held in July of 2022, the developer stated that "all the cow urine will evaporate and not cause harm".
- P5.01.08 Protect fish, wildlife, and plant habitat....J.R. Simplot was recently fined for polluting the Snake River with cow manure runoff. Based on the landscape of this area, the drainages that run through the proposed feedlot, the high water table, and the proximity of the Snake River, this will be an occurrence if this feedlot is allowed.
- A5.02.01 Work with IDEQ to identify ways to improve air quality. The amount of dust and increased pollution in the air due to dry scraping, standing piles of manure, spreading of manure, cows moving through the feedlot, etc. have not been addressed. According to the CAFO site team, they did not address air quality issues. I see no plan in the application, permits, or other to address pollution issues.
- On page 38 of the Comprehensive Plan, it states; that air quality affects the health and well-being of Canyon County residents. The Clean Air Act was put into place to protect an individual's right to clean air. Numerous residents in this area suffer from COPD and severe asthma-related illnesses. The proposed CAFO would violate both the Clean Air Act and the Disabilities Act.
- In the land hearing materials on the Canyon County website, there is a Nitrate Priority area map. This property is right at the edge of that map. The Comprehensive Plan addresses Nitrate priority levels on page 40. According to the plan, "Nitrate is one of the most widespread groundwater

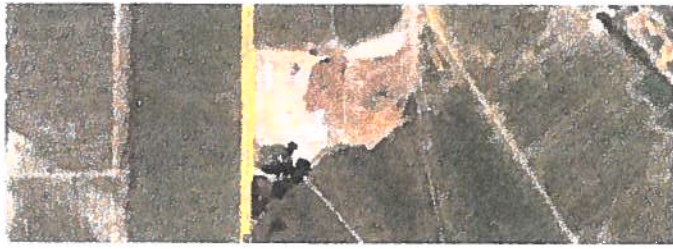
contaminants in Idaho". The nitrate levels are already unhealthy and at extremely high levels based on testing of individual wells before the development of this feedlot. The AK Feeders application does not address how this proposed feedlot will impact this area and was not addressed by the Site team.

AK Feeders violated the permit process by beginning to develop the feedlot before approval. Reference, Google Earth maps are attached. When the homeowners have asked for information or help from the county they have been told "It is an agricultural area". I would hope the county would want to make sure that even though we are located in an agricultural area, individual property rights (that were given by the county) would be honored. Any application or facility would be required to abide by the rules and regulations put into place by the county and by law and not just rubber-stamped because they are agriculture. There is a deep mistrust of county officials based on how they treat private property owners, the laws they have broken, the numerous lawsuits that have been filed against them, and the lack of care in their official capacities.

We are strongly opposed to the NEW feedlot proposed for 21696 State Line Road, Wilder Idaho 83676. Permit/application number CU2022-0036. I would like this information entered into the official record for the Planning and Zoning Meeting currently scheduled for November 16th, 2023.

*Deidre and Randy Brown*  
22470 State Line Road  
Parma, Idaho, 83660





From: DEBBIE CARDOZA [REDACTED]  
Date: Jan 3, 2024 at 10:18:31 AM  
To: [REDACTED]

November 18, 2023

Via Email - [zach.wesley@canyoncounty.id.gov](mailto:zach.wesley@canyoncounty.id.gov)

Zach Wesley  
Deputy Prosecuting Attorney  
Canyon County  
1115 Albany Street  
Caldwell, ID 38676

**RE: Return of Typed & Signed Sworn Testimony Document  
(CU2022-0036 AK Feeders 11/16/23 Hearing)**

Dear Mr. Wesley,

At the beginning of the public P&Z Commissioners' Hearing on 11/16/23 the Commissioners put forward a motion to accept several late Exhibits and passed the motion accepting these Exhibits that came in after the October 28, 2023 deadline.

Before each citizen in opposition gave their oral testimony

*attachment #4*

on 11/16/23, we each handed a copy of our typed & signed sworn testimony document, to be put into the Record, to Ms. Root, Planner, Canyon County, as proof of what we were testifying to. Ms. Root was sitting next to you and accepted each signed & sworn document. After the opposition testimonies were concluded you asked the Commissioners if they wanted to entertain a motion to accept these typed & sworn testimony documents into the Record. The Commissioners did not put forward any motion, either to accept or to deny my typed & signed sworn testimony document.

Because the Commissioners did not put forward a motion to either accept or deny my typed & signed testimony document for the Record and as you were the last person to reference them and they were not returned to each citizen in opposition after the hearing, please advise me of the status of my typed & signed testimony document and return it to me. Please confirm that you will return it to me by emailing me at: [REDACTED] and return it by mail to me at the address below.

Sincerely,

*Susan Paak*

Glenis Christopherson  
31641 Peckham Road  
Wilder, Idaho 83676

Canyon County Development Services

RE: CASE CU2022-0036, proposed AK Feeders CAFO on State Line Road

Oct 10, 2023

Dear Planners,

I am 83 years old, and I live in a log cabin along the Snake River near AK Feeders' proposed CAFO. As a retiree, I have engaged in outdoor activities on my property for many years. I do not want to lose the enjoyment of my property due to poor controls on the near presence of nearly 4,000 head of cattle confined in dense conditions. Before approving the development, I ask the commissioners to impose good abatements – such as a berm or a line of thick trees along the perimeter of the Feeders land. This could help to screen my place (as well as my neighbors) from noise, smells, dust, and viewing a wasteland of manure just across the road. I hope the commissioners require frequent removal of waste to reduce smells, dust, and flies.

If the CAFO is asked to de-water its manure and haul the solids away, please impose a schedule that will minimize house-fly production. As for retaining ponds to hold contaminated water for evaporation, I ask that the ponds be lined appropriately to prevent seepage into our local ground water. My property is served by a well exclusively, so I want to be sure that chemicals and bacteria will never find their way into my tap water. Because stored livestock wastewater can go rancid/septic and stink to high heaven, I request inspections -- and aeration as needed -- as part of the County's conditions for approving the proposed CAFO.

I would expect Planning & Zoning to specify steps for the CAFO to take so as not to breed up mosquitoes. West Nile Virus host mosquitoes can exploit water collections in hoofprints and puddles to lay their eggs. P&Z can require the use of Bti mosquito dunks and granules property-wide to keep down mosquito larvae in season. I am curious whether the mosquito abatement district has been informed and plans to place one or more mosquito traps (at the CAFO and also nearby) for close monitoring to determine when West Nile Virus appears among local mosquitoes. Our neighborhood has been an area of concern due to West Nile transmission in the past. The raw number of mosquitoes and their rate of infection could go through the roof if the CAFO is not managed correctly, due to the insects' ability to get blood from huge numbers of cattle. We certainly do not want to see human or horse encephalitis cases (especially fatal ones) in our area!

Light pollution is a big issue for me. Mass livestock businesses sometimes house cattle in open pavilions or corrals, with intense spotlights that light up the night sky for miles around. If the CAFO plans to employ such lighting, please require them to direct all lights downward – not up into the night sky, or laterally so that area residents are hit with glaring beams of light. Personally, I enjoy seeing the stars in a dark night sky. Do not give all the rural land in this area an industrial appearance by allowing a big boost in light pollution at night.

*Attachment #4*

Additionally, I would like to point out that hundreds of thousands, possibly millions, of Snow Geese migrate down and up the nearby Snake River each year, and these impressive birds rely on the land along the Snake for rest and food during their migration. The cultivated field east of my place at 31641 Peckham typically is blanketed in resting birds throughout both directions of migration. As soon as one mass of hundreds of geese launches into the sky to fly onward, another flight of geese comes in for a landing. In Oregon, just west of State Line, the pastures likewise are an important stop off for the migrating Snow Geese. These pastures typically are blanketed in hungry, tired geese, including the young who are flying with their parents. I oppose CAFO lighting if it is apt to confuse the geese, interrupt their sleep or feeding, or deter them from stopping at all in their traditional resting spots such as the farm field east of my property. I wonder: can there be a "lights out" policy during goose migrations, so that even downward directed lighting is cut off at critical times of the year? I also value the existence of a big colony of dozens of Great Blue Herons (sometimes egrets too) nesting each spring in a large tree along the river (on an island?) west of State Line Road, within sight of my cabin. Please make P&Z rulings that will preserve these birds' ability to engage in the daily activities necessary for them to thrive. Bright lights and the constant bellowing of cattle, if unabated, could negatively affect the wellbeing of wildlife as well as humans, all around the proposed CAFO site.

A major concern connected with the CAFO proposal is vehicular safety. It is obvious that an operation involving nearly 4,000 cattle will cause a steep increase in truck traffic. If AK Feeders is required to send ALL trucking to and from its main gate along State Line Road (with a ban on using Peckham), then a very hazardous right-angle turn -- one uncontrolled by stop signs or traffic lights -- can be avoided. The junction where State Line Road meets Peckham Road is already a safety concern for locals; now imagine adding in truckers from other areas who are unfamiliar with the turn. If AK Feeders does anticipate that any of its hay and cattle trucks will arrive or depart along Peckham Road, then I believe the commissioners should ensure that a new Peckham Road gate be created on AK Feeders property, as far from the right-angle turn as possible. Local traffic will be much less imperiled by the presence of semi-trucks (perhaps pulling double or triple trailers), if AK Feeders traffic gets shunted away from the sharp turn where Peckham and State Line meet.

If AK Feeders wants to maintain a fueling station on site, I assume the commissioners will require that appropriate spill-containment and fire-suppression structures and equipment will be incorporated. If truckers arrive late in the day and must wait until morning to load or unload, I hope there will be a parking lot for truckers on AK Feeders property. The gravel shoulders along State Line Road and Peckham Road are far too narrow to accommodate a parked semi-truck without its crowding into the lane of travel.

Thank you for imposing rules that will prevent AK Feeders' proposed CAFO from becoming a hated burden: a trial for its neighbors, a safety hazard, and a blight on the natural environment.

Glenis Christopherson



My name is Tim Alderson. My address is 22440 State Line Road, Parma, ID. I live less than a 1/2 mile from the proposed feedlot.

County Zoning Regulations, Section 07-07-01, States that the purpose for a conditional use permit is for: "Every use which requires the granting of a conditional use permit is declared to possess characteristics, which require review and appraisal by the commission, to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity" — That is exactly what AK Feeders request for a feedlot would do!

I would like to give you some numbers for reference:

1 cow produces about 8 gallons of urine a day  
8 gallons x 3700 cows = 29,600 gallons of urine a day  
or 189,520,00 gallons a year

1 cow produces about 65 pounds of feces a day or  
23,725 tons a year. 23,725 tons of feces for 3700 head of  
cattle would produce 87,780,500 tons  
of feces a year.

"The Idaho Supreme Court has not established a **bright line test** governing whether a petitioner's rights have been violated. The court; however, previously held that substantial rights were harmed when property values are negatively impacted or there is interference with the use and enjoyment of the property. The nature of the proof required to establish such prejudice, is aptly shown by reference to other cases from the Idaho Supreme Court."

It appears that AK Feeders wants to violate our Constitutional Rights and destroy the property values of his neighbors and local citizens. Please remember what the Supreme Court said:

*attachment #4*



“substantial rights were harmed when property values are negatively impacted or there is interference with the use and enjoyment of the property.”

A CAFO site advisory team did a study at the proposed feedlot site of AK Feeders . There are three factors the site team addresses:

1: High Risk

2: Medium Risk

3: Low Risk

— The environmental risk for the proposed feedlot, as determined by the site Team is **HIGH!**

These are the risk factors that this proposed feedlot met:

1: Dominate soil texture in the area is fine sandy loam, with high saturated hydraulic conductivity between .57 and 2 inches an hour. **Our soil in the area is basically a sieve!**

2: Clay layers in the saturated zone are discontinuous. Drillers reports indicate 0-10 feet of clay layers in the unsaturated zone.

3: The depths of the first encountered groundwater is generally high at 0-25 feet. We have a very high water table.

4: The aquifer geology is comprised of sand and gravel.

What does this CAFO site study illustrate and point out?

No.1: The first encountered ground water is high, at 0-25 feet: meaning this proposed feed lot site is like a french drain. All the toxic water, urine and feces waste, will flow quickly into our aquifer causing all our wells to become contaminated and virtually destroy our homes.

No. 2: There are discontinuous clay layers in this area which will not stop urine and feces waste contamination into our aquifer that would **absolutely** destroy our wells.

No. 3: **Again**, toxic nitrates are the primary chemicals that **destroy** wells. The average toxic nitrate level in groundwater within a **5 mile radius of the proposed feedlot is 5.3 milligrams per liter. At 10 milligrams** per liter the ground water is poisoned, totally destroying our properties.

Something that really interests me, and I hope will do the same with the commissioners - is that based on Idaho Secretary of State findings, Mr. Debenedetti **IS NOT** a resident of Canyon County **OR** anywhere else in Idaho. He lives in Oregon. **Further, ALL** AK Feeders' Corporate Offices appear to be in California.

In addition, the parcel of land in his application is **owned** by a **foreign entity registered in California: AK Feeders.**

If you were to approve this application, monetary profits would go to California, while **his feedlot** would be destroying the homes and properties of local residents and lifetime Idahoans.

Based on the Supreme Court precedent, I implore you to deny this AK Feeders' application. If you do not deny it, you will be violating our Constitutional Rights and helping to destroy our properties.

Something that has not really been addressed is the **environment.** In 1976 I moved to Idaho from Minnesota and got interested in river boats. I came to love the Snake River, for it's fishing, hunting and general family recreation. In 1976, the Snake River was as clear as the Boise River is now.

Today it is absolutely terrible! Moss beds everywhere (you can't run a jet boat) and the river is very polluted. According to Buck Ryan, of the **Snake River Water Keepers**, the primary pollution of the Snake River from Idaho Falls to Brownlee Reservoir is **CAFOs !!**

I also contacted Emily Montoque, with the Dept. of Environmental Quality (DEQ) and Mitch Verneer, with Best Management Practices (BMP). These agencies all monitor CAFOs along the Snake River for pollution violations. They told me there is a huge law suit going on right now in Grandview, ID. All three agencies are aware of AK Feeders CAFO proposal and indicate that they would be monitoring the progress of this proposed feed lot.

This is my testimony so far. I will not stand for questions.

September 15, 2022

To: Canyon County Commissioners Smith, Beek, White  
115 Albany St., Rm. 101  
Caldwell, ID 83605  
bocc@canyoncounty.id.gov

From: Brad & Victoria Case  
30769 Red Top Rd.  
Wilder, ID 83676



RE: **Case # CU2022-0036; AK Feeders, LLC Master Application with C.C. Development Services**

Canyon County Commissioners:

We are writing in regards to the application for a C.A.F.O. development (see above mentioned case number) in Arena Valley, just west of Wilder, Idaho near the Oregon Border. (Address – 22704 Stateline Rd., Parma, ID). The Case family has lived on nearby land for several generations. We homesteaded this part of Arena Valley in the late 1800's. It is now 5<sup>th</sup> generation farm and ranch ground in our family, as our son just built his own home on the property. We raised our family here and plan to live out our days on this exceptional rural land, in what used to be a peaceful, quiet area. We have several concerns with a feedlot operation that large in the proposed area:

- Heavy traffic of semi-size trucks
- Constant noise
- Increased traffic/congestion/insufficient road width
- Extreme negative impact on the high table of the aquifer & surface water convergence of the Arena Lake, Case, and Allen drains.
- Dust and insect pollution for all surrounding homeowners
- Property value decline
- Peace/tranquility in our valley
- Waste water run off will go straight to the Snake River in Oregon
- Prolific development of new wells – 6,000 head of cattle consume a lot of water
- Current residential well contamination (research what happened to a whole community in Weiser, Idaho when nitrates destroyed their well water quality).
- The residents who have moved into this valley did so PRIOR to any proposed C.A.F.O., not after.

The proposal states that this is an expansion of an existing C.A.F.O. However, it is not an expansion of existing feedlot facilities. All feed bunk commodity storage

*attachment #4*

facilities would be built as new. We have been in contact with a lawyer associated with the Idaho Water Users Association, as there are three drains negatively affected by this application. He advised us to demand a C.A.F.O. Siting investigation from Canyon County to the Idaho Department of Ag.

We, as well as our neighbors, are concerned about our property values declining in an area that does not have an existing feedlot. Most in this area do not oppose the current cattle operation (pasturing) of AK Feeders.

**We would appreciate a response from your particular agency regarding our concerns. We also would like this correspondence entered into the official record for this case (CU2022-0036).**

Thank you very much,

V. Brad Case  
Victoria A. Case

CC: Canyon County Development Services  
Idaho State Department of Agriculture  
Idaho Department of Environmental Quality  
Idaho Department of Water Resources  
Oregon Department of Transportation  
Oregon Department of Environmental Quality

**From:** Dee Dee Alderson [dalderson@marsingschools.org](mailto:dalderson@marsingschools.org)  
**Subject:** Re: AK FEEDERS  
**Date:** January 3, 2024 at 10:47 AM  
**To:** Susan Isaak [isaakrn@gmail.com](mailto:isaakrn@gmail.com)

Good!

On Wed, Jan 3, 2024 at 10:44 AM Susan Isaak [REDACTED] wrote:  
Thanks ... this is helpful!!! Have a great day :)

On Jan 3, 2024, at 10:42 AM, Dee Dee Alderson <[dalderson@marsingschools.org](mailto:dalderson@marsingschools.org)> wrote:

----- Forwarded message -----

**From:** Dee Dee Alderson <[dalderson@marsingschools.org](mailto:dalderson@marsingschools.org)>  
**Date:** Wed, Nov 15, 2023 at 7:41 PM  
**Subject:** AK FEEDERS  
**To:** Dee Dee Alderson <[dalderson@marsingschools.org](mailto:dalderson@marsingschools.org)>, [REDACTED]

My name is Dee Dee Alderson and my home and land is about a half mile from AK Feeders/Mr. Debenedetti's proposed CAFO. My address is 22440 State Line Road, Parma, ID.

I want you to know that I am pro agriculture; however, I am against agriculture that the State Site Team deems HIGH RISK because of the foreseeable destruction of our Idaho aquifer and additional pollution to the Snake River. According to Riverside Irrigation, AK Feeder' property already has an irrigation drain that runs from this wetland area in question, directly to the Snake River 200 feet away. This drainage is running into the Snake at the corner of State Line and Peckham. It has been running all year due to the high water table. AK Feeders' parcel is a huge bog, draining into the ground.

County regulations do not allow anything that "would cause damage, hazard, nuisance or other detriment to persons or property in the vicinity." That is exactly what AK Feeders' proposed feedlot with 3,700 or even 6,000 head of cattle will do.

AK Feeders' current operation is already violating our Constitutional right to the use and enjoyment of our property. The toxic dust and

*attachments #4*

rights to the use and enjoyment of our property. The toxic odors and odors that cause everything from respiratory irritants and chemical burns to decline in lung function and even death is already affecting everyone in the area. We do not have the use and enjoyment of our properties due to these toxic odors continually coming into our properties. Adding 3,700, or even 6,000 head of cattle, would make matters 3000% worse, while **continuing to violate our Constitutional rights** to the use and enjoyment of our property.

**You have proof that AK Feeders' proposed feedlot will violate our Constitutional right to the use and enjoyment of our property.** The Site Team's Report determined that his proposed CAFO is **HIGH RISK:**

According to the Site Team, "The ground is sand and gravel". This proposal will allow additional toxic cattle waste to leak into our aquifer and destroy our wells.

- Your Site Team says, "The first encountered groundwater is shallow at 0-25 feet". This means that the proposed site is **like a french drain where all the toxic cattle waste, pee and feces, will flow quickly into our aquifer 25 feet down causing all our wells to become contaminated and destroy our homes. Many of the private wells surrounding AK Feeder's property are only 7-12 feet deep.**

-There are NO continuous clay layers to stop the toxic cattle waste from directly contaminating our aquifer. This will cause our wells to become contaminated and destroyed.

-The average toxic nitrate level in groundwater within a 5 mile radius of AK Feeders' proposed feedlot is 5.3 milligrams per liter (5 mg/L). At 10 milligrams per liter the groundwater in our area would be totally destroyed and so would all our properties. Our wells would be considered poisonous and unusable.

Please note that the 25% of the wells within a 5 mile radius of Mr.

DeBenedetti's proposed feedlot that were tested and **already contaminated** with over 5 milligrams per liter (5 mg/L) of toxic nitrates, does not include my well, nor every private well in the area. Our private wells have NOT been factored into that percentage. That 25% total could indeed be much higher.

When wells reach 10 milligrams of nitrates per liter, they are **essentially destroyed**. At 10 milligrams of toxic nitrates our **wells are worthless; our homes are worthless**. There is **NO "mitigation" technique** that AK Feeders can use that would ever keep this poison from seeping into our aquifer.

In the attached Exhibit 61A, you will recall that on March 4, 2021 you **DENIED a virtually identical feedlot request to add 6,000 head of cattle because their proposal was not consistent with many requirements** of the 2020 Canyon County Comprehensive Plan. Your Site Team Report for your 2021 DENIAL is **virtually identical** to the current Site Team Report for Mr. DeBenedetti's proposal, **although worse for AK Feeders**.

The common issue you raised in each of these Comp. Plan goals and policies was the **fact that there were numerous wells in the vicinity that tested High in toxic nitrates**. **Contamination of the aquifer and destruction of local property owners' wells was your overriding concern, as it should be**. You were also **concerned about the increased truck traffic for those living near that feedlot**. Trucks from AK Feeders' site would also travel that **same route east on Peckham Road adding to the burden on that same route**.

Court Ruling on page 15, middle paragraph, states:

In exhibit 61B, on page 15, QUOTE: "The Idaho Supreme Court has not established a bright line test governing whether a



petitioner's substantial rights have been violated. *Id.* The Court, however, has previously held that substantial rights were harmed when property values are impacted or there is interference with the use and enjoyment of property. *Id.* (citing Price v. Payette Cty. Bd. Of Cty. Comm'rs, 131 Idaho 426, 431, 958 P 2d 583, 588 (1998)(recognizing prejudice to a substantial right and vacating a board decision because it could impact property value or the petitioners' use and enjoyment of their land)). "The nature of the proof required to establish such prejudice is aptly shown by reference to other cases from (the Idaho Supreme Court)." *Id.*

The District Court Judge is telling you here that the Constitution AND Idaho Supreme Court precedent do NOT allow County authorities to violate property owners' Constitutional right to the "use and enjoyment" of their property OR to impact their property values, and that includes you.

AK Feeders' proposal will violate our Constitutional right to the "use and enjoyment of our property" and because his proposed feedlot would be on ground that leaks like an old strainer, is virtually ON the Snake River, plus your Site Team report designates the land HIGH RISK! Remember, the rating on the feedlot you DENIED was MEDIUM RISK.

If you do not rule on this AK Feeders' Application immediately, **you must** leave the testimony open until the County has accomplished all the requirements from the Department of Environmental Quality outlined in their October 24, 2023 letter, your Exhibit 20, so that **local property owners have additional opportunity to remind you about the violation of their Constitutional rights and the opportunity to give testimony regarding these DEQ requirements and the County's compliance with them.**

You should also be aware that, based on Idaho Secretary of State filings, **Mr. DeBenedetti is not an Idaho or Canyon County**

**resident. He lives** in Oregon and California. In addition, the parcel of land in his Application is owned by a Foreign Entity registered in California, AK Feeders, LLC. If you were to allow his Application, **his profits would go to California while his feedlot would be destroying the homes and properties of lifetime Idahoians.** We have heard that officials in Oregon have said about Mr. DeBenedetti's proposed feedlot... "not in our state", so he went to Idaho for his project. If **you** allow this proposed CAFO, Mr. DeBenedetti **will profit, while the value of my home, and my neighbor's homes becomes worthless.**

**Based on our Constitution and Supreme Court precedent, you must *DENY* this AK Feeders' Application, otherwise you will be willfully and knowingly violating our Constitutional rights and destroying the property values of local Idaho citizens.**

# ATTACHMENT #4

October 23, 2023

## VIA EMAIL

Ms. Pam Dilbeck  
Sr. Administrative Specialist  
Canyon County Development Services Depart.  
111 N. 11th Street, #310, Caldwell, ID 83605

cc: Sabrina Minshall  
Director, DSD  
Development Services Depart.  
Canyon County

RE: You have a problem with CU2022-0036 AK Feeders

Dear Ms. Dilbeck:

This is in response to your October 12, 2023 email and letter to us responding to our October 10, 2023 Records Request. We have reviewed the material you sent us and, as you suggested, we also looked on the County's Land Use Hearings webpage for this now-scheduled November 16, 2023 Preliminary Hearing on this matter, and you have a problem.

Canyon County Zoning Law CCZO 07-01-15 (1) requires a neighborhood meeting for any proposed conditional use. Section CCZO 07-01-15(3) states: "***(3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.***"

The problem you have is that by scheduling a hearing on November 16, 2023 on this matter, the County will be violating citizens' rights. The "Application" and "project" on your website is **NOT** the original "Application" nor is it the "proposed project" presented to all of us who attended the only Neighborhood Meeting on 6/28/22 and signed the "Neighborhood Meeting sign-Up" sheet in your file. The "Application" has been doctored and the parcels presented to us for this "project" have also been doctored and replaced with other parcels. A number of the major parameters of this "project" presented to us by AK Feeders at the 6/28/22 Neighborhood Meeting have been completely changed, e.g. location for "project", size of project, number of cattle, etc. What you have on your website is NOT what we were presented with at the Neighborhood Meeting on 6/28/22 and, therefore, we have been denied our right to review the actual "proposal" at the legally-required Neighborhood Meeting.

As neighbors, property owners, and citizens who will be affected by this project, the law requires that we be provided with a Neighborhood Meeting to “review the proposed project” which means to “review the ACTUAL proposed project” before it goes to any County hearings. The County is required to follow the law so we are demanding that your November 16 hearing be cancelled until such time as the law is followed and another Neighborhood Meeting be held, this time with the actual details of any AK Feeders’ “project” presented to us.

In addition, we know that you have more material in your file that was not provided to us through our Records Request, so your response was inadequate.

We, the undersigned, who also signed the first “Neighborhood Meeting Sign-up” sheet for CU2022-0036 AK Feeders demand that the law be followed and that the November 16, 2023 DSD hearing on this matter be cancelled until such time as another Neighborhood Meeting is provided as required by law for us to review the “actual project” by AK Feeders.

Sincerely,

Name:

Address:

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(con't)

Name:

Address:

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From: DEBBIE CARDOZA [REDACTED]  
Date: Jan 3, 2024 at 10:23:22 AM  
To: [REDACTED]

I will send this request to DSD.

Thanks,  
Zach

From: DEBBIE CARDOZA [REDACTED]  
Sent: Tuesday, November 21, 2023 10:16 AM  
To: Zach Wesley <[Zach.Wesley@canyoncounty.id.gov](mailto:Zach.Wesley@canyoncounty.id.gov)>  
Subject: [External] Typed signed testimony

Nov. 21, 2023

Via Email - [zach.wesley@canyoncounty.id.gov](mailto:zach.wesley@canyoncounty.id.gov)

Zach Wesley  
Deputy Prosecuting Attorney  
Canyon County  
1115 Albany Street  
Caldwell, ID 38676

RE: Return of Typed & Signed Sworn Testimony Document  
(CU2022-0036 AK Feeders 11/16/23 Hearing)

ATT. 4

**Dear Mr. Wesley,**

**At the beginning of the public P&Z Commissioners' Hearing on 11/16/23 the Commissioners put forward a motion to accept several late Exhibits and passed the motion accepting these Exhibits that came in after the October 28, 2023 deadline.**

**Before each citizen in opposition gave their oral testimony last night, we each handed a copy of our typed & signed sworn testimony document, to be put into the Record, to Ms. Root, Planner, Canyon County, as proof of what we were testifying to. Ms. Root was sitting next to you and accepted each signed & sworn document. After the opposition testimonies were concluded you asked the Commissioners if they wanted to entertain a motion to accept these typed & sworn testimony documents into the Record. The Commissioners did not put forward any motion, either to accept or to deny my typed & signed sworn testimony document.**

**Because the Commissioners did not put forward a motion to either accept or deny my typed & signed testimony document for the Record and as you were the last person to reference them and they were not returned to each citizen in opposition after the hearing, please advise me of the status of my typed &**

**signed testimony document and return it to me. Please confirm that you will return it to me by emailing me at:**



**Sincerely,**

**Debbie Cardoza**

**31252 Peckham Rd.**

**Wilder, Idaho 83676**

**Sent from my iPhone**

**Sent from my iPhone**



Good Evening, My name is Debbie Cardoza and my address is 31252 Peckham Rd. Our property shares a common boundary line with AK Feeders on the west.

County Zoning Regulations, state that the PURPOSE for the Conditional Use permit is to determine whether or not the use would cause ANY DAMAGE, HAZARD, NUISANCE to persons or property in the vicinity." That is exactly what AK Feeders proposed feedlot with 3 thousand 7 hundred cattle will do....DESTROY OUR PROPERTY!!!!

AK Feeder's operation, which began last fall, is already violating our Constitutional right to the use and enjoyment of our property. The toxic odors and toxic dust are already negatively affecting property owners in the area. Allowing an additional 3 thousand 700 head of cattle would make matters Thousands of times worse!

You have further proof that AK Feeder's proposed feedlot will violate our Constitutional right to the use and enjoyment of our property in the Site Team's Report determination that his proposed CAFO is HIGH RISK!!!

As reported by your Site Team:

“The ground is sand and gravel” meaning this proposed site is like a french drain where all the toxic waste will flow quickly into our aquifer and destroy our wells.

“The first encountered groundwater is shallow at 0-25 feet” meaning this toxic cattle waste will get quickly into our wells causing all our wells to become contaminated and destroying our homes as well as the SNAKE RIVER! Our family’s well at only 6 ½ feet deep and only 100 feet away from the proposed site fence line. LET ME REPEAT THIS, OUR WELL IS ONLY 6 ½ FEET DEEP AND ONLY 100 FEET AWAY FROM AK FEEDERS’ PROPOSED SITE. AT THAT RATE OF SEEPAGE OF TOXIC WASTE INTO THE GROUND LISTED ON THE SITE TEAM REPORT, OUR WELL WOULD BE DESTROYED IN A MATTER OF DAYS!! OUR THIS WOULD DESTROY OUR PROPERTY AND OUR FAMILY! YOU MUST DENY THIS APPLICATION!

The soil in this area would allow cattle feces and urine to leak into the aquifer at an alarming rate, thus contaminating and destroying all surrounding property owners' our water wells and homes, as well as our property values. You do not have the right or authority to do this under the Constitution and the Idaho Supreme Court precedent outlined on page 15 Exhibit 61B.

On October 27 we submitted a letter, Exhibit 61, asking your Planner to insert copies of County documents into this Record. This was not done so this record is incomplete. As a result we have been denied the right to provide you with a federal report regarding the Sunnyside Feedlot in Weiser that contaminated the wells of every property surrounding it for several miles with nitrates, destroying every property. We had planned to provide you with that report's finding that aquifer contamination flows North, South, East and West, contaminating from a toxic feedlot. The nitrate contamination into our aquifer from AK Feeders will go North, South, East and West, contaminating every property owner's private wells.

The Site Advisory Team report continues to state that there are no CLAY LAYERS to stop the toxic contamination into our aquifer that will contaminate and destroy our wells. The average toxic nitrate level in groundwater within a 5 mile radius of this proposed CAFO is 5.3 milligrams per litre (5mg/L). At 10 milligrams per litre, as you know, the groundwater in our area would be totally destroyed as would all our properties.

25% of the test wells in the area are already contaminated with over 5 milligrams per litre (5mg/L) of toxic nitrates, EVERY private well in the area has not been factored into that. Meaning that 25% could be much higher. Again, when the wells reach 10 milligrams per litre, our wells would be totally destroyed, the water cannot be used in any fashion, and our homes become worthless.

Your Planners' assertion that AK Feeders is not in the Nitrate Priority Area is flawed. Even the Site Team disputes her assertions.

Her map is misleading because she didn't use the entire, official DEQ map. The official DEQ maps show no state test wells near AK Feeders so there is no proof this is not a high nitrate area.

Also, DEQ's maps have a disclaimer on them that says they QUOTE: "make no warranty...for the technical accuracies of their maps". 3,700 head of cattle on top of this boggy wetland is a recipe for DISASTER.

THERE IS ABSOLUTELY NO "MITIGATION" technique that AK Feeders could ever use that would ever keep the destruction of our wells from happening.

Mitigation is NOT elimination!

Based on our Constitution and Supreme Court precedent outlined on page 15 of your Exhibit 61B, you must DENY AK Feeders Application otherwise you will be willfully and knowingly violating the Constitutional rights and destroying the property values of every surrounding citizen property owner. Due to this Record being incomplete, if you continue this hearing, we ask that the Record and the Testimony be kept open for our further testimony.

This is my testimony thus far.  
I will not be standing for questions.  
Thank you,

Please place this in the file for this case:  
CU 2022-0036

1-2-24

TO: Commissioner Zach Brooks  
Commissioner Brad Holton  
Commissioner Leslie VanBeek

RE: P&Z Hearing Regarding CU2022-0036 AK Feeders

Dear Commissioners:

The FCO's have just been signed by the P&Z Commissioners for the above matter. We attended the proceeding on November 16, 2023 and testified. Because the P&Z Commissioners are empowered with the same authority as the Board on land use issues and act in your stead as elected officials and they are appointed by the Board, we submit the following questions to you and would appreciate your response:

1. Please provide us with the Constitutional authority, State Statute and/or County Ordinance that legally empowers your appointed P&Z Chair, Mr. Sturgill, with the authority to instruct citizens what they can testify to and what their testimony should and should not be about. When instructing the citizens who had attended the hearing that they would have only 3 minutes to testify he told us we were to address only his criteria he had put forward at the beginning of the hearing and he said we should not repeat testimony from others so they could "gather as much unique criteria" upon which to make their decision. Where is his authority to instruct citizens on their testimony? If he has none, our rights have been violated.
2. The Commissioners made a motion then voted to allow 4 late Exhibits into the Record. After taking the Oath and before each citizen gave their testimony, they handed a typed copy of their testimony, as proof of what they were testifying to, to your Planner, Ms. Root, who took all these written testimonies in and held them during the hearing.

However, later in the hearing, when Deputy Prosecuting Attorney, Zach Wesley, who clearly did not the opposition's written, sworn testimony to be allowed into the Record, asked the Commissioners if they wanted to make a motion about whether or not to allow our written, sworn testimony into the Record, the Commissioners just looked at each other then did nothing. They refused even to entertain a motion.

There were 2 other late Exhibits that were offered at the hearing, a second Andy Bishop letter and another Obendorf letter. Your Commissioners made a motion on them and voted not to

*Attachment #4*

allow them into the Record, however, the applicant's girlfriend read them into the Record as her testimony.

Please provide to us the Constitutional authority, State Statute and/or County Ordinance that empowers P&Z Commissioners to make a motion then vote to allow 4 late Exhibits into the Record; to make a motion then vote to deny 2 other late Exhibits into the Record; and then to make no motion at all regarding approval or denial of citizens' written, sworn testimony into the Record. The citizens who submitted the 4 late Exhibits were granted a vote on their submissions and the citizens who submitted the other 2 late Exhibits were granted a vote on their submissions, while the citizens in opposition were denied a vote on their submissions entirely. The people who submitted the late Exhibits weren't even at the hearing. Citizens in opposition were at the hearing.

Amendment XIV, Section 1 of the U.S. Constitution provides for the following:

***"Section 1.***

***All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws***".

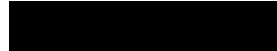
"Nor deny any person within its jurisdiction the equal protection of the laws". Before our testimony, your P&Z Chair, Mr. Sturgill, had us stand and take an Oath at this "legal" proceeding. Then, at this "legal" proceeding, he denied us our right to a vote from our "elected officials" on whether our written testimony could be entered into the official Record or not. Please explain your P&Z Chair's very troubling denial of our "equal protection of the laws"

Respectively submitted,

Debra Cardoza



Susan Isaak.







## IDAHO STATE DEPARTMENT OF AGRICULTURE



### CAFO SITE ADVISORY TEAM

September 14, 2023

Canyon County Board of Commissioners  
Commissioner Leslie Van-Beek  
Commissioner Brad Holton  
Commissioner Zach Brooks  
Canyon County, Caldwell Idaho

#### **RE: CAFO Siting Advisory Team Review Report of AK Feeders**

Dear Commissioners,

The Idaho State Concentrated Animal Feeding Operation (CAFO) Siting Team has completed its review of the proposed Livestock Confinement Operation expansion of AK Feeders located at 21696 Stateline Rd. Wilder, Idaho. This facility is proposing to extend the existing operation to 3700 head of beef cattle. The review was completed in response to a request made by Canyon County in accordance with IDAPA 02.04.30, subchapter B.

The Team, consisting of representatives from the Idaho Department of Environmental Quality (IDEQ), Idaho Department of Water Resources (IDWR), and the Idaho State Department of Agriculture (ISDA) performed a site evaluation on September 9, 2023.

The information evaluated for this facility included the application package provided by Canyon County, IDWR ground water information and water right records, IDWR Statewide Ambient Ground Water Quality Monitoring Program network data, IDEQ map and data, ISDA Regional Agricultural Ground Water Quality Monitoring Program data, Natural Resources Conservation Service soil data, well driller reports, discussions with county officials and the owner, and an onsite evaluation by the team.

According to IDAPA 02.04.30 subchapter B, CAFO Site Advisory Team is required to provide a site suitability determination that includes:

- **Risk Category.** A determination of an environmental risk category: high, moderate, low; or insufficient information to make a determination.
- **Description of Factors.** A description of the factors that contribute to the environmental risks.
- **Mitigation.** Any possible mitigation of the environmental risks.

#### **I. Risk Category**

The following determination is based on the information supplied to the team through the county and site-specific conditions at the time of the site visit. However, information used for evaluating the ground water,

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*attachment #5*

geology, and soils may be based on regional information and may not fully characterize the local conditions of the specific facility.

The Environmental Risk, as determined by the CAFO Site Advisory Team, is **High Risk**.

**Any changes or modification in the application or at the site may alter the Environmental Risk.** Risk is determined through a point-based scoring system (attached) that utilizes and accounts for a combination of environmental factors. Management and mitigation are not factored into this determination; it is a physical characterization of the site only.

## II. Description of Factors

The Environmental Risk is based on physical characteristics of the site. The following technical factors contributed to the environmental risk rating:

### High Risk Factors

- Dominant soil texture in the area is fine sandy loam, with high saturated hydraulic conductivity ( $K_{sat}$ ) between 0.57 and 2 inches/hour.
- Clay layers in the unsaturated zone are discontinuous. Driller's reports indicate 0-10 ft. of clay layers in the unsaturated zone
- The depth to first encountered groundwater is generally shallow at 0-25 ft.
- The aquifer geology is composed of sand and gravel.

### Moderate Risk Factors

- The average soil depth in the area is approximately 60 inches.
- The most recent mean nitrate level in groundwater within a 5-mile radius is 5.3 mg/L.
- The percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 25%.
- Downgradient distance to the closest domestic well is cross-gradient, however less than 100 feet away.

### Low Risk Factors

- The time of travel to the nearest downgradient spring is greater than 10 years.
- The CAFO site is not located within a source water delineation capture zone.
- Downgradient distance from the CAFO to the nearest surface water body (Snake River) is greater than 200 feet.
- The facility exports all manure off site to a third party, presenting low risk to downgradient surface water bodies from land application at the proposed CAFO site.
- The CAFO site is not within a 100-year floodplain.
- Surface run-on potential to the CAFO site is low due to moderately sloped topography next to CAFO site.
- NRCS run off index indicated low risk of surface runoff from the CAFO facility.
- The average annual precipitation is approximately 9.1 inches/year.

## III. Mitigation

The CAFO Site Advisory Team's environmental risk assessment process is focused on water quality.

The facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations". The Nutrient Management Plan will be

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modified if/when the facility expands to accurately reflect the current operation. The footprint of the animal housing waste containment area will increase if the County approves the proposal. In the event, the county approves the proposed expansion the waste system improvements/modifications will need to take place, prior to the increase in animal units.

Other Best Management Practice recommendations include:

- Care should also be taken to prevent solid waste products and solid waste storage area runoff from entering surface water bodies, or ponding and entering the ground water. The facility should ensure appropriate setback distances as listed in IDAPA 02.04.30 subchapter D "Stockpiling of Agricultural Waste" from the stockpiling of solid waste to any domestic or irrigation well or down-gradient surface water of the state of Idaho.
- Care should be taken when applying solid waste/manure to the facility-controlled fields to ensure that runoff does not occur as a result of a weather event. Timely incorporation of solid manure applications into the soil will also assist in minimizing runoff potential. Also, animal manure should be incorporated into the soil prior to irrigation and ideally within 72 hours of application.
- Care should be taken when handling liquid and solid waste in the facility. To protect groundwater, effluent associated with the CAFO facility and standing effluent in the corrals and low areas of the facility must be stored/transferred in a ISDA-approved structure. Furthermore, frequent removal of solid waste and storage in a concrete/clay-lined (>15% clay) surface will help to prevent groundwater pollution.

#### **IV. Additional Information**

Canyon County may issue "special use conditions" in their permit to the applicant. Special use conditions, if not required by existing State or Federal law, would be the county's responsibility to enforce.

CAFO operations require stock water and/or commercial water rights. A review of IDWR records indicates the operation has appropriate water rights.

Facilities that employ chemigation systems must have those systems inspected and approved by ISDA prior to use. Additionally, approved backflow prevention must be in place to prevent back siphoning of wastewater into the aquifer or irrigation laterals/canals.

The CAFO Site Advisory Team did not:

- Review any information regarding air quality. For a more specific evaluation of air quality concerns, please contact the regional IDEQ office.
- Evaluate any increase in the number of lights or light pollution due to the expansion.
- Evaluate the roads in the local area. For a more specific evaluation, please contact the county highway district or the Idaho State Department of Transportation.

The site suitability determination is based on the information supplied to the team from the county and site-specific conditions at the time of the evaluation. This assessment does not consider practices not described during the site visit.

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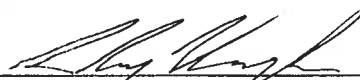
The following individuals were present at the CAFO Site Advisory Team evaluation. The names depicted in bold type are the individuals responsible for the suitability determination.

1. **Pradip Adhikari**, Soil Scientist, ISDA
2. **Gus Womeldorph**, IDWR, Hydrogeologist
3. **Kathryn Elliott**, IDEQ, Ground Water Coordinator
4. Debbie Root, Canyon County Representative
5. David DeBenedetti, Facility Owner
6. Coortney Rueth, Owner Representatives
7. Valene Cauhorn, AgPro/Owner Representatives
8. Mat Wilke, Owner Representatives

If you require further information regarding this site determination, please feel free to contact us.



Pradip Adhikari, ISDA  
(208) 332-8541



Gus Womeldorph, IDWR  
(208) 287-4963



Kathryn Elliott, IDEQ  
(208) 373-0191

#### ATTACHMENTS

1. CAFO Site Advisory Team Environmental Risk Form
2. IDEQ produced map (including animal units in the area, public water systems, residential wells, irrigated acres and population)

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**State of Idaho CAFO Site Advisory Team Environmental Risk Form**

Name & Date of Siting: AK Feeders. 9/6/2023

Risk Scoring System	Category	Result	Risk Score
1 = Low Risk = Ideal goal for environmental protection			
2 = Moderate Risk = Provides reasonable resource protection			
3 = High Risk = Poses a high risk for health and/or for contaminating ground or surface water			
	<b>Soil</b>		
1. Soil permeability		High. Fine sandy loam with Ksat 0.57 to 2.00 in/hr.	3
2. Soil depth		Moderate. Typical soil profile depth 60 inches.	2
3. Thickness of clay in unsaturated zone		High. Driller's reports indicate 0-10 ft of clay typical in unsaturated zone.	3
	<b>Ground Water</b>		
4. Depth to first encountered water		High. Depth to first encountered water is generally shallow, 0-25 ft.	3
5. Mean nitrate level in ground water within a 5 mile radius		Moderate. Mean most recent nitrate levels are 5.3 mg/L within a 5-mile radius.	2
6. Percentage of wells over 5 mg/L nitrate within 5 miles		Moderate. 25% of wells within a 5 mile radius have a nitrate value over 5 mg/L.	2
7. Aquifer geology		High. Typical aquifer geology is sand and gravel.	3
8. Time of travel to a spring		Low. Time of travel to a spring is > 10 years.	1
9. Downgradient distance to nearest domestic well		Moderate. Nearest domestic well is cross-gradient, but < 100 ft away.	2
10. Within source water delineation area time-of-travel		Low. CAFO is not within a source water delineation area time-of-travel.	1
	<b>Surface Water</b>		
11. Downgradient distance from CAFO to nearest surface water body		Low. Downgradient distance from CAFO to nearest surface water body (Snake River) is >200	1
12. Downgradient distance from land application to nearest surface water		Low. All manure is third-party export.	1
13. 100-year floodplain		Low. Not within the 100 year floodplain.	1
	<b>Nutrient Transport</b>		
14. Run-on		Low. Run-on risk is low due to low to moderately sloped topography next to CAFO site.	1
15. Surface Runoff		Low. NRCS surface run-off index is low.	1
16. Annual precipitation		Low. Average annual precipitation is 9.1 inches.	1
		Index 1	40.00
		Index 2	3.00
	<b>Final Risk Score</b>		<b>High</b>



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**Laboratory Analysis Report**

Report To: DANNY CARDOZA

Lab/Sample Number: 2327307-01

31252 PECKHAM RD.  
WILDER, ID 83676

Sample Location: WATER DISCHARGE - STATE LINE RD. +  
PECKHAM

Phone: [REDACTED] Copy:

Date Printed: 01/02/2024 17:30

e-mail: [REDACTED]

Collector's Name: C. PATE

Date Received: 12/21/2023

Transported By: C. PATE

Collection Date/Time: 12/21/2023 10:10

Temp C Received at Lab: 3.30

**Field Measurements**

pH: Total Chlorine mg/L: DO mg/L:  
Temp C: Free Chlorine mg/L: Flow g/min:

Analyte	Result	Units	MRL	MDL	MCL	Analyzed	Analyst	Method	Notes
<b>Inorganics</b>									
Sulfate, SO4	46	mg/L	1	0.04		12/22/23 2:33	NC	EPA 300.0	
Nitrate (as N)	9.4	mg/L	0.2	0.01		12/22/23 2:33	NC	EPA 300.0	
Chloride, Cl	11	mg/L	1	0.1		12/22/23 2:33	NC	EPA 300.0	
Ammonia, Direct (as N)	ND	mg/L	0.04	0.02		12/28/23 15:41	JPH	EPA 350.1	
Total Kjeldahl Nitrogen (as N)	0.48	mg/L	0.10	0.03		12/22/23 15:47	DS	EPA 351.2	
Nitrite (as N)	0.01	mg/L	0.01	0.001		12/22/23 15:25	LW	EPA 353.2	
Ortho Phosphate Low Level (as P)	0.125	mg/L	0.005	0.003		12/21/23 16:03	LW	EPA 365.1	
Total Phosphate (as P)	0.11	mg/L	0.05	0.03		12/22/23 15:47	DS	EPA 365.4	
Chemical Oxygen Demand	ND	mg/L	20.0	6.5		1/2/24 17:26	NC	EPA 410.4	
Total Dissolved Solids	440	mg/L	25	24		12/23/23 9:30	MAA	SM 2540 C	
Biochemical Oxygen	ND	mg/L	3	3		12/26/23 8:45	EH	SM 5210 B	
Total Suspended Solids	4	mg/L	2	2		12/27/23 9:00	MAA	USGS I-3765	
<b>Microbiology</b>									
Total Coliform Bacteria	80	MPN/100mL	2	2		12/24/23 9:50	TL	SM 9221B	
Escherichia coli	74	MPN/100mL	1	1		12/22/23 10:20	TL	SM 9223	

Attachment #5



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**Laboratory Analysis Report**

Report To: DANNY CARDOZA

Lab/Sample Number: 2327307-02

Sample Location: ALLEN DITCH - STATE LINE RD

31252 PECKHAM RD.

WILDER, ID 83676

Phone: [REDACTED] Copy:

e-mail: [REDACTED]

Date Printed: 01/02/2024 17:30

Collector's Name: C. PATE

Date Received: 12/21/2023

Transported By: C. PATE

Collection Date/Time: 12/21/2023 10:25

Temp C Received at Lab: 3.30

**Field Measurements**

pH: Total Chlorine mg/L: DO mg/L:  
Temp C: Free Chlorine mg/L: Flow g/min:

Analyte	Result	Units	MRL	MDL	MCL	Analyzed	Analyst	Method	Notes
<b>Inorganics</b>									
Sulfate, SO4	87	mg/L	1	0.04		12/22/23 2:53	NC	EPA 300.0	
Nitrate (as N)	10.7	mg/L	0.2	0.01		12/22/23 2:53	NC	EPA 300.0	
Chloride, Cl	32	mg/L	1	0.1		12/22/23 2:53	NC	EPA 300.0	
Ammonia, Direct (as N)	ND	mg/L	0.04	0.02		12/28/23 15:41	JPH	EPA 350.1	
Total Kjeldahl Nitrogen (as N)	0.66	mg/L	0.10	0.03		12/22/23 15:47	DS	EPA 351.2	
Nitrite (as N)	0.05	mg/L	0.01	0.001		12/22/23 15:25	LW	EPA 353.2	
Ortho Phosphate Low Level (as P)	0.336	mg/L	0.005	0.003		12/21/23 16:03	LW	EPA 365.1	
Total Phosphate (as P)	0.08	mg/L	0.05	0.03		12/22/23 15:47	DS	EPA 365.4	
Chemical Oxygen Demand	ND	mg/L	20.0	6.5		1/2/24 17:26	NC	EPA 410.4	
Total Dissolved Solids	540	mg/L	25	24		12/23/23 9:30	MAA	SM 2540 C	
Biochemical Oxygen	ND	mg/L	3	3		12/26/23 8:45	EH	SM 5210 B	
Total Suspended Solids	24	mg/L	2	2		12/27/23 9:00	MAA	USGS I-3765	
<b>Microbiology</b>									
Total Coliform Bacteria	170	MPN/100mL	2	2		12/24/23 9:50	TL	SM 9221B	
Escherichia coli	260	MPN/100mL	1	1		12/22/23 10:20	TL	SM 9223	

Authorized Signature,

NADINE CARTER For BRIAN MCGOVERN, Client Manager

This report shall not be reproduced except in full, without the written approval of the laboratory  
The results reported relate only to the samples indicated.

ND - Non Detect  
MCL - Maximum Contaminant Level  
MDL - Method Detection Limit  
MDI - Method Reporting Limit

ATTACHMENT #5 A



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**Quality Control Data**

**Inorganics**

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
<b>Batch: BCL0847 - FIA</b>										
<b>Blank (BCL0847-BLK1)</b>					Prepared & Analyzed: 12/21/2023					
Ortho Phosphate Low Level (as P)	ND		0.005	mg/L						
<b>LCS (BCL0847-BS1)</b>					Prepared & Analyzed: 12/21/2023					
Ortho Phosphate Low Level (as P)	0.158		0.005	mg/L	0.152		104	90-110		
<b>Duplicate (BCL0847-DUP1)</b>					Source: 2327307-01 Prepared & Analyzed: 12/21/2023					
Ortho Phosphate Low Level (as P)	0.125		0.005	mg/L		0.125			0.00	20
<b>Matrix Spike (BCL0847-MS1)</b>					Source: 2327307-01 Prepared & Analyzed: 12/21/2023					
Ortho Phosphate Low Level (as P)	0.229		0.005	mg/L	0.100	0.125	104	90-110		

**Quality Control Data**

**Inorganics**

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
<b>Batch: BCL0853 - WetBench2</b>										
<b>LCS (BCL0853-BS1)</b>					Prepared: 12/22/2023 Analyzed: 12/23/2023					
Total Dissolved Solids	488		25	mg/L	495		98.6	85-115		
<b>Duplicate (BCL0853-DUP1)</b>					Source: 2327123-02 Prepared: 12/22/2023 Analyzed: 12/23/2023					
Total Dissolved Solids	488		25	mg/L		495			1.42	20
<b>Duplicate (BCL0853-DUP2)</b>					Source: 2327241-05 Prepared: 12/22/2023 Analyzed: 12/23/2023					
Total Dissolved Solids	1790		25	mg/L		1790			0.00	20

**Quality Control Data**

**Inorganics**

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
<b>Batch: BCL0864 - WetBench2</b>										
<b>Blank (BCL0864-BLK1)</b>					Prepared: 12/21/2023 Analyzed: 12/26/2023					
Biochemical Oxygen	ND		3	mg/L						
<b>LCS (BCL0864-BS1)</b>					Prepared: 12/21/2023 Analyzed: 12/26/2023					
Biochemical Oxygen	175		3	mg/L	198		88.4	85-115		
<b>Duplicate (BCL0864-DUP1)</b>					Source: 2327233-02 Prepared: 12/21/2023 Analyzed: 12/26/2023					
Biochemical Oxygen	200		3	mg/L		219			9.07	20
<b>Duplicate (BCL0864-DUP2)</b>					Source: 2327233-03 Prepared: 12/21/2023 Analyzed: 12/26/2023					
Biochemical Oxygen	139		3	mg/L		147			5.59	20
<b>Duplicate (BCL0864-DUP3)</b>					Source: 2327260-01 Prepared: 12/21/2023 Analyzed: 12/26/2023					
Biochemical Oxygen	221		3	mg/L		259			15.8	20

ATTACHMENT #5 B





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**Quality Control Data**  
(Continued)

**Inorganics**

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
<b>Batch: BCL0899 - IC</b>										
<b>Blank (BCL0899-BLK1)</b>					Prepared & Analyzed: 12/21/2023					
Chloride, Cl	ND		1	mg/L						
Nitrate (as N)	ND		0.2	mg/L						
Sulfate, SO4	ND		1	mg/L						
<b>LCS (BCL0899-BS1)</b>					Prepared & Analyzed: 12/21/2023					
Sulfate, SO4	43		1	mg/L	41.4		103	90-110		
Chloride, Cl	20		1	mg/L	18.8		104	90-110		
Nitrate (as N)	1.17		0.2	mg/L	1.13		104	90-110		
<b>Duplicate (BCL0899-DUP1)</b>					Source: 2327315-01		Prepared: 12/21/2023 Analyzed: 12/22/2023			
Sulfate, SO4	20		1	mg/L		20			0.136	20
Chloride, Cl	5		1	mg/L		5			0.0324	20
Nitrate (as N)	0.36		0.2	mg/L		0.36			0.307	20
<b>Matrix Spike (BCL0899-MS1)</b>					Source: 2327315-01		Prepared: 12/21/2023 Analyzed: 12/22/2023			
Chloride, Cl	9		1	mg/L	4.00	5	106	80-120		
Nitrate (as N)	1.29		0.2	mg/L	0.904	0.36	103	80-120		
Sulfate, SO4	24		1	mg/L	4.00	20	94.8	80-120		

**Quality Control Data**  
(Continued)

**Inorganics**

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
<b>Batch: BCL0901 - FIA</b>										
<b>Blank (BCL0901-BLK1)</b>					Prepared & Analyzed: 12/22/2023					
Total Phosphate (as P)	ND		0.05	mg/L						
Total Kjeldahl Nitrogen (as N)	ND		0.10	mg/L						
<b>LCS (BCL0901-BS1)</b>					Prepared & Analyzed: 12/22/2023					
Total Phosphate (as P)	0.77		0.05	mg/L	0.780		98.7	85-115		
Total Kjeldahl Nitrogen (as N)	3.35		0.10	mg/L	3.34		100	70-130		
<b>Duplicate (BCL0901-DUP1)</b>					Source: 2327307-01		Prepared & Analyzed: 12/22/2023			
Total Kjeldahl Nitrogen (as N)	0.54		0.10	mg/L		0.48			11.8	20
Total Phosphate (as P)	0.11		0.05	mg/L		0.11			0.00	20
<b>Matrix Spike (BCL0901-MS1)</b>					Source: 2327307-01		Prepared & Analyzed: 12/22/2023			
Total Phosphate (as P)	1.06		0.05	mg/L	1.00	0.11	95.0	85-115		
Total Kjeldahl Nitrogen (as N)	1.45		0.10	mg/L	1.00	0.48	97.0	70-130		

ATTACHMENT #5C



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**Quality Control Data**  
(Continued)

**Inorganics**

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
<b>Batch: BCL0905 - FIA</b>										
<b>Blank (BCL0905-BLK1)</b>					Prepared & Analyzed: 12/22/2023					
Nitrite (as N)	ND		0.01	mg/L						
<b>LCS (BCL0905-BS1)</b>					Prepared & Analyzed: 12/22/2023					
Nitrite (as N)	0.14		0.01	mg/L	0.139		101	90-110		
<b>Duplicate (BCL0905-DUP1)</b>					Source: 2327307-01 Prepared & Analyzed: 12/22/2023					
Nitrite (as N)	0.01		0.01	mg/L		0.01			2.51	20
<b>Matrix Spike (BCL0905-MS1)</b>					Source: 2327307-01 Prepared & Analyzed: 12/22/2023					
Nitrite (as N)	0.11		0.01	mg/L	0.100	0.01	102	90-110		
<b>Matrix Spike Dup (BCL0905-MSD1)</b>					Source: 2327307-01 Prepared & Analyzed: 12/22/2023					
Nitrite (as N)	0.11		0.01	mg/L	0.100	0.01	101	90-110	0.881	20

**Quality Control Data**  
(Continued)

**Inorganics**

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
<b>Batch: BCL0937 - WetDandi2</b>										
<b>LCS (BCL0937-BS1)</b>					Prepared: 12/26/2023 Analyzed: 12/27/2023					
Total Suspended Solids	248		2	mg/L	250		99.2	85-115		
<b>Duplicate (BCL0937-DUP1)</b>					Source: 2327353-01 Prepared: 12/26/2023 Analyzed: 12/27/2023					
Total Suspended Solids	1000		2	mg/L		1030			2.96	20
<b>Duplicate (BCL0937-DUP2)</b>					Source: 2327384-01 Prepared: 12/26/2023 Analyzed: 12/27/2023					
Total Suspended Solids	171		2	mg/L		169			1.18	20

**Quality Control Data**  
(Continued)

**Inorganics**

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
<b>Batch: BCL1052 - FIA</b>										
<b>Blank (BCL1052-BLK1)</b>					Prepared & Analyzed: 12/28/2023					
Ammonia, Direct (as N)	ND		0.04	mg/L						
<b>LCS (BCL1052-BS1)</b>					Prepared & Analyzed: 12/28/2023					
Ammonia, Direct (as N)	0.90		0.04	mg/L	0.890		101	90-110		
<b>Duplicate (BCL1052-DUP1)</b>					Source: 2327060-01 Prepared & Analyzed: 12/28/2023					
Ammonia, Direct (as N)	7.69		0.04	mg/L		7.65			0.522	20
<b>Matrix Spike (BCL1052-MS1)</b>					Source: 2327060-01 Prepared & Analyzed: 12/28/2023					
Ammonia, Direct (as N)	34.2		0.04	mg/L	25.0	7.65	106	90-110		

Attachment #5d



1804 N. 33rd Street  
 Boise, Idaho 83703  
 Phone (208) 342-5515

www.analyticallaboratories.com  
 Lab Federal ID# ID00020

**Quality Control Data**  
 (Continued)

**Inorganics**

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
<b>Batch: BDA0053 - COD Digestion</b>										
<b>Blank (BDA0053-BLK1)</b>										
Chemical Oxygen Demand	ND		20.0	mg/L						
Prepared & Analyzed: 1/2/2024										
<b>LCS (BDA0053-BS1)</b>										
Chemical Oxygen Demand	102		20.0	mg/L	109		93.8	90-110		
Prepared & Analyzed: 1/2/2024										
<b>Duplicate (BDA0053-DUP1)</b>										
Source: 2327117-01										
Chemical Oxygen Demand	40.9		20.0	mg/L		41.3			0.854	20
Prepared & Analyzed: 1/2/2024										
<b>Matrix Spike (BDA0053-MS1)</b>										
Source: 2327117-01										
Chemical Oxygen Demand	88.1		20.0	mg/L	50.0	41.3	93.5	90-110		
Prepared & Analyzed: 1/2/2024										

Attachment 5e

CLIENT CODE: \_\_\_\_\_

# CHAIN OF CUSTODY RECORD <sup>\*SPC</sup> \$250.00



## ANALYTICAL LAB

1804 N. 33rd Street • Boise,  
 (208) 342-5515 • Fax: (208) 342-559  
 Website: www.analyticallabora...  
 E-mail: ali@analyticallabora...  
**TESTS REQUESTED**

2327307

**CLIENT INFORMATION:**

Project Manager: **Danny Cardoza**  
 Company: \_\_\_\_\_

**PROJECT INFORMATION:**

Project Name: \_\_\_\_\_  
 PWS Number: \_\_\_\_\_  
 Purchase Order Number: \_\_\_\_\_  
 Required Due Date: \_\_\_\_\_

Address: **31252 Peckham Rd**  
**Wilder, ID 83676**  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_

Sampled by: (Please print) **C. Pate**

Transported by: (Please print) **C. Pate**

Lab ID	Date Sampled	Time Sampled	Sample Description (Source)	Sample Matrix	SS, BOD	Cl, SO4, TDS	COD, NH4, TKN	TP04, NO2, NO3	OP04, LOW	TC MPN	2 Coli	Remarks:
27307-01	12/21/23	1010	Water Discharge - State Line Rd. Peckham	↑	X	X	X	X	X	X	X	
				Grab								
			Allen Ditch - State Line Rd	↓	X	X	X	X	X	X	X	

Invoice to: (if different than above address)

Special Instructions:

**ALLOCATIONS OF RISK:** Analytical Laboratories, Inc. will perform preparation and testing services, obtain findings and prepare reports in accordance with Good Laboratory Practices (GLP). If, for any reason, Analytical Laboratories, Inc. errors in the conduct of a test or procedure, their liability shall be limited to the cost of the test or procedure completed in error. Under no circumstances will Analytical Laboratories, Inc. be liable for any other cost associated with obtaining a sample or use of data.

Note: Samples are discarded 21 days after results are reported. Hazardous samples will be returned to client or disposed of at client expense.

Relinquished By: (Signature) *[Signature]* Print Name: **Chris Pate** Company: **ALI** Date: **12-21-23** Time: **1210**

Received By: (Signature) *[Signature]* Print Name: \_\_\_\_\_ Company: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

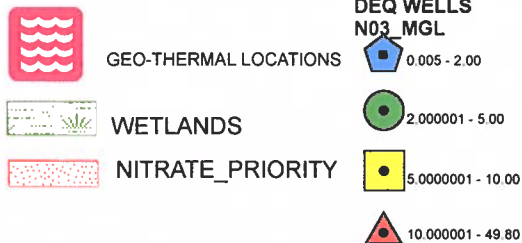
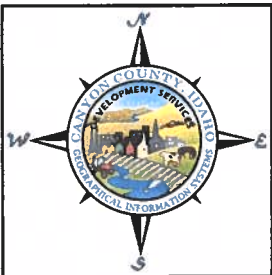
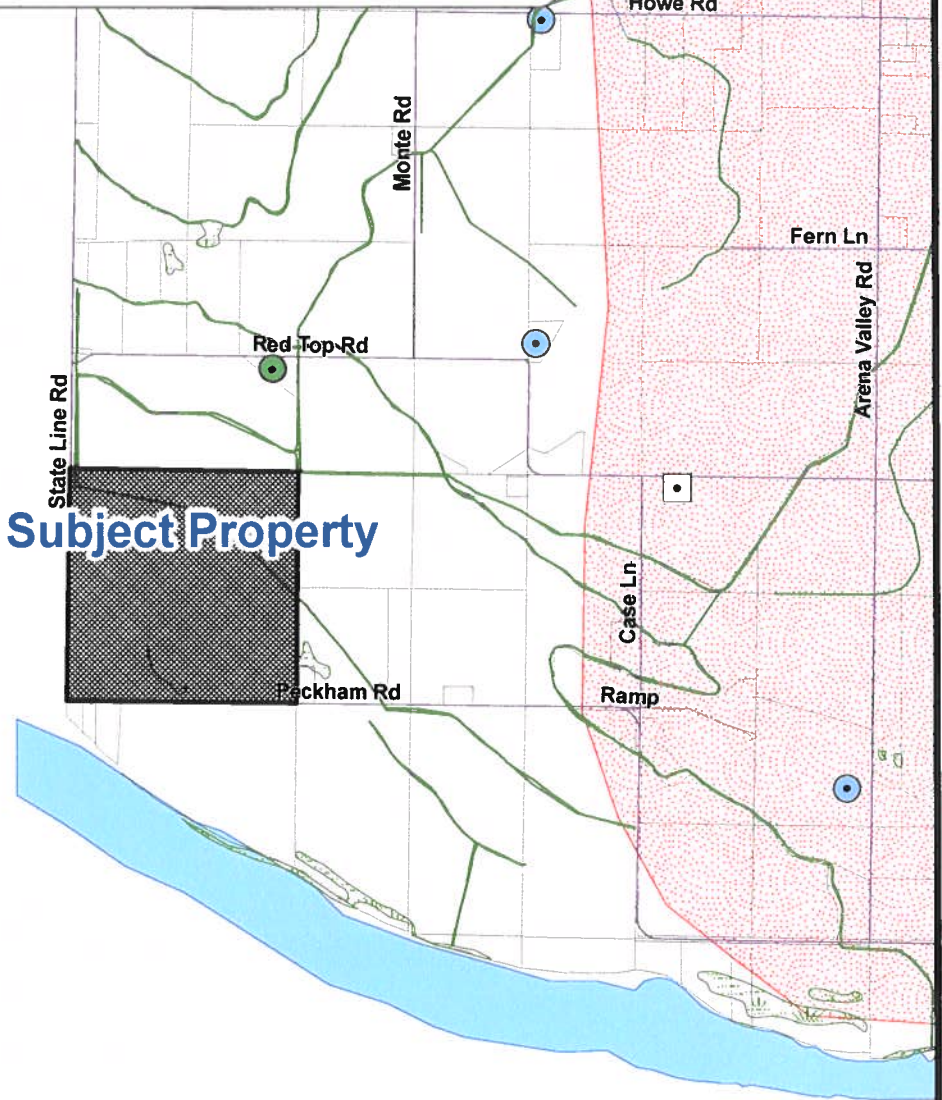
Relinquished By: (Signature) \_\_\_\_\_ Print Name: \_\_\_\_\_ Company: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received By: (Signature) *[Signature]* Print Name: **Kelly Smith** Company: **ALI** Date: **12/21** Time: **1210**

SAMPLE RECEIPT Total # of Containers: **14** Chains of Custody Seals **Y / N / NA** Intact: **Y / N / NA** Temperature Received: **3.3°C** Condition: **Good**

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

# AK Feeders LLC Nitrate Priority & Wells



*attachment #5*



From: DANNY CARDOZA [REDACTED]  
 Date: Dec 30, 2023 at 10:32:40 AM  
 To: Debbie Cardoza [REDACTED]

11:25



< Inbox Corrected W... ✓

Administrative Assistant  
 Western Laboratories

Western Laboratories, Inc.  
 211 Highway 99 Parma, OH 44129  
 (813) 658-5858 • Fax: 219-402-5333  
 www.westernlaboratories.com

Water Analysis Report

Order No: P2 Lab No: 114837 Date: 1/17/23  
 Name: Danny Cardoza SV #  
 Field ID  
 31252 Peckham Rd. Wilder, ID 83475  
 Operator: ID 83475  
 Sampler: ID 83475  
 Grosser: Danny Cardoza  
 Test ID: 23

31252 Peckham Rd.  
 Wilder, ID  
 83676

Interpretation of Water Test

TEST	YOUR ANSWER	RANGE	UNITS	RANGES		
				LOW	MEDIUM	HIGH
pH	9.01	HIGH		6.5-8.4	5.5-8.4	< 5.5
EC*	0.00	MEDIUM	1711	0-0.75	0.75-3.0	3.1+
Calcium	0.26	LOW	1.5	< 75	75-150	151+
Magnesium	0.77	LOW	2.1	< 35	35-70	70+
Sodium	220.50	HIGH	617	0-40	41-60	> 60
Sulfur	27.97	MEDIUM	72.4	< 95	95-45	46+
Boron	0.11	LOW	3	< 0.5	0.5-1.5	> 1.6
Nitrate	6.53	MEDIUM	17.6	0-5	6-10	11+
Phosphorus	0.00	LOW		0-0.5	0.51-1.0	1.1+
Potassium	0.70	LOW	2.1	< 10	11-25	26+
Zinc	0.07	LOW	2	0-0.1	0.2-0.4	0.5+
Manganese	0.00	LOW	0	0-0.5	0.6-1.0	1.1
Iron	0.37	LOW	1	0-3	3.0+	
Copper	0.47	HIGH	1.3	< 0.1	0.1-10	0.2+
Chloride	19.80	LOW	53	0-100	101-140	141+
Carbonates Calc + Bicarb				0-85	86-450	451+
SAR**	46.3	HIGH		1-1.5	1.6-2.1	> 2.2

← 6.53

\*Electrical Conductivity  
 \*\*Sodium Absorbance Ratio  
 John P. Fabiano, Soil Scientist

Attachment 5

+

Western Laboratories, Inc.  
 211 Highway 95 Parma, ID 83660  
 800-658-3858 • FAX 208-402-5303  
 www.westernlaboratories.com

150' well

## Water Analysis Report

Dealer No: PD

Lab No: 104633

Date: 1/30/2023

Name:

31453 Peckham Rd.  
 WILDER, ID.  
 83676

SV #:

Field ID: Tap

Grower: Raleigh Hawe

Test ID: 20

### Interpretation of Water Test

TEST	YOUR ANSWERS PPM	ANSWER INTERP	POUNDS/ AC. FT.	HAZARDS		
				LOW	MEDIUM	HIGH
pH	7.68	MEDIUM		6.5 - 8.4	5.5 - 6.4	< 5.5
EC*	0.32	LOW	553	0 - 0.75	0.75 - 3.0	3.1+
Calcium	24.73	LOW	66.8	< 75	75 - 150	151+
Magnesium	4.51	LOW	12.2	< 35	35 - 75	76+
Sodium	124.00	HIGH	334.8	0 - 40	41 - 68	> 69
Sulfur	0.18	LOW	.5	< 15	15 - 45	45+
Boron	0.14	LOW	.4	< 0.5	0.5 - 1.5	> 1.6
Nitrate	5.62	HIGH	15.2	0 - 5	6 - 10	11+
Phosphorus	0.00	LOW		0 - 0.5	0.51 - 1.0	1.1+
Potassium	13.68	MEDIUM	36.9	< 10	11 - 25	26+
Zinc	0.00	LOW		0 - 0.1	0.2 - 0.4	0.5+
Manganese	0.10	LOW	.3	0 - 0.5	0.5 - 1.0	1.1
Iron	0.29	LOW	.8	0 - 3	3.0+	
Copper	0.00	LOW		< 0.1	0.1 - .19	0.2 +
Chloride	156.03	HIGH	421	0 - 100	101 - 140	141+
Carbonates Carb + Bicarbs	158.0	MEDIUM	427	0 - 85	85 - 450	451+
SAR**	6	HIGH		1 - 1.5	1.6 - 2.1	> 2.2

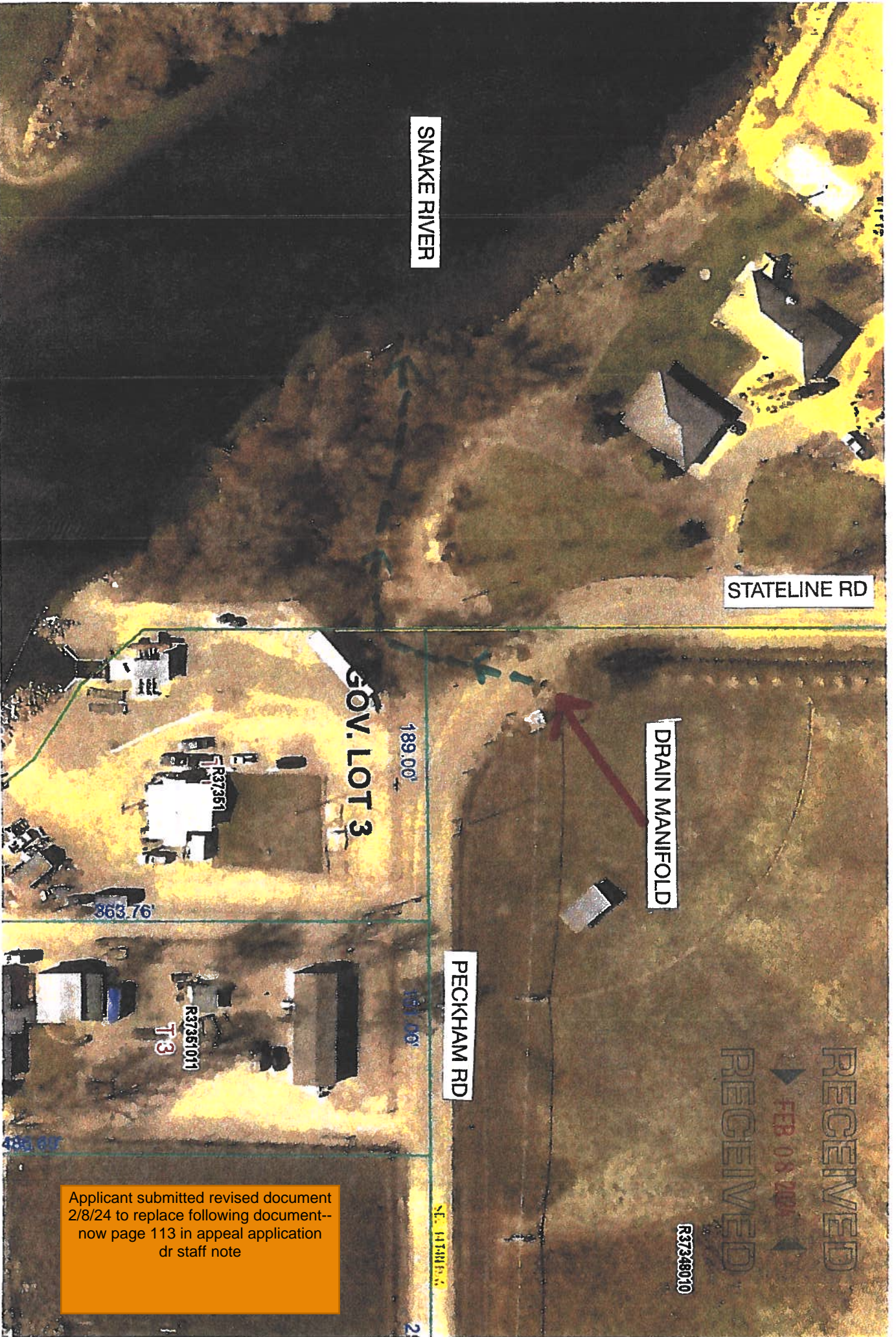
\*Electrical Conductivity

\*\*Sodium Absorption Ratio

ATTACHMENTS

John P. Taberna, Soil Scientist

AK FEEDERS- DRAIN SITE AND EDGE OF PROPERTY- UNDERGROUND PIPES LEADING TO MANIFOLD DRAIN HOLE



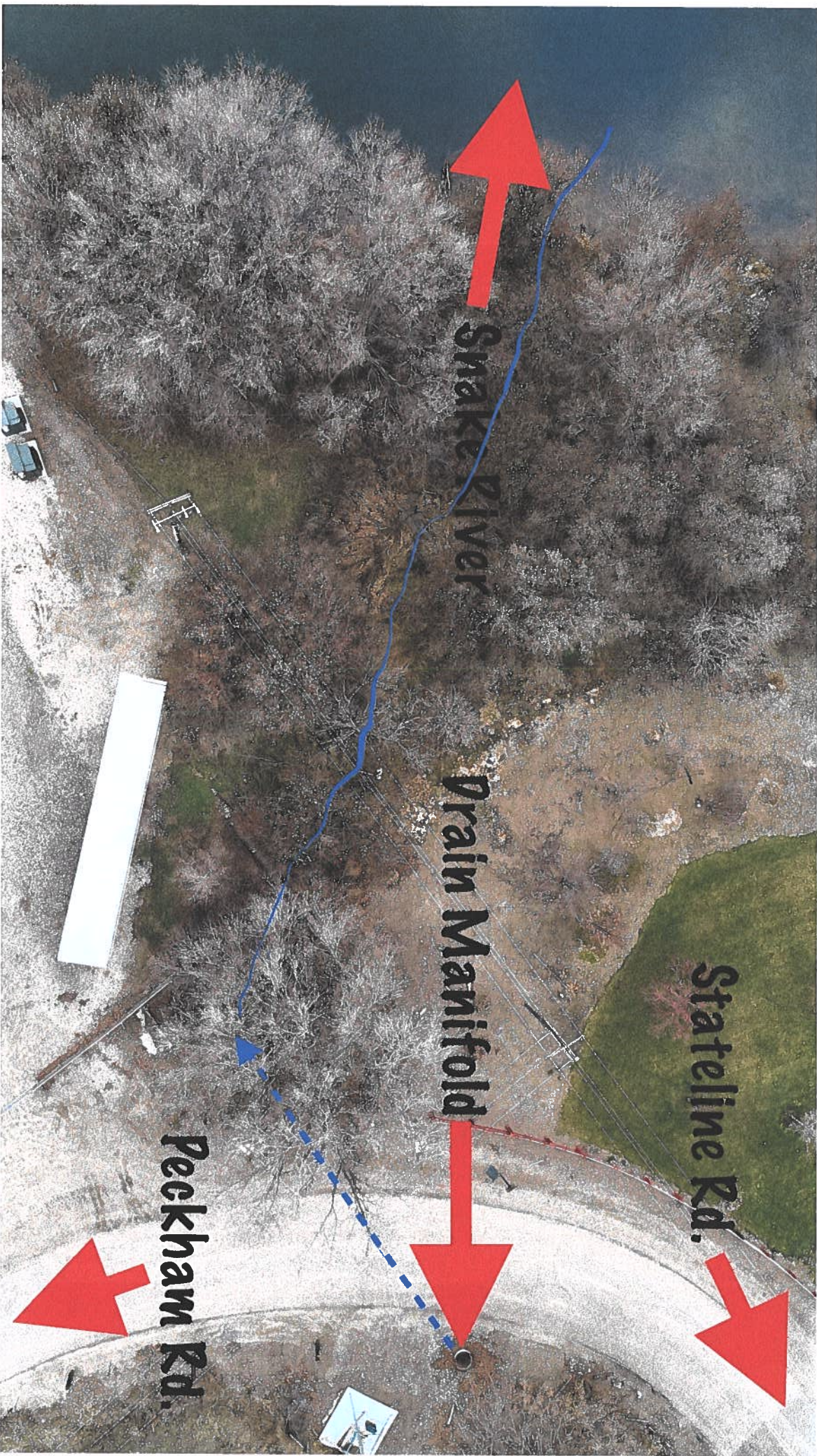
Applicant submitted revised document 2/8/24 to replace following document-- now page 113 in appeal application dr staff note

PICTURE SHOWING DRAINAGE DIRECTION FROM THE OPEN MANIFOLD- PIPE EXITS UNDER COUNTY ROAD TO OTHER SIDE OF ROAD. THE DRAINAGE THEN RUNS DOWN AN OPEN DITCH HEADED TO THE SNAKE RIVER. DITCH IS COVERED BY TREES AND SHRUBS TO OBSCURE THE VIEW OF WATERWAY TO SNAKE RIVER. THE GREEN LINE SHOWS THE APPROX. PATH OF DRAINAGE.



AK Feeders drainage site and property

Red Arrows on rt side of photo show SW Corner of AK Feeders Property - there are underground perforated pipes leading to manifold site

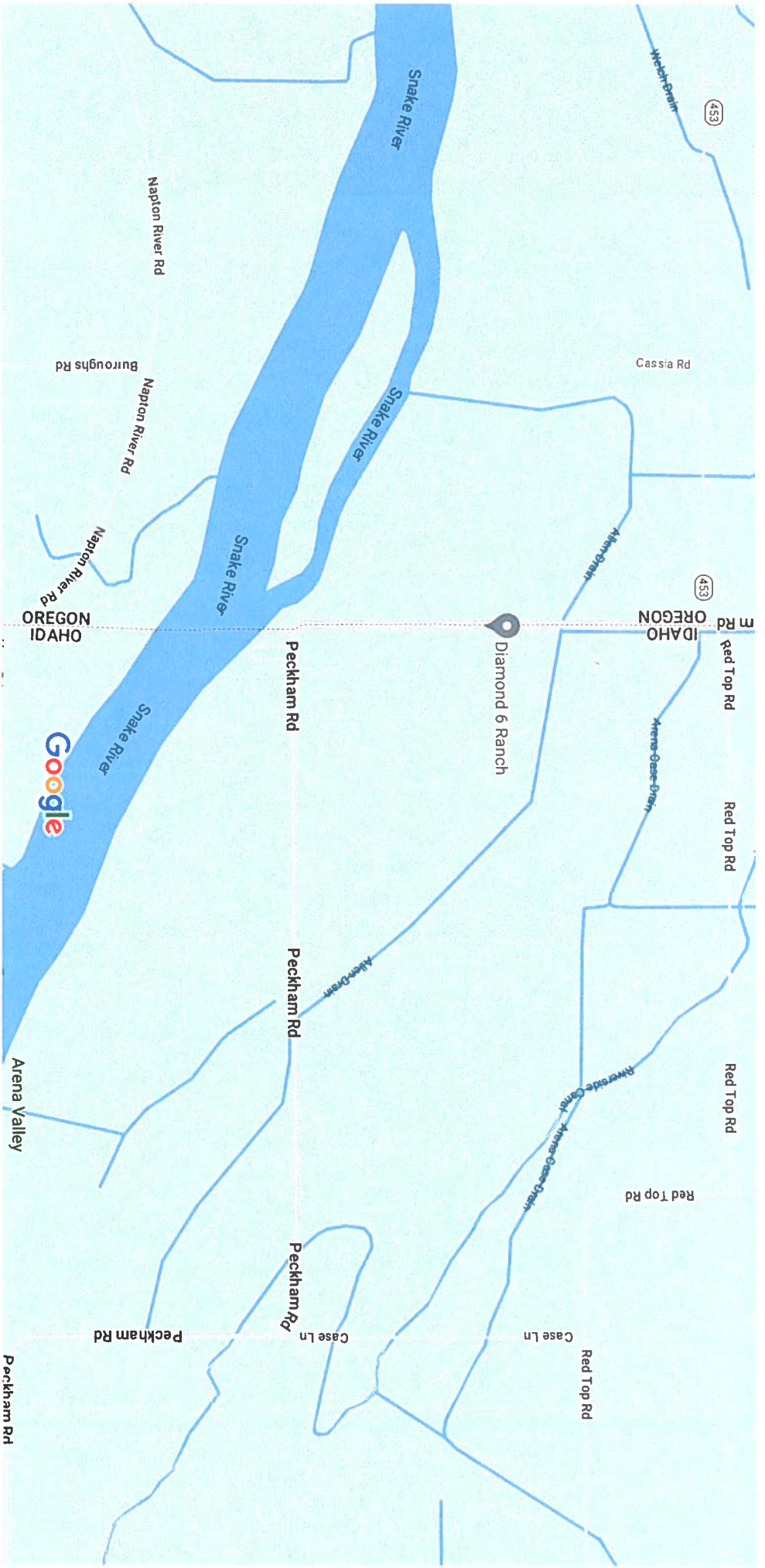


Picture showing drainage manifold - pipe exits under corner curve of road and comes out on other side, down the hill by an open ditch to Snake River  
attachment #5

Flood drainage from AK Feeders can enter the top of drain manifold as well, that can drain to Snake River



attachment #5



map showing how Allen Drain goes into the Snake River

Attachment #5

WILLY  
JOHN E 1/  
2 & ILSE  
M 1/2

BURROUGHS  
BIB & AI  
TRUST

BOWEN  
CHANDELE  
A

HETTINGER  
JOHN L  
1/3 ETAL

AK  
FEEDERS  
LLC

DE  
BENEDETTI  
FAMILY  
TRUST

38

Peckham Rd

Snake River

Allen Dia

Powered by Esri

Allen Drain emptying south of AK Feeders  
into the Snake River

Attachment #5



October 24, 2023

Debbie Root, Planner  
111 North 11<sup>th</sup> Ave.  
Ste. 310  
Caldwell, Idaho, 83605  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)

Subject: CU2022-0036 / AK Feeders LLC

Dear Ms. Root:

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.

Attachment #6

- 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



SITE PLAN

Red Top



Proposed future expansion in yellow

ATTACH #17



SP-1

AK FEEDERS  
SITE PLAN

**AGPRO**professionals  
DEVELOPERS OF VERTICAL FARM

3607 E. 1st Ave. Suite 200 • Anchorage, AK 99503  
Phone: 313.342.4242 • Fax: 313.342.4243  
www.agproprofessionals.com



**Canyon County Development Services**

111 N. 11th Ave. Room 310, Caldwell, ID 83605  
(208) 454-7458

**Building Divsn Email:** buildinginfo@canyoncounty.id.gov **Planning Divsn Email:** zoninginfo@canyoncounty.id.gov

**Receipt Number:** 81415

**Date:** 1/4/2024

**Date Created:** 1/4/2024

**Receipt Type:** Normal Receipt

**Status:** Active

**Customer's Name:** Danny & Debra Cardoza

**Comments:** CU2022-0036-APL

**Site Address:** 21696 STATE LINE RD, Wilder ID 83676 / Parcel Number: 37348010 0

**CHARGES**

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Any Decision Appealed to the Board	CU2022-0036-APL	\$600.00	\$0.00	\$0.00

**Sub Total:** \$600.00

**Sales Tax:** \$0.00

**Total Charges:** \$600.00

**PAYMENTS**

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Check	4341	\$600.00

**Total Payments:** \$600.00

**ADJUSTMENTS**

**Receipt Balance:** \$0.00



**PLANNING AND ZONING COMMISSION**  
**FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

In the matter of the application of:  
**[CAFO-AK FEEDERS, LLC] – [Case #CU2022-0036]**

The Canyon County Planning and Zoning Commission considers the following:

AK Feeders, LLC, represented by Matt Wilke, is requesting a conditional use permit for a Confined Animal Feeding Operation (CAFO) for 3700 head of beef cattle. The proposed facility will be located on approximately 80 acres of parcel R37348010 (163.23 ac) at 21696 State Line Road, Wilder, ID further described as a portion of the NW quarter of Section 14, Township 4N, Range 4W, BM, Canyon County, ID. The property is zoned “A” (Agricultural).

**Summary of the Record**

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2022-0036.

**Applicable Law**

- (1) 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 §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §08-01 (Confined Animal Feeding Operations), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures)
- a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512. Agencies were notified October 3, 2023 and October 4, 2023, Property Owners were notified October 4, 2023, the site was posted 10/16/23, publication to the newspaper on October 6, 2023.
  - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
  - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
  - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

SIGNED FCOS for original  
CUP Case File No.  
CU2022-0036

- e. In accordance with CCZO §07-01-15 The applicant conducted a neighborhood meeting on July 11, 2022 at 6 p.m. having provided notice to property owners within 600 feet of the subject property and having met the minimum 10-day notification period. The sign-in sheet indicates 19 people were in attendance. (Exhibit 22)
- (2) The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
- (3) There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
- (4) 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.
- (5) In accordance with CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:
  - (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.
- (6) 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.
- (7) 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 (CU2022-0036) was presented at a public hearing before the Canyon County Planning and Zoning Commission on (November 16, 2023). Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:**

#### **CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05**

##### **1. Is the proposed use permitted in the zone by conditional use permit?**

**Conclusion:** The proposed use, a Confined Animal Feeding Operation (CAFO) for up to 3700 head of cattle in the “A” (Agricultural) zone is permitted in the zone by Conditional Use Permit (CUP).

- Findings:**
- (1) The subject property, parcel R37348010, containing approximately 163.23 acres is zoned “A” (Agricultural) see Exhibit 1.
  - (2) The proposed use as a feedlot exceeding 1000 head of cattle meets the definition and requirements of a confined animal feeding operation (CAFO) [CCZO §07-02-03 and §08-01-06] and requires a conditional use permit per CCZO §07-10-27 Land Use Regulations Matrix-CAFO in the agricultural zone.
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.

(4) Evidence includes associated findings and evidence supported within this document.

## 2. What is the nature of the request?

**Conclusion:** AK Feeders, LLC is requesting a conditional use permit (CUP) for a Confined Animal Feeding Operation (CAFO) for up to 3700 head of beef cattle. The proposed agricultural CAFO facility will be located on approximately 80 acres of parcel R37348010 (163.23 ac) at 21696 State Line Road, Wilder, ID further described as a portion of the NW quarter of Section 14, Township 4N, Range 4W, BM, Canyon County, ID. The property is zoned "A" (Agricultural). This application is proposing to expand an existing feedlot that does not currently meet the criteria to require a CAFO permit or CUP. This request is for a new CAFO facility permit.

- Findings:**
- (1) The feedlot facility currently exists and existed prior to the adoption of the current CAFO ordinance (1-18-2007) as evidenced by Google Earth Pro aerial photos (1994 to present) of the property which show existing barns, feed pens, forage stockpiling such as hay and silage, cattle in the pens [dependent upon seasonal image dates], the applicant testimony, and written testimony by former property owner, Andy Bishop (Exhibits 6, 7 & 22).
  - (2) The applicant may operate a feedlot with up to 999 head of cattle without a conditional use permit (CUP) for a feedlot operation on the property by entitlement of animal units and acreage supporting the cattle operations in accordance with the zoning code. AK Feeders, LLC owns approximately 346 acres in the Arena Valley area of Canyon County that support the animal operations as evidenced in the staff report and Canyon County Assessor records, and property owner map (Exhibits 28 & 29). The cattle operation (grazing & feedlot) may not exceed four (4) animal units [2 cows per animal unit] or eight (8) cows per acre without exceeding the requirements for a Large Animal Facility which would then require a conditional use permit per CCZO §07-10-27 Land Use Regulations Matrix and §07-02-03 Definitions. Calculation: 346 acres x 8 head (4 units/acre) = 2768 head
  - (3) The request for a 3700 head feedlot, if approved, meets the definition of a CAFO (§07-02-03 Definitions) requiring a conditional use permit for the feedlot operation. The application states that animals will be confined and fed for a total of ninety (90) or more days in a calendar year. The area will be devoid of crops/vegetation, and it will be a facility designed to confine and exceed the minimum animal numbers as contained in chapter 8 Confined Animal Feeding Operations (1000 or more beef cattle).
  - (4) The applicant made improvements to the feedlot facility in the fall of 2022 in compliance with the entitled (less than 1000) number of cattle allowed in a feedlot for the AK Feeders' cattle operations. A notice was sent by DSD staff to the applicant indicating that site improvements could be made in conformance with the allowed animal units but that construction on pens to expand facility to accommodate the CAFO request should cease until proper approvals are obtained (Exhibits 25-27). The applicant complied.
  - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
  - (6) Evidence includes associated findings and evidence supported within this document.

## 3. Is the proposed use consistent with the comprehensive plan?

**Conclusion:** For case file CU2022-0036 the Planning and Zoning Commission finds that the proposed use and conditional use application for a Confined Animal Feeding Operation (CAFO) is consistent with the 2020 Canyon County Comprehensive Plan adopted by County Resolution No. 11-098, as amended. The Plan contains the planning Components as required by I.C. § 67-6508. The commission need not examine each goal and policy but consider the Plan as a whole. The applicable plan, the 2020 Comprehensive Plan, designates the proposed CAFO application area as Agriculture.

The Commission when reviewing the Plan as a whole, finds and concludes that the use and application are consistent with the Plan based on the evidence and review of the Plan components. The Plan directs the hearing body to utilize measures, like the conditional use permit and/or a development agreement, to mitigate potential interference with existing residential use and potential impacts on ground and surface water, which the Commission believes is accomplished here. The Plan also directs expansion of agricultural uses and economic opportunities, which are accomplished in this use and application.

**Findings:** (1) The 2020 Plan describes the land use classification ‘Agriculture’ as follows: The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.

(2) **Chapter 1: Property Rights Component:**

The Property Rights Component of the Plan is intended to ensure that land use hearing procedures do not violate individual property rights and that individual property rights are not burdened by unnecessary technical limitation (see Goal no. 1 in this component). The Commission places conditions that aim to protect the life, health and safety of the property owners and citizens of Canyon County in compliance with state, federal, and county regulations as appropriate and as provided for in the Conditional Use permitting process of the Canyon County Ordinances.

Goal no. 2 states, “the community goal is to acknowledge the responsibilities of each property owner as a steward of the land, to use their property wisely, maintain it in good condition to preserve it for future generations.” The Commission finds that the testimony provided on behalf of the applicant, proposed use, and application is an effort by the applicant to meet this goal. The application, testimony, aerial photos and a letter submitted by a former owner of the property indicate that the property has been in use as a cattle operation with a feedlot for many years. The ranch is currently in use as a cow/calf operation with a feedlot component (Exhibits 22, 13, and 7). The applicant has made improvements to the cultivated farmland and to the cattle operations at this facility and surrounding properties owned by AK Feeders and the DeBenedetti family and continues to improve the facilities. The applicant will be required to meet state, federal, and county laws and ordinances as improvements and expansion of the cattle operations occur at this location.

There are several policies in this component that the Commission finds applicable to this application. Policy 1: The Commission finds that the hearing and notifications were consistent with the requirements of the law and that the applicant and property owners were provided due process of law by the nature of these proceedings. Policies 2 through 7 do not appear to be specifically applicable to the CAFO permitting proceedings. Policies 8 through 13 are applicable to this use and application. These policies provide for orderly development and the minimization of conflict; provide that the property is maintained in the best possible condition; provide instruction to limit unnecessary conditions or procedures; provide that property owners not use their property in a manner that negatively impacts their neighbors; and finally, provides that the County will enforce its regulations and ordinances.

The applicant has applied for a conditional use permit which is subject to conditions to minimize conflict and the impact upon neighbors. The applicant is subject to all laws and

regulations including requirements and inspections by the ISDA in conformance with IDAPA 02.04.15 “Rules Governing Beef Cattle Animal Feeding Operations” and with other regulatory agencies including IDEQ and IDWR. Additional enforceable conditions are applied to mitigate concerns such as lighting which is also addressed as criteria for approval in CCZO §08-01-11 (1) C 4 requiring that lighting be placed and shielded to direct the light source down and inside the property lines of the new CAFO and that all direct glare from the lights be contained within the CAFO area. The Commission finds that the ability to place enforceable mitigating conditions allows the use and application to comply with these policies by minimizing the conflict and impact to neighboring residential uses in this predominantly agricultural area. The Commission acknowledges that there are residential properties in the area of the proposed CAFO as evidenced by the letters from area residents, aerial photos, property history and application (Exhibits 22, 28, 30, 31, 34, 40, 47-61, & 63). The Commission also acknowledges that testimony, the revised site plan moving the feeding operation away from the northern neighbors, and providing a buffer of agricultural pasture land between the operation and the neighbors to the south, along with reducing the animal head count from 6000 to 3700 offers evidence that the applicant does regard the impact to the neighbors and is willing and able to mitigate concerns of the neighbors while still meeting the agricultural business needs for AK Feeders, LLC and those of other cattle operators in the area. (Exhibits 3 & 22).

The Commission finds that due process of law was provided to all persons present to testify. The Commission states that individuals testifying but not standing for questions inhibits the Commission’s ability to ask questions, probe for pertinent details, and determine the validity of claims with regards to harm and injury and for the Commission to make findings based on the testimony presented.

- (3) **Chapter 2: Population Component:** The subject property and surrounding area is not located within an area of city impact and is not located within five or more miles of any Canyon or Owyhee County cities. The city of Adrian, Oregon is located approximate four miles to the northwest. Within a one-mile radius of the subject property there are 48 residential homes on 72 total agriculturally zoned land parcels with an average lot size of 25.92 acres. This component considers growth trends, encourages economic expansion and population growth that is guided to enhance the quality and character of the County. Policies 2 and 3 encourage future high-density development to locate within incorporated cities and/or areas of impact and 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. The predominant land use of properties within a one mile radius is agricultural production. There is no evidence to suggest that population growth trends are occurring in this area of the county. There are no platted subdivisions within one mile of the subject property as evidenced by the aerial photo and the subdivision map (Exhibits 41 & 42). The land use and zoning is agricultural and the proposed feedlot will support the agricultural beef industry providing the applicant and producers within the county a viable location to sell and feed out their beef crop.

(4) **Chapter 3: School Facilities and Transportation Component:** The focus of this component is primarily on ensuring the development of school facilities to support population growth. There are no schools located in Canyon County within five miles of the property. The Commission finds that the proposed use and application does not directly relate to this section of the plan as it does not create increase in population and/or affect development plans of the transportation systems in and around the area schools.

(5) **Chapter 4: Economic Development Component:**

This Plan component contains the following goals: 1. To diversify and improve the economy of Canyon County in ways that are compatible with community values; 2. To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities; 3. Create new jobs that are sustainable and lasting; 4. Provide and economically viable environment that builds and maintains a diverse base of business; and 5. To ensure that land use policies, ordinances, and processes allow for a viably economic environment for development. The applicant asserts that the CAFO will create jobs, support area farmers, ranchers, and support services having a secondary benefit in the way of utilization of local products and businesses. These claims are supported by numerous letters of support from local businesses, cattle producers, and farmers. (Exhibits 45 & 46 containing 155 individual submissions)

Additionally, the use and application support continued agricultural use and economic benefits through an existing business and is therefore consistent with policies 1, 2, 5 and 7 of the Plan. More specifically, policy 1 states, “Canyon County should encourage the continued use of agricultural lands, land uses, and recognize the economic benefits they provide to the community.”

(6) **Chapter 5: Land Use Component:** The County’s Land Use Component begins with a statement that “the County’s agricultural lands need to be monitored and maintained. The County’s agricultural agriculture must be protected from encroachment.” These statements are some of the most explicit direction in the Plan. The goals of this component are stated below:

1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
3. Use appropriate techniques to mitigate incompatible land uses.
4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.
5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
6. Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.
7. To encourage livability, creativity and excellence in the design of all future residential developments.
8. Consider adjacent county land uses when reviewing county-line development proposals.

The Board in its future land use map has designated this area for future agricultural use. Although some residential uses exist in the area, the Commission believes the Plan directs the hearing body to mitigate conflicts between those two uses--not to exclude agricultural uses where residential uses exist. The conditional use process allows for the Commission to apply



enforceable conditions with the intent of mitigating conflicts by restricting and monitoring the use of the subject parcel as a feedlot where existing residential uses exist in the agricultural zone. These include, but are not limited to, shielded lighting, setbacks, animal numbers, protection of water sources, compliance with odor and pest control plans, and compliance with state and federal and other county regulations related to the CAFO permit. The Commission believes that the goals as stated encourage the County to find a balance between the uses and that the conditions have accomplished that. The Commission also recognized that it should be mindful that imposed conditions should not violate the Idaho Right to Farm Act by restricting agricultural activities normally protected by the Right to Farm Act. The applicant indicated in testimony that they were not opposed to the conditions as written.

This Land Use Component includes eleven (11) general policies directed at the review process for land use applications. Policy No. 2 says to “Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate”. The Commission acknowledges that conditions can be placed through the CUP process affecting similar compliance and review requirements as a development agreement. Policy 6 requires review of proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality. The County requested a CAFO Siting Team Review of the property and proposal. The Siting Team evaluated the property as “High Risk” for environmental impacts to the water sources on the property. The Commission acknowledges that the Siting Team, led by the Idaho State Department of Agriculture, Pradip Adhikari, PhD, indicates that the inherent risks can be mitigated through best management practices and compliance with the requirements of the ISDA and the nutrient management plan as approved and to be amended if the permit for the CAFO is approved. The facility is and would continue to be subject to IDAPA rules and regulations and subject to ISDA inspections and permitting. This is evidenced by the AK Feeders CAFO Site Advisory Team report, email responses to staff and applicants, and approved Nutrient Management Plan (Exhibits 8-8.3, 13, 20, 19). Policy 11 encourages the county to coordinate planning and development with applicable highway districts. The Commission finds that this has been accomplished as evidenced by the agency responses from Golden Gate Highway District and Oregon Department of Transportation (Exhibits 17 & 18).

The Land Use Component also includes a section specific to Agriculture. The Plan states that the “County’s policy is to encourage the use of these lands for agriculture and agriculturally-related uses...” with four additional policies including the protection of agricultural land for the production of food, voluntary mechanisms for the protection of agricultural land, support of the Idaho Right to Farm laws (Idaho Code §22-4501-22-4504), as amended. Policy 4 is of specific note and is as follows: Recognize that confined animal feeding operations (CAFOs) may be more suitable in some areas of the County than in other areas of the County. The Commission finds that the subject property has encompassed a feedlot component for many years and that this is a predominantly agricultural area of the county with limited residential development, no residential subdivisions or residential development trends as evidenced by written testimony, aerial maps, and lack of concentrated development. The Commission also finds that there are several feedlots and dairies in the vicinity within 1.5 to 5 miles in Canyon County and Owyhee County as evidenced by the Siting Team Map, aerial maps, and staff analysis. The Commission also finds that the Siting Team indicates that the noted environmental risks can and will be mitigated through compliance with the IDAPA 02.04.15

“Rules Governing Beef Cattle Animal Feeding Operations,” and finds that this predominantly agricultural area of the county is suitable for a feedlot operation (Exhibits 8-8.3, 10, 28, 34, 39, & 41).

The Commission does not find that the residential, area of city impact, or commercial and industrial sections of this component have policies that are directly applicable to this application in this area of the county.

**(7) Chapter 6: Natural Resources Component:**

The Commission finds that the Plan recognizes the attributes of agricultural land as a natural resource in the county and that the Agricultural / residential interface areas often create conflicts between residents. The Commission recognizes that one of the most significant policy directives of this Plan is supporting, protecting, and development of the County’s agricultural resources.

This component includes a separate Agricultural Land section with specified goals and policies. The first goal in this section is “To support the agricultural industry and preservation of agricultural land.” The policies in this section include the protection of agricultural activities from land use conflicts or undue interference created by non-agricultural development, that development should not be allowed to disrupt irrigation structures and associated rights-of-ways, and to protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development. The Commission finds that these goals and policies support the expansion of the agricultural use as a CAFO feeding operation on the property and that the component encourages the Commission to mitigate the conflicts with the residential uses through meaningful and enforceable conditions in the CUP process that can ensure that the waterways are protected (ISDA jurisdiction), irrigation systems are not disrupted, and that the applicant must actively manage the proposed plans for dust, odor, pests, and waste management at the facility. (Exhibits 3, 8, 12, 22)

The Natural Resources component also contains a water section that recognizes that water is an essential and limited natural resource that should be preserved and protected. The County CAFO ordinances recognize this and require that the county request a CAFO Site Advisory Team (inclusive of agencies with jurisdiction expertise in these areas) review the proposed facilities to evaluate the environmental risks as they relate to water use and sources of potential contamination at a facility. The siting team provided specific mitigation measures that will address the high risk areas identified in the report including, soil components, discontinuous clay layers, depth to groundwater and sand & gravel aquifer. The Commission recognizes that the mitigation techniques and best management practices fall under the jurisdiction of the state and federal agencies but also recognizes that the County can place meaningful and enforceable conditions to ensure applicant compliance through the CUP process. The Commission also recognizes that the area is close to the Snake River, that there is high groundwater as indicated through testimony and the siting team report, also that the property lies 3300 feet west of, but down gradient of, an identified nitrate priority area. The Commission finds that the risks can be mitigated through required IDAPA rules, best management practices, and conditions of development in the CUP process. (Exhibits 8, 12 & 12.2, 39 & 44)

The Commission finds that including a modification to Condition #11 to include language that clearly states that there shall be no discharge of effluent to the Snake River from the proposed CAFO is appropriate to mitigate concerns for that existing water way.

There is no indication in the record that the Fire District is concerned with availability of water for fire protection for the proposed use or that the goals and policies of the Fish and Wildlife Habitat, Air, or Mineral Resources are implicated here. The Commission does recognize that the proximity to the Snake River and the vast open cultivated agricultural fields in this region of the county promote the presence of wildlife including the snow geese as indicated in public testimony and pictures. The Commission does not find overwhelming evidence that the presence of an expanded feedlot operation on 80 acres would sufficiently reduce or disrupt the current migratory conditions in this area of Canyon County, Idaho and on the Oregon properties adjacent to the facility as evidenced by the expanse of open cultivated fields in the predominantly agricultural area in the aerial maps as part of the record. (Exhibit 3, 30, 32, 50, &47)

**(8) Chapter 7: Hazardous Areas Component**

The hazardous areas component focuses primarily on floodplain and hillside development in the county. The Commission finds that the subject property is not in a hazardous area, near a landfill, and it is located within the Wilder fire protection district. The Commission acknowledges that the property lies near the Snake River and that it is an area that has a high water table; however, the property is not in a mapped flood hazard area as evidenced by the siting report and floodplain case map (Exhibits 32).

**(9) Chapter 8: Public Services, Facilities and Utilities Component**

This component contains goals and policies to ensure that public services are adequate for the proposed use. Among those services considered in the component text are water, wastewater, storm water, solid waste, public safety, and utilities and energy. The goals of the component are broadly intended to direct the County's planning in a manner where appropriate services are available for a proposed use and more specifically as it relates to residential and commercial/industrial development. Policy 4 states, "Encourage activities to promote the protection of groundwater and surface water." The Commission acknowledges that the proposed use has potential to impact water quality as evidenced by the "high risk" score in the Siting Team report. The Commission also finds that evidence has been presented by the entities having jurisdiction (ISDA, IDEQ, and IDWR) that the risk can be effectively mitigated through appropriate permitting, construction, inspections, and best management practices (BMPs) typically utilized for the proposed use (see Exhibits 8-8.3, 13, 20, 21). The Commission also acknowledges that this component discusses solid waste management in the context of the Canyon County Landfill. The component does not address agricultural nutrient management. For the purpose of an agricultural facility, solid waste is managed through the Nutrient Management Plans (NMP) required for animal facilities that are composting or land applying 'nutrients' to area properties and regulated by the IDAPA rules and regulations. These plans are reviewed by the Idaho Department of Agriculture with conditions noted and BMPs that help to promote protection of area water sources. (Exhibit 13).

**(10) Chapter 9: Transportation Component**

The Plan's transportation component has many broad goals and policies as well as specific goals and policies for various types of development. The county is reliant on the highway districts, the Idaho Transportation Department, and other agencies with jurisdictional authority to provide comment on any impacts to the County's roadways. In this case, Golden Gate Highway District No. 3 (GGHD) and the Oregon Department of Transportation (ODOT) are the transportation agencies with jurisdiction over the roadways in the area of this project. The GGHD and the ODOT have reviewed and provided comment in response to the application information (Exhibit 17 & 18). The Commission acknowledges that area residents are concerned about an increase in truck traffic to and from the proposed facility and as evidenced in the aerial maps there are a number of ninety degree or 'sharp' turns in Peckham and Red Top Roads (Exhibit 33 and 48 & 52). The Commission also

acknowledges that this is an agricultural area that is expected to have agricultural traffic including tractors, harvesting equipment, semi-trucks and trailers as well as residential vehicles. The applicant estimates that if approved there could be a net increase of eleven (11) daily vehicle trips in the traffic analysis (provided to GGHD inclusive of employees, trucks and service providers. Consistent with Policy No. 13 the site has access to maintained public roads, State Line Road and Peckham Road, for fire protection and emergency services access. The applicant must comply with GGHD access requirements (Exhibit 15 & 16). The Commission finds the application and noticing processes consistent with applicable goals and policies in this component.

**(11) Chapter 10: Special Areas, Sites, and Recreation Component:**

This component considers the many important aspects of our rivers, parks and recreation opportunities in Canyon County. The Commission acknowledges that area residents were concerned with impacts to the Snake River and that there is wildlife including snow geese that migrate through this region as evidenced by aerial photo and provided pictures (Exhibits 47 & 50). The southwest corner of the subject property (measured from the irrigation pivot) is located within approximately 250 feet of the Snake River however, the proposed CAFO facility (80-acre site) delineated on the site plan is buffered by approximately 750-800 feet of irrigated pasture land. The concerns with seepage and water contamination are proposed to be mitigated through the state agency required permitting processes as outlined in the Siting Team report and IDEQ letter (Exhibit 8 & 20). The Commission also acknowledges that the applicant has provided a lighting plan (Exhibit 14) and must comply with the requirement for downward facing shielded lighting at the facility in accordance with CCZO §08-01-11(1)C4 addressing (Exhibit 47 Glenis Christopherson) concerns for light pollution and potential impact to the wildlife. With these considerations the Commission finds that the property is agricultural, in agricultural production, and that the other goals and policies of this component of the Plan are not directly applicable to the proposed facility.

**(12) Chapter 11: Housing:**

As stated elsewhere herein the County's future land use map designates the future land use of this property as agriculture. The property is not located within an area of city impact and is more than four (4) miles from the nearest city where services can be provided for housing development. This area is not designated for housing, the application does not include a housing component and therefore the Commission finds that the goals and policies in this component of the Plan are not applicable.

**(13) Chapter 12: Community Design Component:**

This component focuses on design features and appearances and the visual impact from the transportation system and scenic by-way corridors. The subject property is bounded by Peckham Road and State Line Roads, the roads in this area are not designated as scenic by-ways. Fargo Road, approximately 4.4 miles to the east is the nearest scenic by-way to this location. The site plan is consistent with the setback requirements as defined in the CAFO ordinances. The property and surrounding properties are predominantly pasture and cultivated agricultural uses. The facility is buffered by an approximate 45 acres of an irrigated pasture used for grazing as evidenced by Cardoza photos in Exhibit 51 on the south to Peckham Road. The Cardoza residence is the nearest residence to the facility and that a visual buffer may be necessary to lessen the impact of the agricultural facility to this property. Again, the Commission recognizes that this area of the county is designated agriculture on the future land use map and that agricultural uses inclusive of Policy 3, encourage development design that accommodates topography and promotes conservation of agricultural land. Policy 5 encourages each development to address concerns regarding roads, lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities and weed control (see Exhibits 12, 14, 8). Through conditions placed in the CUP that the development must abide by, alongside other applicable state and federal

laws and regulations, the Commission finds that the applicant meets the overall purpose of the goals and policies of the Community Design component applicable to this site.

**(14) Chapter 13: Agriculture Component:**

The goals and policies of this component are specific to agriculture. The reviews of the other specific agriculture sections in the Land Use Component and Natural Resources Component are also pertinent to this section as well. The first statement in this component reads, “Canyon County is a highly productive agricultural area as a result of good soils, a long growing season, and the delivery of water by irrigation districts and canal companies. Agriculture and farming provide the economic and social foundation of our communities. It is therefore essential for the county to support agriculture through the land use planning process. Canyon County’s policy is to support agricultural use of agricultural land and to protect agricultural lands from inappropriate and incompatible development.” The following goals and policies in this component address the needs and expectations for agriculture and agricultural activities.

**Goals:**

1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.
2. Support and encourage the agricultural use of agricultural lands.
3. Protect agricultural lands and land uses from incompatible development.

**Policies:**

1. Preserve agricultural lands and zoning classifications.
2. Develop and implement standards and procedures to ensure that development of agricultural land is compatible with agricultural uses in the area.
3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.
4. Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
5. Recognize that confined animal feeding operations (“CAFO’s”) may be more suitable in some areas of the county than in other areas of the county.

The Commission finds that the proposed use is an agricultural use in an agricultural zone and that agriculture is important to the economic and social foundation of our county. The Commission also recognizes that there are existing residential homes on agricultural properties in this region of the county as evidenced by testimony and maps. The Commission also acknowledges that there are other dairies, feedlots, and a sheep farm in the five-mile radius of the proposed new CAFO as evidenced in the staff report, siting team map, and is also identified herein in the Land Use Component review. The Commission acknowledges that agricultural operations and facilities can create conflict with new and existing residential and commercial development and that our agricultural base drives our economy. Mitigation measures to address odors, pests, lighting, and environmental concerns are conditioned and will be implemented by the operator in accordance with state and federal regulations including grading and retention of drainage water in lined evaporation ponds. The applicant must protect the waterways and irrigation structures which is appropriately addressed in the Siting Team Report, the site plan and NMP requirements as well as meaningful and enforceable conditions placed in the CUP (Exhibits 1, 3, 6, 7, 8, 10, 12, 13, 14, 15, 16, 32, 34, 35, and 4).

The Commission also finds that the Siting Team indicates that the noted environmental risks can and will be mitigated through compliance with the IDAPA 02.04.15 “Rules Governing Beef Cattle Animal Feeding Operations,” and finds that the agricultural area of the county is suitable for a feedlot operation (Exhibits 8-8.3).

**(15) Chapter 14: National Interest Electric Transmission Corridors Component:**

The purpose of this component is to address electrical transmission corridors. There is no evidence in the record to indicate that this application relates to or will impact the County’s electric transmission corridors and therefore the Commission finds that this component of the Plan not applicable to the application or applicants use as a CAFO.

- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2002-0036.
- (3) Evidence includes associated findings and evidence supported within this document.

**4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

**Conclusion:** The Commission finds and concludes that the proposed confined animal feeding operation (CAFO) is proposed in an agricultural zone and area with predominantly agricultural uses. As conditioned the use will not negatively change the predominantly agricultural character of the area and will not be injurious to properties in the immediate vicinity and regulated by state, federal, and local regulations.

- Findings:**
- (1) The property is located in an “A” (Agricultural) zone (Exhibit 1). The character of the area is predominantly agricultural and the property has contained a feedlot element for many years (Exhibits 6, 7, 22). Expansion of the feedlot portion of the agri-business is an “A” (Agricultural) zone does not alter the agricultural character of the area.
  - (2) The applicant modified the site plan of the facility to construct the expansion area of the feedlot to buffer the existing residential properties with open agricultural fields as evidenced by the site plan. The applicant shall conform to the site plan as conditioned. (see FCO Conditions of Approval #3,4, & 5)
  - (3) Mitigation measures to address odors, pests, lighting, and environmental concerns are conditioned and will be implemented by the operator in accordance with state and federal regulations including grading and retention of drainage water in lined evaporation ponds and as regulated by ISDA.
  - (4) The applicant possesses ownership of the majority of properties in the immediate vicinity of the proposed feedlot expansion as identified in County Assessor records and presented in area map (Exhibit 28).
  - (5) There are multiple feedlot and dairy operations in the near vicinity of the proposed facility including a feedlot/dairy operation 1.5 miles to the east at 21351 Arena Valley Road, Wilder, ID. Three feedlot/dairies located within three (3) miles or less in Owyhee County on the south side of the Snake River and a large 145 acre sheep/lambing operation approximately 2.5 miles northeast of the subject property at 23503 Roswell Road as evidenced by the Siting Team map and aerial review of county properties. (Exhibits 10 & 35)

- (6) The proposed facility is not located in an identified nitrate priority area. The Ada Canyon nitrate priority area as identified on the case map is located approximately 3300 feet (more than a half mile) to the east of the subject property. State regulatory agencies require mitigation measures and best practice management to protect the surface and groundwater as outlined in the Siting Team Advisory Report (Exhibits 8, 13, 20, 39).
- (7) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
- (8) Evidence includes associated findings and evidence supported within this document.
- (9) The Commission did not find that evidence was presented in written or oral testimony from those individuals testifying in opposition supporting the claims of injury including loss of property value or enjoyment of their properties as a result of the proposed CAFO siting. Individuals chose to not stand for questions specific to their concerns and testimony. The Commission probed individuals standing for questions to glean evidence of harm, loss, injury—understanding of their specific concerns and potential opportunity for mitigating those concerns. More specifically Commissioner Sheets indicated that, “me personally, knowing how to present evidence of property values being decreased, I did not see that tonight and so it was difficult for me to take statements imploring us to have common sense that this was necessarily going to decrease property values-- I did not find that tonight and I’m making that finding right now—there was not evidence in this record that demonstrated a loss of property values.”

**5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?**

**Conclusion:** The Commission finds and concludes that adequate facilities and systems for the use will be provided as regulated and conditioned at the time of expansion.

- Findings:**
- (1) The applicant has applied for and obtained approval for additional stock water rights for the facility to be accessed from a new agricultural well on the subject property. The property currently has approved irrigation and stock water rights from the Allen Drain and surface water rights from Riverside Irrigation District as evidenced in Exhibits 21 & 22.
  - (2) Drainage and stormwater retention areas are to be designed and constructed in compliance with the requirements of the Idaho Department of Agricultural (ISDA) regulations and as specified in the Siting Team Advisory Report. Said facilities are regulated and regularly inspected by the ISDA to ensure compliance with the applicable standards (Exhibits 8, 8.2, 20).
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
  - (4) Evidence includes associated findings and evidence supported within this document.

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

**Conclusion:** The Commission finds and concludes that legal access currently exists to the subject property and that Golden Gate Highway District No. 3 (GGHD) will require improvements to the approach apron from State Line Road into the subject property.

- Findings:**
- (1) The property has frontage on State Line and Peckham Roads. The access for the proposed CAFO will be at the existing access location to the current agri-business and residence at 21696 State Line Road. The applicant is not proposing nor has GGHD approved a new access to Peckham Road.
  - (2) GGHD reviewed the application proposal and provided comment with conditions requiring a paved approach in accordance with ACCHD requirements as evidenced by Exhibit 18.
  - (3) The Oregon Department of Transportation as an affected agency also made comment indicating that permitting authority on the east side of State Line Road and they do not have specific concerns with the traffic generation estimated in the applicant's traffic narrative (Exhibits 17)
  - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036
  - (5) Evidence includes associated findings and evidence supported within this document.

**7. Will there be undue interference with existing or future traffic patterns?**

**Conclusion:** The Commission finds and concludes that this is a rural agricultural area with expected agricultural traffic including but not limited to trucks, tractors, harvesting equipment, support services and residential vehicles will not create undue interference with existing or future traffic patterns. The roads are publicly maintained roads that provide for emergency vehicles including fire and police to access the property and surrounding area properties. The jurisdictional agencies referenced in criteria six (6) did not report that the addition of approximately eleven (11) vehicle trips (24 total per traffic analysis) per day would cause undue interference with existing or future traffic patterns.

- Findings:**
- (1) GGHD reviewed the application proposal and provided comment with conditions requiring a paved approach in accordance with ACCHD requirements as evidenced by Exhibit 18. As conditioned the applicant will comply with GGHD (condition #6)
  - (2) The Oregon Department of Transportation as an affected agency also made comment indicating that permitting authority on the east side of State Line Road and they do not have specific concerns with the traffic generation estimated in the applicant's traffic narrative (Exhibit 17)
  - (3) The subject property has road frontage on and access to a public road, State Line Road as evidenced by aerial map.
  - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
  - (5) Evidence includes associated findings and evidence supported within this document.

**8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

**Conclusion:** The Commission finds and concludes that essential services will be provided and this application will not negatively impact existing services or require additional public funding.

- Findings:**
- (1) The proposed CAFO is not anticipated to impact essential services as there is not expected to be a significant increase in population, residential development, or need for additional police, fire or ambulance response to the feedlot facility. Irrigation facilities will continue to be maintained and preserved on the subject property.



- (2) The City of Wilder, Canyon County Sheriff, Riverside Irrigation District, Canyon County Paramedics/EMT, and Wilder Fire Protection District were notified of the request and did not provide responses to indicate that the proposed use would have a negative impact. No mitigation measures are proposed at this time.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
- (4) Evidence includes associated findings and evidence supported within this document.

**Canyon County Code §09-01-25, 09-03-07, 09-05-25, 09-07-09, 09-09-17, 09-11-25, 09-13-07, 09-15-07, 09-17-23, 09-19-12 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE**

**Conclusion:** The Commission finds and concludes that an area of city impact ordinance is not applicable to this application. The property is not located within the Wilder Area of City Impact. A courtesy agency notice was sent to the City of Wilder and the no response was received from the City of Wilder.

- Findings:**
- (1) The proposed CAFO facility and subject property is not located within the Wilder area of city impact. The impact area boundary is located approximately 3.73 miles east of the subject property at Rodeo Lane. (Exhibit 1)
  - (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.

**Additional Criteria: 08-01-11: Criteria for approval and development standards for new facilities**

**A. General Requirements:**

- 1. The new CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.**

**Conclusion:** The Commission finds and concludes that the proposed CAFO facility is within an area zoned “A” (Agricultural).

- Findings:**
- (1) Exhibit 1 Parcel Tool identifies the subject property R37348010 as being zoned Agricultural and designated “AG” on future land use map 2011-2022.
  - (2) Exhibit 34 Zoning and Classification Map.

- 2. The new CAFO shall comply with and not be in violation of any federal, state or local laws or regulatory requirements.**

**Conclusion:** The Commission finds and concludes that evidence provides that the current facility is in compliance with the Canyon County ordinances and as conditioned the CAFO shall comply with federal, state, and local laws and regulatory requirements. (Condition #1)

- Findings:**
- (1) The existing feedlot and cattle operation is in compliance with current Canyon County codes.
  - (2) The existing feedlot is operating under an approved Nutrient Management Plan (Exhibit 13).
  - (3) The existing feedlot and cattle operation has approved irrigation and stock water permits from the Idaho Department of Water Resources (Exhibits 21 & 22).
  - (4) Expansion of the existing feedlot facility will require an updated Nutrient Management Plan in compliance with ISDA (IDAPA) rules and regulations (Condition #1) and compliance with the CAFO requirements in the Canyon County Code as conditioned.

- 3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit.**

**Conclusion:** The Commission finds and concludes that the applicant made upgrades to the current cattle operations on the subject property including the addition of cattle feeding pens and alleys. Staff

indicated that the facilities could only be constructed to manage the entitled animal units (<1000 head) in the feedlot facility. The applicant complied and has not constructed facility improvements beyond the entitlement requirements for the current business operations.

- Findings:** (1) Courtesy notice and photos from DSD staff indicating construction restrictions. (Exhibit 26 & 27)  
(2) Aerial photos showing evidence of site improvements (Exhibit 7)  
(3) Evidence within the staff report and FCOs indicating the Canyon County Zoning Ordinances (CCZO) entitlement criteria and allowed units on the AK Feeders' properties.

**4. A new CAFO shall comply with IDAPA rules governing dead animal disposal.**

**Conclusion:** The Commission finds and concludes that the applicant has provided for a mortality pick-up location. The facility will comply with rules governing dead animal disposal. (Exhibits 3, & 12)

- Findings:** (1) A condition shall be placed to comply with dead animal disposal regulations as governed by the IDAPA and under the jurisdiction of ISDA. (Condition #18)

**B. Animal Waste:**

**1. The new CAFO shall comply with the terms of its nutrient management plan (NMP) for land application.**

**Conclusion:** The Commission finds and concludes that the applicant has submitted and received approval for the current facility NMP. The NMP and land application of waste is regulated and inspected by the Idaho Department of Agriculture as the entity with jurisdictional authority.

- Findings:** (1) See AK Feeders Site Advisory Team Report (Exhibits 8-10).  
(2) See ISDA letter dated March 15, 2023 approval of AK Feeders NMP (Exhibit 13)

**2. The new CAFO shall be in compliance with all applicable environmental regulations and requirements.**

**Conclusion:** The Commission finds and concludes that the applicant will operate the CAFO in compliance with all applicable environmental regulations and requirements as conditioned and regulated by the agency having jurisdictional authority (Condition 1).

**3. All new lagoons shall be constructed in accordance with state and federal regulations.**

**Conclusion:** The Commission finds and concludes that the Idaho State Department of Agriculture has regulatory jurisdiction and authority of this criteria.

- Findings:** (1) See AK Feeders Site Advisory Team Report (Exhibit 8).

**C. Site Setbacks:**

**1. The locating of animal waste systems, corrals, wells and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.**

**Finding:** *The facility shall comply with setbacks and will be conditioned to comply as required by regulatory agencies having oversight of CAFO permitting activities. Two feed pens constructed in September 2022 are not located 50 feet from the public right of way and condition no. 5 requires the applicant to reconstruct the pens to comply with the site plan and CAFO setback requirements.*

**2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.**

**Finding:** *The facility is owned by AK Feeders. There is one house on the subject property and it is owned by AK Feeders. The nearest non-applicant owned residential property from the defined 80 acre CAFO boundary on the site plan (Exhibit 3) is more than 450 feet to the southeast on Peckham Road.*

3. **All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights-of-way (ROW).**

**Finding:** *The site plan for the CAFO facility identifies the appropriate setbacks for the proposed facility structures. Two of the existing feeder pens (constructed in September 2022) and located adjacent to State Line Road do not currently meet setbacks (approx. 30' from ROW) and will require modification to bring those pens into compliance with the submitted site plan and ordinance. A condition shall be placed to require the setback be met—50 feet from Stateline Road rights-of-way. (Condition #5)*

4. **Lights shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.**

**Finding:** *The applicant has provided a site plan and identified the location of the proposed lights at the facility. A condition is placed to require compliance with the C4 (Condition #7).*

5. **No new CAFO shall be approved unless the following questions are answered to the satisfaction of the commission or board:**

(A) Whether the proposed facility will be injurious to or negatively change the essential character of the vicinity.

**Finding:** *The proposed facility will not be injurious or negatively change the essential character of this predominantly agricultural area of Canyon County as conditioned. This criteria is also addressed in the eight (8) CUP criteria of review and more specifically criteria #4.*

(B) Whether the proposed facility would cause adverse damage, hazard and nuisance to persons or property within the vicinity.

**Finding:** *As conditioned, the facility will not cause adverse damage, hazard and nuisance to persons or property within the vicinity. This criteria is also previously addressed in the number eight (8) CUP criteria above. A condition is placed to require compliance with state and federal requirements (Condition #1), compliance with the provided Waste Management and Nuisance Control Plan - including waste, odor, pests, and dust (Condition #14). Conditions have also been placed to address weeds, dust, # of cattle housed in the feedlot facility, lighting, dead animal disposal, protection of irrigation facilities, parking on roadways, and more specifically Condition #12 addresses land application of nutrients setback of 300 feet from the Cardoza property and #13 a 500 foot setback not allowing for any current or future stockpiling or composting of waste from the residential properties immediately adjacent to the 163.23 acre subject property. The Commission did not find evidence in the testimony or case file to support injury, damage or harm to surrounding persons or property.*

(C) Whether studies should be ordered at the CAFO applicant's expense to aid the commission/board in determining what additional conditions should be imposed as a condition of approval to mitigate adverse damage, hazard and nuisance effects.

**Finding:** *The facility must comply with the IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations," as regulated, permitted, inspected and enforced by the Idaho Department of Agriculture. A Siting Team review was conducted and a report was provided to the County with proposed mitigation requirements. The ISDA has also reviewed and provided an approval letter for the current AK Feeders' Nutrient Management Plan for the existing facility with required testing and identified best management practices. These items are under the jurisdiction of the ISDA.*

6. **The animal waste system shall not be located or operated closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.**

**Finding:** *The animal waste systems as shown on the site plan are not within 500 feet of a residence belonging to someone other than the applicant. By scaling the site plan the nearest residence to the southeast corner of the waste pond is more than 900 feet.*

7. **No animal waste system shall be located and/or operated closer than one hundred feet (100') from a domestic or irrigation well.**

**Finding:** *No waste system shall be located and/or operated closer than one hundred feet from a domestic or irrigation well. (Condition #3)*

8. **No animal waste system shall be located closer than one hundred feet (100') from a public right of way.**

**Finding:** *No animal waste system existing or new is proposed to be less than 100 feet from a public right of way and a condition is placed to ensure compliance with set-backs. (Condition #3 and 4)*

9. **The setbacks contained herein shall not apply to land application.**

**Finding:** Land application is addressed in the Nutrient Management Plan reviewed and regulated by the ISDA. *However, to comply with criteria within the CAFO ordinance and CUP criteria mitigating land use conflicts; land application of nutrients shall not be allowed within 300 feet of the exterior boundaries of parcel R37348 (a 2 acre residential parcel located at 31252 Peckham Road, Wilder, ID.) Stockpiling and/or composting of animal waste shall not be allowed within 500 feet of the immediately adjacent properties located along Peckham Road and specifically identified in Conditions # 12 and # 13.*

#### **CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:**

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.

#### **Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case #CU2022-0036, a conditional use permit for AK Feeders, LLC requesting a Confined Animal Feeding Operation (CAFO) for a maximum of 3700 head of beef cattle on approximately 80 acres of parcel R37348010 (containing 163.23 acres) in substantial conformance to the specified CAFO boundaries on site plan received by DSD 4-25-23 and subject to the following conditions as enumerated:

#### Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use. Including but not limited to:
  - a. Compliance with Idaho State Department of Agriculture
  - b. Compliance with Idaho Department of Environmental Quality
  - c. Compliance with Idaho Environmental Protection Agency
  - d. Compliance with Idaho Department of Water Resources
2. Pursuant to Canyon County Code Chapter 8, CAFO Regulations, §08-01-14: Construction of the new or expanding CAFO must commence within three (3) years of the issuance of the CAFO siting permit and be completed within five (5) years of the same date. If construction has not commenced within three (3) years and/or completed within five (5) years from the date the CAFO siting permit was approved, the permit holder may request an extension. Application for extension must be filed at least sixty (60) days prior to the expiration of the three (3) year or five (5) year period. A renewal extension, if granted, may be limited to three hundred sixty-five (365) calendar days,

which shall commence at the expiration of either period. The applicant bears the burden of persuasion on an extension request.

3. The development shall comply with all site setbacks as provided in the County CAFO Ordinance (Canyon County Code Section 08-01-012(1)C), as follows:
  - a. The locating of animal waste systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
  - b. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
  - c. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
  - d. The animal waste system shall not be located closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
  - e. No animal waste system shall be located closer than one hundred feet (100') from a domestic or irrigation well. *Definition of animal waste system: structure or system that provides for the collection, treatment, or storage of animal waste, including composting.*
  - f. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
  - g. The setbacks contained herein shall not apply to land application (except as provided for parcel R37348 specifically). *Land application is the spreading on or incorporation of liquid or solid waste into the soil mantle primarily for beneficial purposes.*
4. Prior to commencement of operation expansion, the feedlot shall be developed in substantial conformance the site plan dated 4-24-23 (Exhibit 3 and Attached hereto as Attachment A). If the site plan needs to be adjusted to meet the setback requirements of the CAFO ordinance, then a revised site plan meeting the setback requirement the other conditions contained herein shall be submitted to the Development Services Department prior to commencement of construction of the proposed improvements on the site. The facility shall be constructed in substantial conformance with and in conformance with all setback requirements for a CAFO facility as required in CCZO §08-01-11(1) C. *Note: Feedlot receiving and processing pens are noted to be reconfigured.*
5. Prior to expansion, lagoons shall be lined and constructed in accordance with state and federal regulations.
6. Two existing feedlot pens (*constructed in or around September 2022*) adjacent to Stateline Road shall be reconfigured to meet the required 50 foot setback from the public right of way and as shown on the CAFO site plan dated 4-24-23 from AGPRO in compliance with CCZO §08-01-012(1)C. (attached hereto as Attachment A) The identified pens must be reconfigured prior to the applicant expanding the current cattle numbers to accommodate the CAFO permit. The applicant shall provide proof of the reconfiguration and compliance with the CAFO setbacks to Development Services Department in the form of pictures and/or setback inspection before CAFO operations (>1000 head of cattle in feedlot) begin.
7. The applicant shall comply with applicable Golden Gate Highway District No. 3 access requirements. The applicant shall obtain a permit prior to expansion of the existing feedlot facility. The applicant shall provide proof of compliance by providing Development Services with an approved highway district permit for improvements. (Exhibit 18)
8. Lighting (existing and new) shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area. CAFO facility lighting shall be utilized only on an as needed basis after dusk at the facility. Existing night sensor, photoelectric/photo cell light(s) typical for residential/farm/barnyard lighting may remain on throughout the night. Existing lighting must be shielded to direct the light down and inside the property.
9. The feedlot, waste systems, and support facility (barnyard) shall be kept weed free and/or maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
10. The applicant shall not impede or disrupt existing irrigation structures, i.e. drains, laterals, supply ditches, on and adjacent to the subject property.

11. The applicant shall not discharge CAFO process water or stormwater from the feedlot and/or settling lagoons to the Allen Drain or the Snake River. Comply with ISDA rules and regulations.
12. The operator shall process and dispose of waste in a manner consistent with the requirements of the Nutrient Management Plan for AK Feeders as approved and regulated by the Idaho State Department of Agriculture.
13. The operator shall not land apply nutrients within 300 feet of parcel R37348 (two acres) at site address 31252 Peckham Road, Wilder, Idaho.
14. The operator shall not place a composting facility or stage/stockpile nutrients within 500 feet of any existing residential parcel [R37351, R37351011, R37351010, R37350] along/near the southern boundary (Peckham Road) of subject property R37348010 (163.23 acres) inclusive of residential parcel R37348.
15. The CAFO shall comply with the odor, waste, dust, and pest best management practices in compliance with the approved nutrient management plan and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements.
16. Signage shall meet CCZO §07-10-13 requirements, and shall not exceed 32 sq. feet as proposed by the applicant unless an additional sign permit is applied for and approved by the Director.
17. The feedlot operation shall not exceed the maximum 3700 head of cattle at any given point in time within the feedlot facility without applying for and receiving approval through an amended or new conditional use permit.
18. The CAFO shall comply with the nutrient management plan as approved by the Idaho State Department of Agriculture.
19. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements
20. The CAFO shall also comply with Idaho State Department of Agriculture rules regarding dead animal disposal.
21. The facility shall comply with the recommendations in the Mitigation section of the CAFO Siting Team report, to minimize potential water source contamination (Exhibit 8 and attached hereto as Attachment B).
22. The CAFO shall comply with stock water and/or commercial water right requirements (Idaho Department of Water Resources).
23. All employee, delivery-including cattle trucks, facility-related parking of vehicles shall be onsite--not in the public right-of-way and/or along the shoulders of State Line Road in the vicinity of the facility.
24. Comply with all Fire District requirements by State adopted IFC and as evidenced by review and approval documentation prior to issuance of a certificate of occupancy.
25. The Applicant shall submit a copy of the annual inspection report provided by the Idaho State Department of Agriculture to the Development Services Department (DSD) commencing December 31, 2023. Each annual inspection report shall be submitted to DSD no later than December 31<sup>st</sup> of each calendar year unless the report is received by the Applicant after that date in which case the report shall be submitted to DSD within ten business days of its receipt.

DATED this 21 day of December, 2023.

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

  
\_\_\_\_\_  
Brian Sheets, Vice Chairman

State of Idaho )

SS

County of Canyon County )

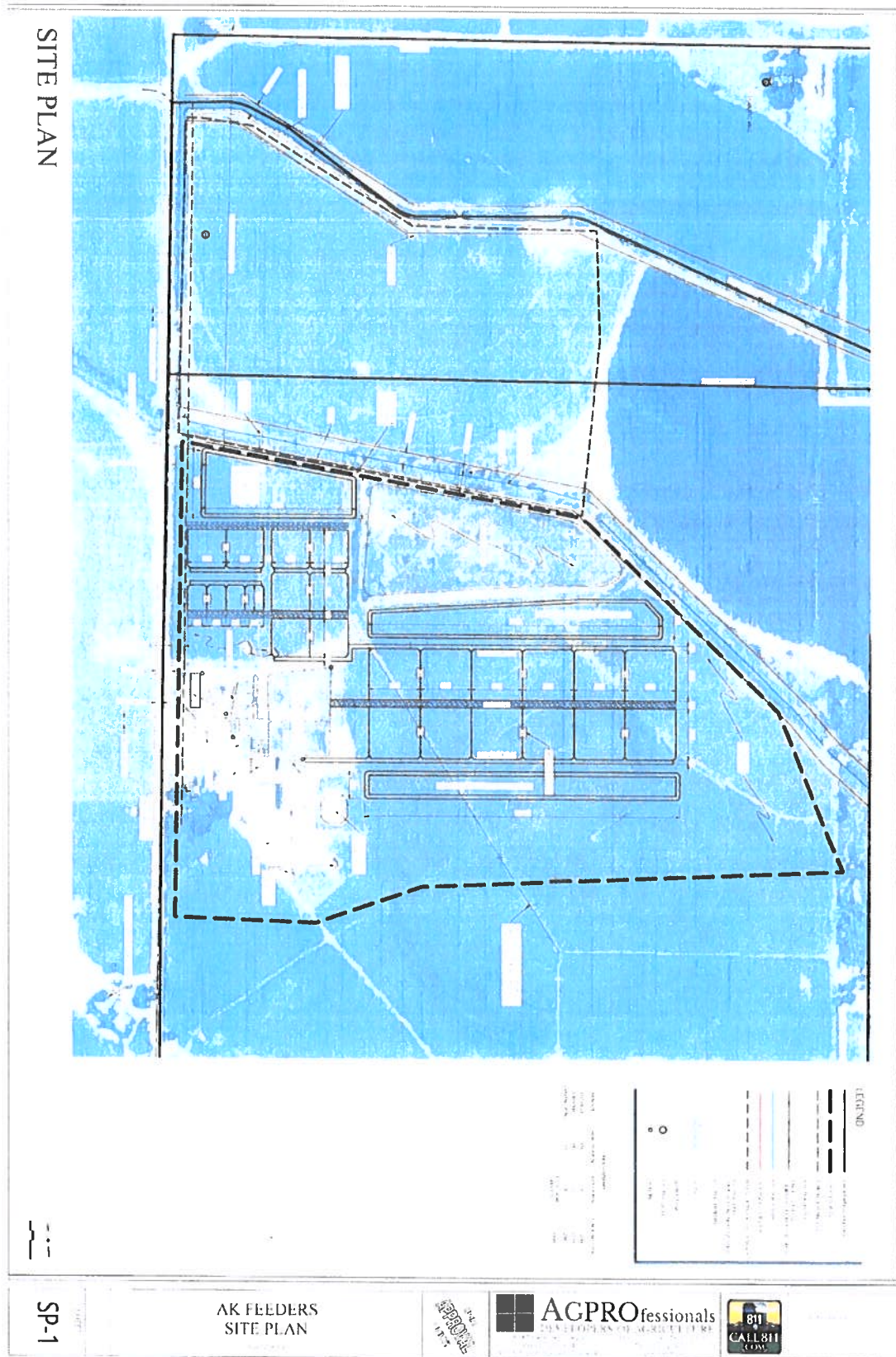
On this 21 day of December, in the year 2023, before me Amber Lewter, a notary public, personally appeared Brian Sheets, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



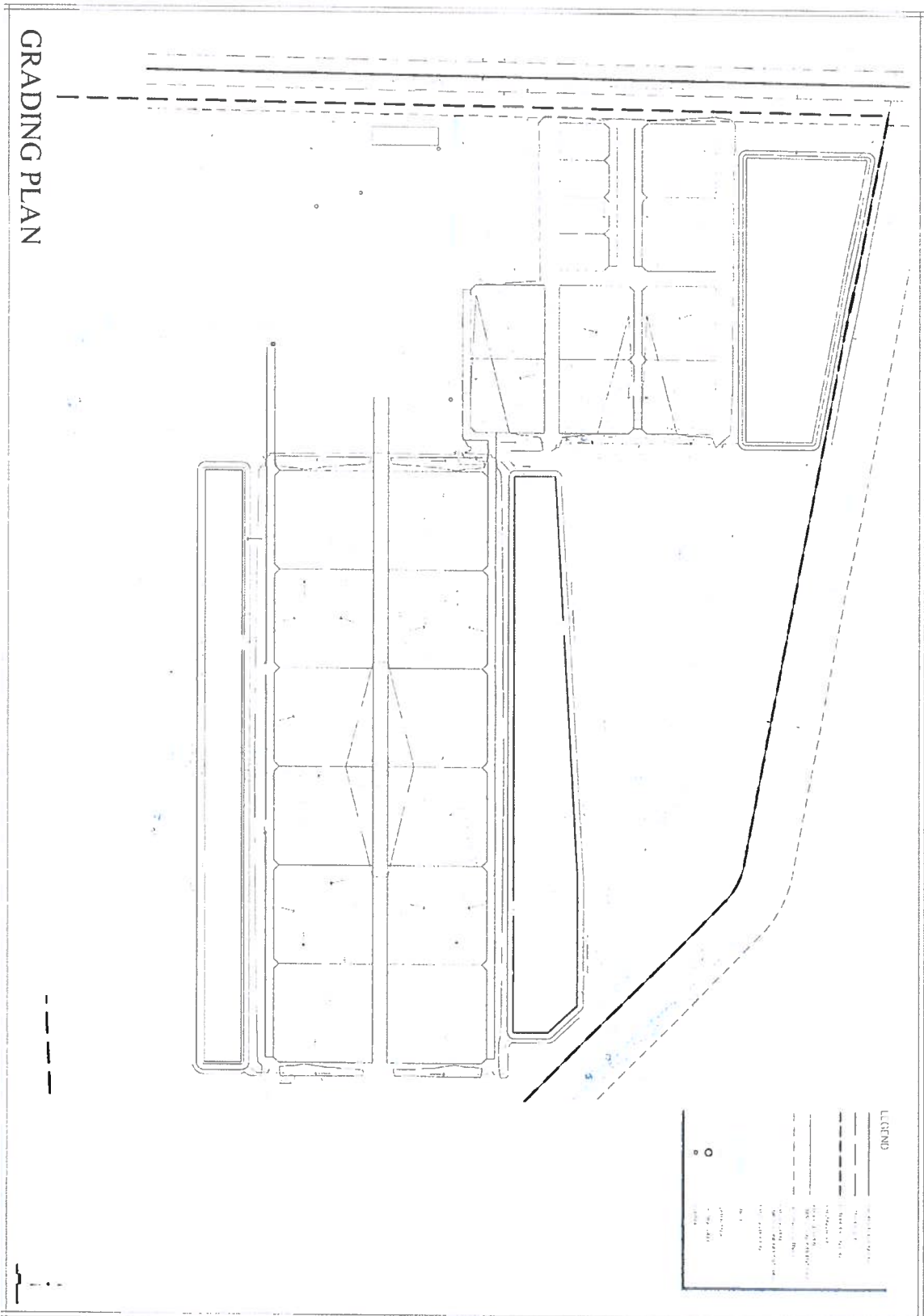
Notary: Amber Lewter

My Commission Expires: 10/20/2029

Attachment A: Site Plan and Grading Plan







GRADING PLAN

LEGEND

(Symbol)	Proposed Building Footprint
(Symbol)	Proposed Grading
(Symbol)	Proposed Driveway
(Symbol)	Proposed Walkway
(Symbol)	Proposed Utility Lines
(Symbol)	Proposed Erosion Control
(Symbol)	Proposed Site Boundary
(Symbol)	Proposed Access Road
(Symbol)	Proposed Parking Area
(Symbol)	Proposed Loading Area
(Symbol)	Proposed Storage Area
(Symbol)	Proposed Office Area
(Symbol)	Proposed Warehouse Area
(Symbol)	Proposed Feed Storage Area
(Symbol)	Proposed Feed Processing Area
(Symbol)	Proposed Feed Distribution Area
(Symbol)	Proposed Feed Mixing Area
(Symbol)	Proposed Feed Storage Silos
(Symbol)	Proposed Feed Storage Bins
(Symbol)	Proposed Feed Storage Piles
(Symbol)	Proposed Feed Storage Containers
(Symbol)	Proposed Feed Storage Bags
(Symbol)	Proposed Feed Storage Trucks
(Symbol)	Proposed Feed Storage Tractors
(Symbol)	Proposed Feed Storage Harrows
(Symbol)	Proposed Feed Storage Plows
(Symbol)	Proposed Feed Storage Discs
(Symbol)	Proposed Feed Storage Chains
(Symbol)	Proposed Feed Storage Belts
(Symbol)	Proposed Feed Storage Conveyors
(Symbol)	Proposed Feed Storage Elevators
(Symbol)	Proposed Feed Storage Silos
(Symbol)	Proposed Feed Storage Bins
(Symbol)	Proposed Feed Storage Piles
(Symbol)	Proposed Feed Storage Containers
(Symbol)	Proposed Feed Storage Bags
(Symbol)	Proposed Feed Storage Trucks
(Symbol)	Proposed Feed Storage Tractors
(Symbol)	Proposed Feed Storage Harrows
(Symbol)	Proposed Feed Storage Plows
(Symbol)	Proposed Feed Storage Discs
(Symbol)	Proposed Feed Storage Chains
(Symbol)	Proposed Feed Storage Belts
(Symbol)	Proposed Feed Storage Conveyors
(Symbol)	Proposed Feed Storage Elevators

GR-1

AK FEEDERS  
GRADING PLAN



**AGPROfessionals**  
DEVELOPERS OF AGRICULTURE



## Attachment B: Siting Advisory Team Report



IDAHO STATE DEPARTMENT OF AGRICULTURE



### CAFO SITE ADVISORY TEAM

September 14, 2023

Canyon County Board of Commissioners  
Commissioner Leslie Van-Beeck  
Commissioner Brad Holton  
Commissioner Zach Brooks  
Canyon County, Caldwell Idaho

#### RE: CAFO Siting Advisory Team Review Report of AK Feeders

Dear Commissioners,

The Idaho State Concentrated Animal Feeding Operation (CAFO) Siting Team has completed its review of the proposed Livestock Confinement Operation expansion of AK Feeders located at 21696 Stateline Rd. Wilder, Idaho. This facility is proposing to extend the existing operation to 3700 head of beef cattle. The review was completed in response to a request made by Canyon County in accordance with IDAPA 02.04.30, subchapter B.

The Team, consisting of representatives from the Idaho Department of Environmental Quality (IDEQ), Idaho Department of Water Resources (IDWR), and the Idaho State Department of Agriculture (ISDA) performed a site evaluation on September 9, 2023.

The information evaluated for this facility included the application package provided by Canyon County, IDWR ground water information and water right records, IDWR Statewide Ambient Ground Water Quality Monitoring Program network data, IDEQ map and data, ISDA Regional Agricultural Ground Water Quality Monitoring Program data, Natural Resources Conservation Service soil data, well driller reports, discussions with county officials and the owner, and an onsite evaluation by the team.

According to IDAPA 02.04.30 subchapter B, CAFO Site Advisory Team is required to provide a site suitability determination that includes:

- **Risk Category.** A determination of an environmental risk category: high, moderate, low; or insufficient information to make a determination.
- **Description of Factors.** A description of the factors that contribute to the environmental risks.
- **Mitigation.** Any possible mitigation of the environmental risks.

#### I. Risk Category

The following determination is based on the information supplied to the team through the county and site-specific conditions at the time of the site visit. However, information used for evaluating the ground water,

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Page 1 of 4

geology, and soils may be based on regional information and may not fully characterize the local conditions of the specific facility.

The Environmental Risk, as determined by the CAFO Site Advisory Team, is **High Risk**.

Any changes or modification in the application or at the site may alter the Environmental Risk. Risk is determined through a point-based scoring system (attached) that utilizes and accounts for a combination of environmental factors. Management and mitigation are not factored into this determination; it is a physical characterization of the site only.

## II. Description of Factors

The Environmental Risk is based on physical characteristics of the site. The following technical factors contributed to the environmental risk rating:

### High Risk Factors

- Dominant soil texture in the area is fine sandy loam, with high saturated hydraulic conductivity ( $K_{sat}$ ) between 0.57 and 2 inches/hour.
- Clay layers in the unsaturated zone are discontinuous. Driller's reports indicate 0-10 ft. of clay layers in the unsaturated zone
- The depth to first encountered groundwater is generally shallow at 0-25 ft.
- The aquifer geology is composed of sand and gravel.

### Moderate Risk Factors

- The average soil depth in the area is approximately 60 inches.
- The most recent mean nitrate level in groundwater within a 5-mile radius is 5.3 mg/L.
- The percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 25%.
- Downgradient distance to the closest domestic well is cross-gradient, however less than 100 feet away.

### Low Risk Factors

- The time of travel to the nearest downgradient spring is greater than 10 years.
- The CAFO site is not located within a source water delineation capture zone.
- Downgradient distance from the CAFO to the nearest surface water body (Snake River) is greater than 200 feet.
- The facility exports all manure off site to a third party, presenting low risk to downgradient surface water bodies from land application at the proposed CAFO site.
- The CAFO site is not within a 100-year floodplain.
- Surface run-on potential to the CAFO site is low due to moderately sloped topography next to CAFO site.
- NRCS run off index indicated low risk of surface runoff from the CAFO facility.
- The average annual precipitation is approximately 9.1 inches/year.

## III. Mitigation

The CAFO Site Advisory Team's environmental risk assessment process is focused on water quality.

The facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations". The Nutrient Management Plan will be

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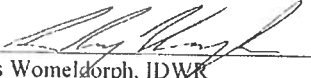
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The following individuals were present at the CAFO Site Advisory Team evaluation. The names depicted in bold type are the individuals responsible for the suitability determination.

1. **Pradip Adhikari**, Soil Scientist, ISDA
2. **Gus Womeldorph**, IDWR, Hydrogeologist
3. **Kathryn Elliott**, IDEQ, Ground Water Coordinator
4. Debbie Root, Canyon County Representative
5. David DeBenedetti, Facility Owner
6. Coortney Rueth, Owner Representatives
7. Valene Cauhorn, AgPro/Owner Representatives
8. Mat Wilke, Owner Representatives

If you require further information regarding this site determination, please feel free to contact us.

  
Pradip Adhikari, ISDA  
(208) 332-8541

  
Gus Womeldorph, IDWR  
(208) 287-4963

  
Kathryn Elliott, IDEQ  
(208) 373-0191

#### ATTACHMENTS

1. CAFO Site Advisory Team Environmental Risk Form
2. IDEQ produced map (including animal units in the area, public water systems, residential wells, irrigated acres and population)

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**Safe Feeders**

21696 Stateline RD, Wilder,

**Map Legend**

Dairy Locations (ISDA)

Feedlots (ISDA)

Schools (GIS)

Township and Range  
PLS (Sections)

Public Water Systems

**Source Water Delineations**

**Time of Travel**

SWA 2 Year To T

SWA 5 Year To T

SWA 10 Year To T

Surface Water Buffer

Field Road

Watershed Boundary

ISDA Wells (Hale)

Deep Injection Wells (Non-Permit)

Deep Injection Wells (DWR)

State Monitoring Wells (DWR)

Domestic Wells (DWR)

Springs (HHD)

Atriate Priority Areas (2020)

Animal Units Miles = 1174

Public Water System

Residential Well = 3

State Monitoring Wells = 0

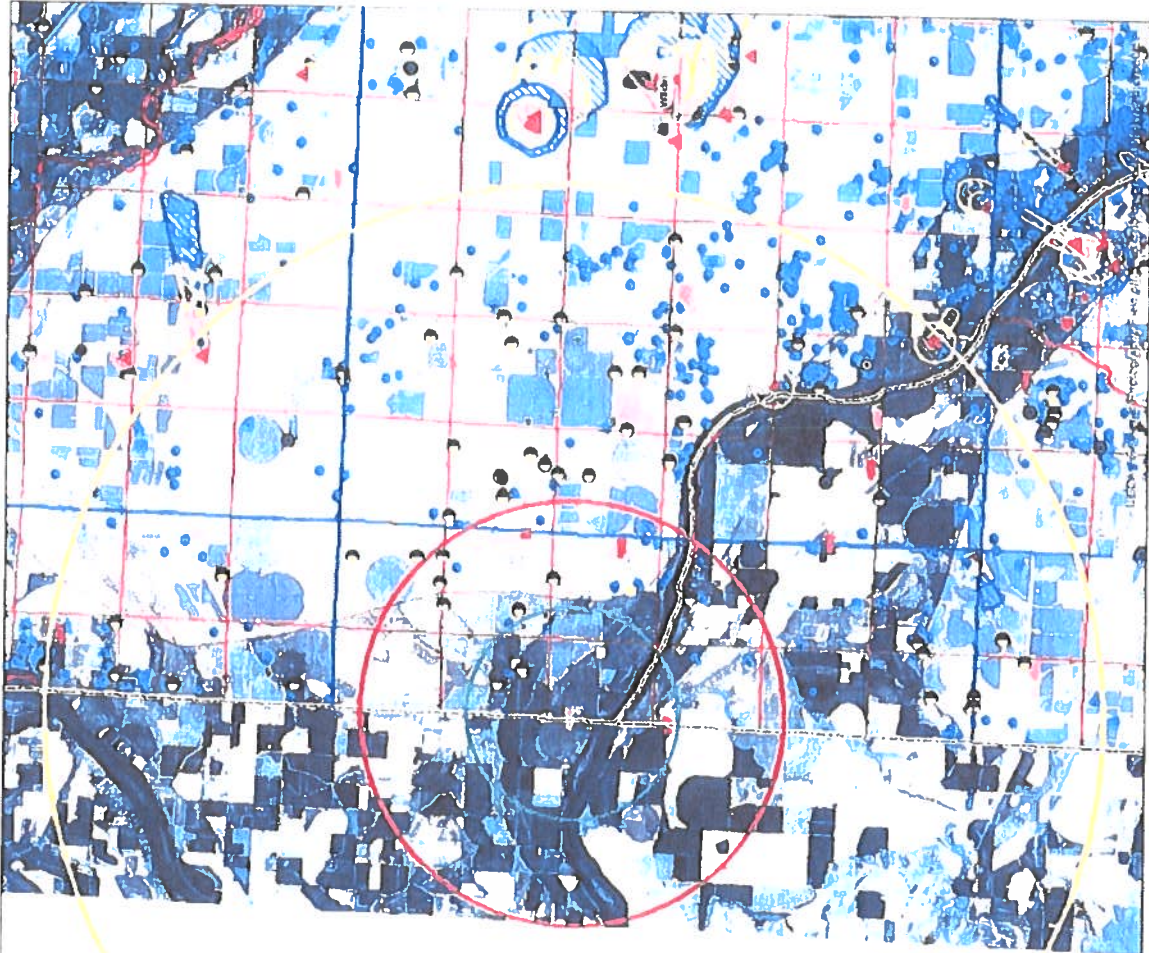
Deep Injection Wells = 1

Population 2020 = 1,069

Irrigated Acres = 2,766

USGS/NHD Springs = 1

Schools = 1



The information on this map is derived from the State of Idaho's Geographic Information System (GIS) and is provided for informational purposes only. The State of Idaho does not warrant the accuracy or completeness of the information. The user assumes all responsibility for the accuracy of the information and for any use of the information. The State of Idaho is not liable for any damages, including consequential damages, arising from the use of this information.

State of Idaho CAFO Site Advisory Team Environmental Risk Form

Risk Scoring System  
 1 = Low Risk = Ideal goal for environmental protection  
 2 = Moderate Risk = Provides reasonable resource protection  
 3 = High Risk = Poses a high risk for health and/or for contaminating ground or surface water

Name & Date of Site: AK Feeders, 9/6/2023

Category	Result	Risk Score
<b>Soil</b>		
1. Soil permeability	High. Fine sandy loam with Ksat 0.57 to 2.00 m/hr.	3
2. Soil depth	Moderate. Typical soil profile depth 60 inches.	2
3. Thickness of clay in unsaturated zone	High. Driller's reports indicate 0-10 ft of clay typical in unsaturated zone.	3
<b>Ground Water</b>		
4. Depth to first encountered water	High. Depth to first encountered water is generally shallow, 0-25 ft.	3
5. Mean nitrate level in ground water within a 5 mile radius	Moderate. Mean most recent nitrate levels are 5.3 mg/L within a 5-mile radius.	2
6. Percentage of wells over 5 mg/L nitrate within 5 miles	Moderate. 25% of wells within a 5 mile radius have a nitrate value over 5 mg/L.	2
7. Aquifer geology	High. Typical aquifer geology is sand and gravel.	3
8. Time of travel to a spring	Low. Time of travel to a spring is >10 years.	1
9. Downgradient distance to nearest domestic well	Moderate. Nearest domestic well is cross-gradient, but <100 ft away.	2
10. Within source water delineation area time-of-travel	Low. CAFO is not within a source water delineation area time-of-travel.	1
<b>Surface Water</b>		
11. Downgradient distance from CAFO to nearest surface water body	Low. Downgradient distance from CAFO to nearest surface water body (Snake River) is >200	1
12. Downgradient distance from land application to nearest surface water	Low. All manure is third-party export.	1
13. 100-year floodplain	Low. Not within the 100 year floodplain.	1
<b>Nutrient Transport</b>		
14. Run-on	Low. Run-on risk is low due to low to moderately sloped topography next to CAFO site.	1
15. Surface Runoff	Low. NRCS surface runoff index is low.	1
16. Annual precipitation	Low. Average annual precipitation is 9.1 inches.	1
	Index 1	40.00
	Index 2	3.00
<b>Final Risk Score</b>		<b>High</b>

# Waste Management Plan

*Waste Management  
and  
Nuisance Control*

*For*

*AK Feeders  
Canyon County, Idaho*

Prepared by



**HQ & Mailing:** AGPROfessionals  
3050 67<sup>th</sup> Avenue  
Greeley, CO 80634 (970) 535-9318

**Idaho:** 213 Canyon Crest Drive, Suite 100  
Twin Falls, ID 83301 (208) 595-5301

*Developed in Accordance with Generally Accepted Agricultural Best Management Practices*

March 2023

i

## Introduction

This *Management Plan for Waste and Nuisance Control (MPWNC)* has been developed and implemented to identify methods AK Feeders will use to minimize the inherent conditions that exist in confinement feeding operations. The management plan outlines management practices generally acceptable and proven effective at odor and pest management and minimizing nuisance conditions. This narrative is a proactive measure to assist integration into local communities. AK Feeders management will use practices to their best and practical extent.

## Legal Description

The concentrated animal feeding facility described in this MPWNC is located directly on the Idaho and Oregon border, on the west side of State Line Road in Section 14, Township 4 North, Range 6 West.

## Odor Control

Odors result from the natural decomposition processes that start as soon as the manure is excreted and continue as long as any usable material remains as food for microorganisms living everywhere in soil, water and the manure. Odor strength depends on the kind of manure, and the conditions under which it decomposes. Although occasionally unpleasant, the odors are not dangerous to health in the quantities one customarily notices around animal feeding operations and fields where manure is spread for fertilizer. AK Feeders will use the following methods and management practices for odor control:

### 1. Pen Management

#### ○ *Drainage and Regular Manure Removal*

Dry manure is less odorous than moist manure. Standing water can increase microbial digestion and odor-producing by-products. AK Feeders will conduct proper pen maintenance and surface grading to reduce standing water. In between pen cleanings, the manure will be mounded in the pens prior to being exported.

### 2. Manure/Stormwater Pond Management

#### ○ *Aerobic Designed Ponds*

The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in accordance with the *Nutrient Management Plan* for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.



## **Dust Control**

Dust from pen surfaces is usually controlled by intensive management of the pen surface by routine cleaning and harrowing of the pen surface. The purpose of intensive surface management is twofold - to keep cattle clean and to reduce pest habitat. The best management systems for dust control involve moisture management. Management methods AK Feeders will use to control dust are:

### **1. Pen Density**

- Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.

### **2. Regular Manure Removal**

- AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.

### **3. Water Trucks**

- Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions.

If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

## **Pest Control - Insects and Rodents**

Insects and rodents inhabit environments that have an adequate-to-good food supply and that foster habitat prime for breeding and living. AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary.

1 Habitat Management

*Regular Manure Removal and Lot Management*

Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.

2 *Reduce Other Fly Habitats*

Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.

2 Controls Biological and Chemical

3 *Biological Control*

Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.

3 *Baits and Chemical Treatments*

Baits and treatments are generally very effective. If additional pest prevention is necessary, AK Feeders will use USDA approved fly sprays and baits, such as Pyganic. Application levels and methods of such will be warranted by the results of the other control measures previously outlined.

In the event it is determined that nuisance conditions from pests such as flies and rodents persist, AK Feeders will initially increase the frequency of the housekeeping and management practices outlined previously. If further action is necessary, AK Feeders will increase use of USDA approved chemical controls and treatments, such as fly sprays and baits, and rodenticide for pest control.



<b>HEARING DATE:</b>	November 16, 2023
<b>OWNER:</b>	AK Feeders, LLC David DeBenedetti, Manager
<b>APPLICANT/REP:</b>	Matt Wilke, White Barn Ventures Hannah Dutrow, AGPROfessionals
<b>PLANNER:</b>	Deb Root
<b>CASE NUMBER:</b>	CU2022-0036
<b>LOCATION:</b>	21696 Stateline Road, Wilder 14-4N-6W-NW



**PROJECT DESCRIPTION:**

Case No. CU2022-0036: The applicant, AK Feeders, represented by Matt Wilke, is requesting a conditional use permit for a Confined Animal Feeding Operation (CAFO) for 3,700 head of beef cattle. The proposed CAFO facility will be located on approximately 80 acres of parcel R37348010 (163.23 ac) at 21696 State Line Road, Wilder, ID further described as a portion of the NW quarter of Section 14, Township 4N, Range 4W, BM, Canyon County, ID. The property is zoned "A" (Agricultural). This application is proposing to expand an existing feedlot (not currently a CAFO and was not an existing CAFO by definition when the ordinance was adopted CCZO 07-002 1/18/2007) so this request is for a new CAFO facility permit.

**PROJECT INFORMATION:** (See *Exhibit 1-Parcel Tool for Parcel Information*)

The applicants are proposing to exceed 1,000 head of cattle (3700 head) in a confined feeding operation therefore a conditional use permit (hereafter CUP) for a confined animal feeding operation (hereafter CAFO) is required by CCZO 07-10-27 and Chapter 8.

A Confined Animal Feeding Operation (CAFO) permit is required for the proposed AK Feeders, LLC cattle feeding operation not to exceed 3,700 head of cattle in accordance with Chapter 8 of the Canyon County Zoning Code and in compliance with state statutes: 67-6529(A-H). The definition of CAFO in Canyon County code and the Idaho Code, 67-6529C is as follows: CAFO means a lot or facility where the following conditions are met:

- (a) Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any twelve-month period;
- (b) Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility; and
- (c) The lot or facility is designed to confine or actually does confine as many as or more than the numbers of animals specified in any of the following categories: seven hundred (700) mature dairy cows, whether milked or dry; one thousand (1,000) veal calves; **one thousand (1,000)**

**cattle other than mature dairy cows or veal calves**; two thousand five hundred (2,500) swine each weighing fifty-five (55) pounds or more; ten thousand (10,000) swine each weighing less than fifty-five (55) pounds; five hundred (500) horses; ten thousand (10,000) sheep or lambs; or eighty-two thousand (82,000) chickens.

The applicant letter of intent indicates that the property has a long history of feeding cattle up to 1000 head and that the applicant currently feeds and grazes cattle on the site (Exhibit 6, 7, 22). Former property owner, Andy Bishop, provides history of property and use as a feedlot in Exhibit 6. Staff review of Google Earth Pro historical images of the property (1994 to present) indicate evidence of feed pens, forage stockpiles (hay & silage), and seasonally--cattle in the pens (Exhibit 7). The applicant added feeding pens to the property in the fall of 2022 to more efficiently manage his current allowed operations below the threshold of a conditional use permit for a large animal facility and/or CAFO.

The CUP application was submitted on 7-18-2022. The application was initially missing documentation required by ordinances and required to request a siting team evaluation. Area residents reported that the applicant was constructing the feedlot and the applicant was sent a courtesy notice on October 17, 2022 indicating to the applicant that their permit had not yet been approved and that expansion of the use to provide for animal units on the site above and beyond the number of units available to the property without a CUP permit must cease. The applicant completed the pens that were in process to facilitate the number of livestock allowed on the property without a CUP for a feedlot and/or CAFO permit (< 1000 head). (Exhibit 25, 26)

CCZO 07-02-03: Definitions Enumerated:

ANIMAL/BIRD UNIT: The following numbers of animals are a **unit of measurement to determine the number of animals allowed per acre of land devoted to the animals' care: two (2) cows, two (2) horses**, ten (10) sheep, five (5) swine, ten (10) goats, six (6) llamas, twelve (12) alpacas, seventy five (75) chickens, seventy five (75) game birds, fifteen (15) turkeys, fifteen (15) geese, fifteen (15) peacocks/guinea hens, four (4) ostrich, eight (8) emu, and twelve (12) rhea.

For animals not listed individually, the Director shall use the most similar animal in regards to size and amount of waste produced to determine the animal unit ratio.

In determining the number of animals permitted, only the parent animal will be counted until a horse is six (6) months in age, and cattle shall be considered calves from birthweight to approximately four hundred (400) pounds. Sheep (lambs) and goats (kids) when greater than three (3) months of age and swine fifty-five (55) pounds or greater will be counted when determining animal units.

In determining the number of domestic birds permitted, only birds one month or older in age shall be counted.

In determining the number of animal units for calf raising or other operation where young animals are raised predominantly without the parent, each animal will be counted as one-half ( $\frac{1}{2}$ ) its animal unit equation specified herein, until the animal reaches the age/weight herein. Combinations of animals are allowed, provided that the ratio of animal units per acre is maintained.

ANIMAL FACILITIES (LARGE): A facility that exceeds more than four (4) animal units per acre of land devoted to the animals' care. Large animal facilities include:

Bird Farm: A facility or confined area for the keeping of birds.

Calf Raising Operation: The raising of young animals, predominantly without the parent, in preparation to return them to a dairy or feedlot.

Dairy Farm: A facility for bovine, sheep, goats or other animals that are milked; the operation is licensed by the State of Idaho Department of Agriculture to sell milk.  
 Feedlot: A facility or confined area for cattle, horses, sheep, goats, and/or swine.

CCZO 07-10-27 Land Use Regulations (Matrix):

ZONING AND LAND USE MATRIX

Zoning Classification	A	R-R	R-1	R-2	C-1	C-2	M-1	M-2	MU-A
Animal cremation service	C	-	-	-	-	-	A	A	-
Animal facility (large): bird farm, calf raising operation, dairy, feedlot, and swine farm <sup>1</sup>	C	-	-	-	-	-	C	C	-
Animal facility (small) on 5 acres or more <sup>1</sup>	A	A	C	-	-	-	A	A	A
Animal facility (small) on less than 5 acres	C	C	C	-	-	-	A	A	A
Animal hospital	C	C	-	-	A	A	A	A	A
Animals are allowed as long as it is not an animal facility or CAFO <sup>1</sup>	A	A	A	A	A	A	A	-	A
Arena (commercial)	C	C	-	-	C	A	A	-	A
CAFO	C	-	-	-	-	-	C	C	-

AK Feeders, LLC has the following property holdings in Idaho in the area of Stateline and Peckham Roads under title of AK Feeders, LLC including R37348010 (163.23 ac), R37315010 (39.95 ac), R37346 (40.79 ac) and R37345 (31.71 ac), R37318011 (11.56 ac), R37318012 (41.94 ac), R37318013(2.23 ac), R37318014 (8.55 ac) and R37318 (6.18 ac) totaling 346.14 acres in the immediate vicinity of the proposed CAFO. For the purpose of calculating the total number of animals permitted outright on the AK Feeder’s listed properties, if a CAFO were not required, i.e. grazing of cow calf pairs on pasture or crop land. AK Feeders is entitled up to four (4) units (not to exceed without a CUP) per acre or eight (8) head of cattle per acre [8 x 346 = 2768 head] not confined to or to not be defined as a feedlot. AK Feeders, LLC has a cow-calf operation and is utilizing portions of the property for grazing. They also have a small herd of horses on the properties.

Currently the property is in compliance with the Canyon County Code of Ordinances. The applicants have not expanded the facility to exceed the permitted number of animals (999 head) without a conditional use permit for a CAFO permit. The applicant requested (May 30, 2023) to add a concrete slab to store current feed products (potato cake) for the existing cattle feeding operation which was acknowledged by staff and constructed by the applicant (Exhibit 27).

On June 29, 2023 the Board of County Commissioners signed a resolution and sent a letter to the Idaho State Department of Agriculture Director, Chenal Tewalt, requesting to have a CAFO site advisory team be formed to review the proposed CAFO site at 21696 Stateline Road (Exhibit 62). The primary focus of the CAFO Site Advisory Team is to provide an environmental risk assessment focused on water quality for the proposed facility location. An Idaho State Department of Agriculture (ISDA) representative worked with the applicants to obtain the additional documentation required for the team to form and schedule an onsite visit and review of the proposed CAFO location. The siting team led by Pradip Adhikari, PhD with the Idaho State Department of Agriculture (ISDA), representatives from the Idaho Department of Environmental Quality (IDEQ) and Idaho Department of Water Resources

(IDWR), the applicants, their representatives, and Canyon County staff met at the site on September 6, 2023 for the siting team review of the proposed facility and surrounding area. The primary focus of the siting team is to provide an environmental risk assessment focused on water quality for the proposed facility location.

The Siting Team, in accordance with the statute requirements, provided the AK Feeders Siting Report, map, and scoresheet to Canyon County on 09-15-2023 (Exhibits 8, 9, 10). Mr. Adhikari, PhD provided a brief synopsis in the email accompanying the report as follows:

“Some physical factors such as depth to water, lack of clay in the unsaturated zone and soil type, could create potential hazards to groundwater quality by the proposed CAFO expansion. Therefore the CAFO siting team has rated this facility as High Risk. This risk can be mitigated by implementing best management practices such as storing liquid effluent, carol runoff in the ISDA approved containments, increased frequency of manure removal and storing in the concrete /clay lined (clay >15%) surface. We also included statement related to this issue in the Best Management Practice Recommendation in the report.” (Exhibit 8.1)

In Section III. Mitigation of the AK Feeders Siting Report, the text indicates that if approved by the county for operation, “...*the facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA002.0415 ‘Rules Governing Beef Cattle Animal Feeding Operations’.*” The Nutrient Management Plan will require modification and “*the waste system improvements/modifications will need to take place, prior to the increase in animal units.*” Additional mitigation included, but is not limited to, the applicant applying best management practices to mitigate environmental concerns and risk factors. They must take care in implementing their Nutrient Management Plan (NMP) in the area including the timely incorporation (tilling) of the solid waste into the soil to avoid runoff of solid waste or effluent into the surrounding surface water bodies. The applicant should take care in timely transfer of liquid effluent (standing water in the pens and fields) to an ISDA approved structure. Storage in a concrete/clay-lined (>15% clay) surface will help to prevent groundwater pollution.

The Idaho State Department of Agriculture has reviewed and approved the current operations’ Nutrient Management Plan (NMP) and provided a letter of approval (Exhibit 13). “*Nutrient management plan*” means a plan prepared in conformance with the nutrient management standard, provisions required by 40 CFR 122.42(e)(1), or other equally protective standard for managing the amount, placement, form and timing of the land application of nutrients and soil amendments (§22-4904). The required NMP studies were not provided to Development Services; they are protected by law and deemed trade secrets (§22-4906). The NMP is exempt from disclosure pursuant to section 74-107, Idaho Code. If the CAFO request is approved the ISDA indicated in the Siting Report that the Nutrient Management Plan will be modified if/when the facility expands to accurately reflect the current operation. The NMP is also referenced in the Canyon Soil District agency response (Exhibit 8, 19)

The ISDA team lead, Pradip Adhikari, PhD was asked the following by staff:

“*For the BMPs that are listed in the siting report: When the Dept of Ag reviews and permits effluent storage facilities does the ISDA require the applicant to construct the clay/concrete lined facilities?*”

Mr. Adhikari responded, “*All the earthen liquid storage should meet the ISDA standards that is included in the IDAPA 02.04.14 and should be inspected and approved by ISDA. You can find details in the link and a section of code copied below.*” A link to the code and the following code clip are provided in the Exhibit 8.2.

01. Dairy Storage and Containment Facility Criteria. (3-31-22)

a. Dairy storage and containment facilities shall be constructed to meet a minimum of one hundred eighty (180) days of holding capacity. Process water containment structures that are utilized as the secondary or final storage for effluent shall have a minimum two (2) vertical feet of freeboard. Process water and containment structures that are not the secondary or final storage for effluent shall have a minimum one (1) vertical feet of freeboard. (3-31-22)

b. Earthen dairy storage and containment facilities less than ten (10) vertical feet high with a maximum high water line of eight (8) vertical feet shall have a top embankment width of at least eight (8) feet. The combined embankment slopes must be at least five (5) horizontal to one (1) vertical, and shall not exceed two (2) horizontal to one (1) vertical slope. Earthen dairy storage and containment facilities greater than ten (10) vertical feet from the naturally occurring ground level shall meet the NRCS Idaho Conservation Practice Standard Waste Storage Facility Code 313 December 2004 embankment requirements. (3-31-22)

c. The inside bottom of the dairy storage and containment facility shall be a minimum of two (2) feet above the high water table, bed rock, gravel, or permeable soils. For an earthen dairy storage and containment facility, a soil liner shall be installed such that the specific discharge rate of the containment structure meet 1 x 10<sup>-6</sup> cm<sup>3</sup>/cm<sup>2</sup>/sec or less. Concrete or synthetic liners must be constructed to ASAE and Appendix 10D specifications. (3-31-22)

d. Storage areas for dairy byproduct, including compost and solid manure storage areas, shall be appropriately protected to prevent run on, run off, and contamination of ground and surface water. (3-31-22)

e. Dairy environmental management systems shall be maintained in a condition that allows the producer to regularly inspect the integrity of the systems. (3-31-22)

The siting team’s focus is environmental concerns with ground and surface water contamination and the team did not discuss dust, noise, odor, pests, lighting or roadway impacts during the site evaluation. The applicant provided a Waste Management Plan (Exhibit 12) that is an overview of the waste management and nuisance control for the proposed facility which includes an odor control plan, dust control plan, and a pest control plan implementing forms of best management practices included in the required Nutrient Management Plan reviewed and approved under the jurisdiction of the ISDA. The development should be conditioned to adhere to and manage effectively the aforementioned waste and nuisance items typically associated with a feedlot operation as outlined in the Waste Management and Nuisance Control Plan as regulated by the ISDA for CAFO operations. The report states, “*Special use conditions, if not required by existing State or Federal law, would be the county’s responsibility to enforce.*” (Exhibit 8, Section IV, page 3.)

CAFO operations require stock water and/or commercial water rights. The applicant has provided approved IDWR stock water rights permits (Exhibits 21 & 22). The Idaho Department of Environmental Quality (IDEQ) produced map (Exhibit 10) for the siting team review and analysis which provides animal units within a five (5) mile radius, public water systems, residential wells, irrigated acres, and population. The numbers are shown and stated as follows and shown graphically by location on the map as appropriate (*includes property in Canyon and Owyhee Counties but not inclusive of Oregon*):

- Animal Units < 5 miles = 11,740
- Public Water Systems = 5
- Residential Wells = 350
- State Monitoring Wells = 56
- Deep Injection Wells = 1
- Population 2020 = 2,669
- Irrigated Acres = 27,868
- USGS (NHD) Springs = 1
- Schools = 0



The county GIS topography contours indicate that the proposed feedlot property lies down gradient from the neighboring properties to the north, east, and south with an elevation of approximately 2215 feet very gently sloping towards the Oregon border and the Snake River (Exhibit 44). The town of Adrian, Oregon is approximately four (4) miles to the northwest of the proposed feedlot. The city of Wilder is approximately 5.3 miles east, the city of Parma is approximately 7.5 miles north and east, and the city of Homedale is approximately 5.6 miles southeast of the proposed feedlot.

**PROJECT OVERVIEW:**

**Existing Conditions:**

Direction	Existing Conditions	Primary Zone	Other Zones
N	Ag. crop land/some residential	“A” (Agricultural)	NA
E	Ag. crop land/sporadic residential	“A” (Agricultural)	NA
S	Ag. crop land/residential adjacent to Peckham Rd	“A” (Agricultural)	NA
W	State of Oregon-Ag. crop land/one residence southwest	“A” (Agricultural)	NA
“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)			

**Surrounding Land Use Cases:**

- There are no land use cases in the immediate vicinity. There is a feedlot approximately 1.25 miles to the east on Arena Valley Road (R37337) and a conditional use permit (CU2003-452) for mineral extraction approximately 1.25 miles to the north of the subject property on Howe Road. Additionally, there is a sheep feedlot operation (Frank Shirts) located approximately 2.4 miles to the northeast on Roswell Road. There are also a several dairies and feedlots between one (1) and three (3) miles south of the Snake River in Oregon and Owyhee County (identified on the Siting Team Map (Exhibit 10).

**Character of the Area:**

- The character of the area is predominantly agricultural. The 2020 Comprehensive Plan Map identifies the area as agriculture. There are a few agriculturally zoned residential properties adjacent to the subject parcel R37348010 (163 acres) along Peckham Road on the southern boundary. Several of the small agricultural parcels and residences pre-existed the 1979 Canyon County Zoning Ordinance (CCZO) and zoning map (Exhibit 63). Four of the five properties abut the Snake River on their southern boundaries. There is also a small group of six agricultural zoned residential properties to the north that were created by land divisions and through the conditional use permitting process for land division in 1998. AK Feeders, LLC owns and farms the property to the north and south of this small rural agricultural zoned development. The character of the area is predominantly agricultural and in agricultural production. The property is not located within an area of city impact and there is not a trend of residential development activity within two miles of the proposed site. There is increasing residential development and when approaching the City of Wilder and the Wilder area of city impact approximately 3.7 miles east of the proposed CAFO site on State Line Road.



**Access and Traffic:**

- The applicant provided a traffic analysis for the proposed CAFO and provided the engineer calculations (Exhibit 15 & 16) estimating an increase in daily trips from 13 to 24 if the permit is approved. A Traffic Analysis Study (TIS) was not required due to the estimated trip counts. The highway district reviewed the information and access proposed at the current location for 21696 State Line Road. JUB Engineers on behalf of Golden Gate Highway District No. 3 (GGHD) does not oppose the proposed access location and requested use of the facility (Exhibit 18). Some improvements such as a paved commercial approach will be required in compliance with GGHD. The Oregon Department of Transportation (ODOT) reviewed the application indicating that they do not have concerns with the traffic generation estimates provided and that they do not have permitting authority on the east side of State Line Road. (Exhibit 17). The opposition letters from Hawe, Case, Alderson, Christopherson, Marston, Brown, Cardoza, and Isaak all mentioned concerns over traffic on the roadways and more specifically truck traffic using the public road system. Peckham, Stateline, and Redtop Roads have a number of 90 degree turns that the area neighbors indicate are already safety hazards and that the increased traffic will make it worse (Exhibits 47-60). No specific evidence was provided with regards to safety incidents. The highway district having jurisdiction, GGHD, did not indicate specific concerns regarding increased truck or support vehicle traffic on the public road system.

**Facilities:**

- The subject property currently contains a single-family residence with well and septic, several accessory farm/ranch buildings including an arena, horse barn, stalls, a shop, an office, cattle feedlot pens and various other accessory structures. The property has surface irrigation and groundwater irrigation from the Allen Drain and the Arena Lake Drain. The property has current stockwater rights from the Allen Drain (Exhibits 22). The applicant has obtained permit approval for groundwater rights for the proposed CAFO facility (if approved) for up to 3700 head of cattle (Exhibit 21). These rights will be appropriated from a new well on the subject property.
- If approved, additional improvements will be made to the site including a proposed reconfiguration of the receiving and processing (shipping) facilities, additional feedlot pens, and accessory structures for the operation of the facility and the waste systems as required by the ISDA and NMP (Exhibit 3 & 8 Site Plan & Siting Report).
- The existing irrigation pivot line is to be modified to continue to provide irrigation to the agricultural fields south of the feedlot on the subject property.
- Lighting of the facility was another concern indicated by the neighbors. The applicant provided a lighting plan for the facility and indicated in the email that “lighting will be downward facing and only utilized when needed during non-daylight hours. There are five (5) lights proposed on the site plan.” Mr. Wilke indicated that he provided a screen shot and circled the locations in red for reference (Exhibit 14 & 15). A condition is placed to address lighting now and in the future at the facility if approved-the lighting will be downward facing and shielded to prevent light pollution off property as required in the CCZO §08-01-11(1) C 4.

- Hours of Operation-The applicant initially submitted the land use worksheet with the hours of operation from 6:00 a.m. to 8:00 p.m. daily. Although this may be the typical hours that employees are working at the facility and the cattle are on the facility 24 hours per day; many situations can arise causing the facilities to be in operation outside of the typical day-to-day operating hours. Staff requested the applicant modify the land use worksheet to reflect a 24-hour operation typically expected for animal facilities. Typical hours of daily operation would be 6 a.m. to 8 p.m. (Exhibit 22)

**Essential Services:**

- Staff notified the City of Wilder, Wilder Fire District, Canyon County Sheriff, CC Paramedics/EMT, Riverside Irrigation District, Southwest District Health, the Soil Conservation District, DEQ, IDWR, Idaho Fish and Game, ISDA of the proposed CAFO application. Staff received comments from GGHD (Exh 18), IDEQ (Exh 20), IDWR & ISDA (Exh 8,9,10 Siting Report) and the Soil Conservation District (Exh 19). The proposed facility operations do not propose a significant increase in staffing to manage the facility on a daily basis and services including sheriff, fire and EMS are currently provided to the facility and surrounding area with access via the public road systems. Staff did not receive comments from the fire district, sheriff’s office, paramedics, City of Wilder, or SWDH.

**COMPREHENSIVE PLAN ALIGNMENT:**

The conditional use application for a confined animal feeding operation (CAFO) is consistent with the 2020 Canyon County Comprehensive Plan adopted by County Resolution No. 11-098, as amended. The Plan contains the planning Components as required by I.C. § 67-6508. The applicable plan, the 2020 Comprehensive Plan, designates the proposed CAFO application area as Agriculture. The proposed use as a CAFO is an agricultural use. The Plan describes the land use classification ‘Agriculture’ as follows:

*The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.*

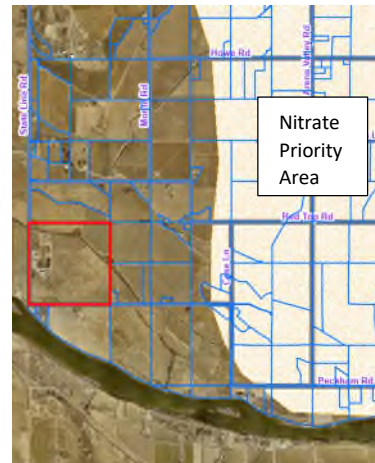
The proposed use and application aligns with many components, goals and policies within the plan and is consistent with the Plan as a whole. Staff has provided the Commission with a thorough analysis of each component of the 2020 Comprehensive Plan for the Commission’s consideration in the Findings of Fact, Conclusions of Law attached hereto as see Exhibit 2.

**POTENTIAL IMPACTS:**

- The feedlot currently exists on the property and has for many years as evidenced by the chronology of aerial photos taken from Google Earth Pro for the years 1994, 2002, 2004, 2006, 2009, 2011, 2013, 2015, 2017, 2018, 2019, 2021 and 2022. The applicant upgraded and expanded a portion of the feedlot to accommodate the animal units entitled on the properties not to exceed 1000 head until a CAFO permit is approved.
- The CAFO Advisory Siting Team has evaluated the environmental aspects of the permit location scoring this location as ‘high’ risk. The team also indicates in the report that the risks

can be mitigated with Best Management Practices and permitting. In an email the ISDA representative, Pradip Adhikari, PhD, indicates that “*factors such as soil permeability, thickness of clay, aquifer geology, depth of water etc... play a vital role for high score. However, these factors can be easily mitigated by implementing available best management practices which are suggested in the AK feeders siting report.*” He states further, “*Risk score that are determined based on the physical environmental factors of the CAFO site cannot be reduced but definitely can be mitigated.*” (Exhibit 8.3 10/17/23 email Wilke/Pradip)

- CAFO’s by nature, animal quantity in a confined area, are inherently a more intensive agricultural use and concerns regarding dust, noise, pests, and odor are frequently cited concerns. The applicant has proposed mitigation techniques and plans for minimizing the impacts to the surrounding properties (see Exhibit 12 Waste Management and Nuisance Control Plan) in compliance with regulations reviewed, approved and monitored by the ISDA for CAFO operations. The animal units originally proposed by the applicant were reduced from 6000 head to 3700 head and the feedlot facility was consolidated to one property south of the Allen Drain to reduce the potential impact to existing residential properties in the predominantly agricultural zone. There are agriculturally zoned residential properties in the predominantly agricultural area but there is not a residential trend of development in the area.
- The site is not located in a designated Nitrate Priority Area. The Ada Canyon Nitrate Priority Area is located approximately 3300 feet east of the property. The topography map indicates that the subject property is down gradient from the nitrate priority area. ISDA requires soil testing (Exhibit 13) and monitoring wells are located as identified in Exhibit 12.2 provided to the Siting Team for the site review analysis. Neighbors to the south of the property have expressed concerns with nitrates and water contamination. Nutrient Management Plans and application of nutrients to the properties are the jurisdictional responsibility of the Idaho State Department of Agriculture (ISDA). Staff has proposed conditions (Exhibit 2) to mitigate the concerns expressed by the immediately adjacent properties including a 300-foot buffer from the Cardoza property, R37348, restricting the land application of nutrients and a 500-foot buffer to restrict composting or stockpiling of nutrients/waste within that buffer along Peckham Road on the southern boundary of the subject property and around parcel R37348 (Cardoza).
- Wildlife Concerns: The area in and around the proposed and existing facility is predominately in agricultural livestock and cultivated crop production. The proposed CAFO facility as conditioned is not anticipated to significantly impact the wildlife including migratory birds in the area.



**COMMENTS:**

**Public:**

Staff received many comment letters from the neighbors including fourteen (14) submissions in opposition or voicing concerns about the process and/or potential impacts to their properties and the surrounding area inclusive of traffic and roadway safety, noise, dust, flies, water contamination, odors, light contamination, interference with wildlife, property value impacts, and overall diminishment of enjoyment of their properties. The following are exhibits submitted in opposition/concern:

**Letters of Concern/Opposition:**

**Exhibit #:**

Glenis Christopherson 10/10/23	47
Raleigh and Dee Hawe 10/12/23	48
Deidre and Randy Brown 10/26/23	49
Susan Isaak (includes snow geese photo) rec. 10/27/23	50
Danny and Debbie Cardoza w/photos rec. 10/27/23	51
Brad and Victoria Case 09/15/2023	52
Debbie Cardoza inquiry & staff response 02/28/23	53
Dee Dee Alderson 10/24/2023	54
Staff Response to Ms. Alderson 10/24/2023	55
Susan Isaak and Debbie Cardoza 10/27/23	56
Christina Marston 10/27/2023	57
Danny and Debbie Cardoza 10/25/23	58
Debbie Cardoza 10/28/2023	59
Arena Valley citizens submitted by Isaak 10/25/23	60
Susan Isaak and Debbie Cardoza 10/27/23 Peckham CAFO and attachments	61
a. Isaak Cardoza submission CU2020-0001 PZ FCOs	61A
b. Isaak Cardoza submission Petition for Judicial Review CV14-21-10123	61B
c. Isaak Cardoza submission Petitioners' Reply Brief CV14-21-10123	61C
d. Isaak Cardoza submission Remittitur CV14-21-10123	61D

Staff received 155 forms expressing support for the AK Feeders CAFO facility from individuals or businesses. (See list of names and submitted forms in Exhibits 45 & 46).

**Letters of Support:**

**Exhibit #:**

Support forms Last name: A - M	45
Support Forms Last Name and miscellaneous: N - Z	46

Additionally, staff received a letter provided by Andy Bishop, dated 5/24/23 detailing property history of the AK Feeders' site as a former property owner. Exhibit # 6

**Agencies:**

AGENCY LIST	EXHIBIT #
Oregon Department of Transportation District 14	17
Golden Gate Highway District No. 3 submitted by JUB Engineers	18
Canyon Soil Conservation District	19
Department of Environmental Quality	20
IDWR-8-16-23 AK Feeders CAFO stockwater permit Permit No. 63-35421	21
Idaho State Department of Agriculture (ISDA): NMP Approval 3/15/23	13
ISDA-Pradip Adhikari email accompanying Siting Team Report 9-15-23	8.1
ISDA CAFO SITE ADVISORY TEAM AK Feeders Report 9-14-23	8
ISDA CAFO Siting Team Map submitted with 9-14-2 report	10
ISDA CAFO Siting Team Environmental Risk Form submitted with 9-14-2 report	9
ISDA-Pradip Adhikari email 10-17-21 risk score mitigation to Wilke	8.3
ISDA-Pradip Adhikari email 10-23-23 to staff Mitigation BMP questions	8.2
ISDA-DSD staff to ISDA communication on siting team application 12/27-28/22	66
ISDA-Adhikari response to applicant rep to provide NMP study to Siting Team 7-20-23	64

**RECOMMENDATION:**

Staff recommends approval of the Confined Animal Feeding Operation (CAFO) case No. CU2022-0036 subject to the conditions of approval or as amended.

**DECISION OPTIONS:**

In accordance with CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:

- (1) If the Commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.

The Planning and Zoning Commission may:

- **Approve** case CU2022-0036 as recommended or as amended by the hearing body
- **Deny** case CU2022-0036 and direct staff to revise the FCOs to support the decision.
- **Continue/Postpone** case CU2022-0036 and request the applicant provide additional information

## **EXHIBITS:**

Exhibit # 1	Parcel Tool Information Sheet
Exhibit # 2	DRAFT FCOs
Exhibit # 3	Site Plan & Grading Plan
Exhibit # 4	Applicant Rep. Matt Wilke Comp Plan Analysis
Exhibit # 5	Wilke AK Feeders Presentation
Exhibit # 6	Andy Bishop Property History
Exhibit # 7	staff-Google Earth Pro Chronology 1994-present
Exhibit # 8	CAFO SITE ADVISORY TEAM REPORT
Exhibit # 8.1	ISDA email synopsis of report-Adhikari
Exhibit # 8.2	ISDA Adhikari to staff BMP-storage effluent
Exhibit # 8.3	ISDA Adhikari to Wilke risk score mitigation
Exhibit # 9	SITING TEAM SCORE SHEET
Exhibit # 10	SITING TEAM MAP
Exhibit # 11	Custom Soil Research Report
Exhibit # 12	Waste Management Plan-Waste Management and Nuisance Control
Exhibit # 12.1	Waste Management Narrative
Exhibit # 12.2	#18-Characteristics of Proposed Operation
Exhibit # 13	ISDA Nutrient Management Plan approval 3-15-23
Exhibit # 14	CAFO Lighting Plan-location of lights
Exhibit # 15	Traffic Narrative Calculations
Exhibit # 16	Traffic Narrative
Exhibit # 17	Oregon Department of Transportation
Exhibit # 18	Golden Gate Highway District No. 3 (submitted by JUB Engineers)
Exhibit # 19	Canyon Soil Conservation District
Exhibit # 20	Idaho Department of Environmental Quality (IDEQ)
Exhibit # 21	Idaho Department of Water Resources--Stockwater permit approval
Exhibit # 22	AK Feeders, LLC Master Application documents
Exhibit # 23	Revised Site Plan 4-24-23 --Wilke email
Exhibit # 24	Confirmation --Site Acreage and entirely south of Allen Drain
Exhibit # 25	DSD Staff Courtesy Notice--site construction
Exhibit # 26	Applicant response to Courtesy Notice
Exhibit # 27	Applicant/Staff-Potato Cake slab
Exhibit # 28	Area Property Map-staff review
Exhibit # 29	Assessor AK Feeders for Analysis of Acres/Animal Units
Exhibit # 30	Residences/properties within one mile (staff review request)
Exhibit # 31	Lot Report for one mile radius 72 lots-48 residential
Exhibit # 32	Case Map: Small ortho with Flood Overlay
Exhibit # 33	Case Map: Small ortho
Exhibit # 34	Case Map: Zoning
Exhibit # 35	Case Map: Dairy, Feedlot, Gravel Pits
Exhibit # 36	Case Map: Soil Map

Exhibit # 37	Case Map: Prime Farmlands
Exhibit # 38	Case Map: Soil and Farmland Report
Exhibit # 39	Case Map: Nitrate Priority Area
Exhibit # 40	Case Map: Small Vicinity Map
Exhibit # 41	Case Map: Subdivision
Exhibit # 42	Case Map: Subdivision Lot Report 600 feet
Exhibit # 43	Case Map: Lot Classification
Exhibit # 44	Case Map: Contour Map
Exhibit # 45	Letters of Support 155 individuals list and letters A-M
Exhibit # 46	Letters of Support list and letters N-Z and miscellaneous
Exhibit # 47	Glenis Christopherson 10/10/23
Exhibit # 48	Raleigh and Dee Hawe 10/12/23
Exhibit # 49	Deidre and Randy Brown 10/26/23
Exhibit # 50	Susan Isaak (includes snow geese photo) rec. 10/27/23
Exhibit # 51	Danny and Debbie Cardoza w/photos rec. 10/27/23
Exhibit # 52	Brad and Victoria Case 09/15/2023
Exhibit # 53	Debbie Cardoza inquiry & staff response 02/28/23
Exhibit # 54	Dee Dee Alderson 10/24/2023
Exhibit # 55	Staff Response to Ms. Alderson 10/24/2023
Exhibit # 56	Susan Isaak and Debbie Cardoza --Alderson email 10/27/23
Exhibit # 57	Christina Marston 10/27/2023
Exhibit # 58	Danny and Debbie Cardoza 10/25/2023
Exhibit # 59	Debbie Cardoza 10-28-23
Exhibit # 60	Arena Valley citizens submitted by Isaak 10/25/23
Exhibit # 61	Susan Isaak and Debbie Cardoza 10/27/23 Peckham CAFO and attachments
#61 A	a. Isaak Cardoza submission CU2020-0001 PZ FCOs
#61 B	b. Isaak Cardoza submission Petition for Judicial Review CV14-21-10123
#61 C	c. Isaak Cardoza submission Petitioners' Reply Brief CV14-21-10123
#61 D	d. Isaak Cardoza submission Remittitur CV14-21-10123
Exhibit # 62	BOCC Resolution and request for Siting Team Review
Exhibit # 63	Staff Review of Area Property History (land divisions)
Exhibit # 64	ISDA to staff question: Cattle in waterways
Exhibit # 65	Related/Reviewed Statutes (not all inclusive)
Exhibit # 66	December ISDA communications
Late Exh.	These exhibits were accepted by the PZ with an affirmative motion/vote:
#67	Debbie Cardoza email dated Nov. 8, 2023 and Nov. 6, 2023
#68	Statement in support of AK Feeders CAFO--Jamie Johupp?
#69	Statement in support of AK Feeders CAFO--R. Gallegos
#70	Statement in support of AK Feeders CAFO--Ray and Vickie Rueth

**R37348**

**PARCEL INFORMATION REPORT**

11/5/2023 5:46:06 PM

**PARCEL NUMBER: R37348**

**OWNER NAME: CARDOZA DANNY W**

**CO-OWNER: CARDOZA DEBRA L**

**MAILING ADDRESS: 31252 PECKHAM RD WILDER ID 83676**

**SITE ADDRESS: 31252 PECKHAM RD**

**TAX CODE: 0530000**

**TWP: 4N RNG: 6W SEC: 14 QUARTER: NE**

**ACRES: 2.00**

**HOME OWNERS EXEMPTION: No**

**AG-EXEMPT: No**

**DRAIN DISTRICT: NOT In Drain Dist**

**ZONING DESCRIPTION: AG / AGRICULTURAL**

**HIGHWAY DISTRICT: GOLDEN-GATE HWY**

**FIRE DISTRICT: WILDER FIRE**

**SCHOOL DISTRICT: PARMA SCHOOL DIST**

**IMPACT AREA: NOT In Impact Area**

**FUTURE LAND USE 2011-2022 : AG**

**FLU Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY**

**FLU RR Zone Desc 2030:**

**FUTURE LAND USE 2030: INTENSIVE AGRICULTURE OVERLAY \ AG**

**IRRIGATION DISTRICT: RIVERSIDE IRRIGATION DISTRICT**

**FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0175F**

**WETLAND: Freshwater Emergent Wetland**

**NITRATE PRIORITY: NO Nitrate Prio**

**FUNCTIONAL Classification: Major Collector**

**INSTRUMENT NO. : 2019046099**

**SCENIC BYWAY: NOT In Scenic Byway**

**LEGAL DESCRIPTION: 14-4N-6W NE TAX 2 IN SENE**

**PLATTED SUBDIVISION:**

**SMALL CITY ZONING:**

**SMALL CITY ZONING TYPE:**



**EXHIBIT  
1**

**DISCLAIMER:**

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS, POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.





**PLANNING AND ZONING COMMISSION**  
**FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

In the matter of the application of:  
**[CAFO-AK FEEDERS, LLC] – [Case #CU2022-0036]**

The Canyon County Planning and Zoning Commission considers the following:

AK Feeders, LLC, represented by Matt Wilke, is requesting a conditional use permit for a Confined Animal Feeding Operation (CAFO) for 3700 head of beef cattle. The proposed facility will be located on approximately 80 acres of parcel R37348010 (163.23 ac) at 21696 State Line Road, Wilder, ID further described as a portion of the NW quarter of Section 14, Township 4N, Range 4W, BM, Canyon County, ID. The property is zoned “A” (Agricultural).

**Summary of the Record**

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2022-0036.

**Applicable Law**

- (1) 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 §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §08-01 (Confined Animal Feeding Operations), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures)
  - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512. Agencies were notified October 3, 2023 and October 4, 2023, Property Owners were notified October 4, 2023, the site was posted 10/16/23, publication to the newspaper on October 6, 2023.
  - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
  - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
  - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

- e. In accordance with CCZO §07-01-15 The applicant conducted a neighborhood meeting on July 11, 2022 at 6 p.m. having provided notice to property owners within 600 feet of the subject property and having met the minimum 10-day notification period. The sign-in sheet indicates 19 people were in attendance. (Exhibit 22)
- (2) The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
- (3) There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Commrs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
- (4) 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.
- (5) In accordance with CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:
  - (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.
  - (6) 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.
  - (7) 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 (CU2022-0036) was presented at a public hearing before the Canyon County Planning and Zoning Commission on (November 16, 2023). Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:**

**CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05**

**1. Is the proposed use permitted in the zone by conditional use permit?**

**Conclusion:** The proposed use, a Confined Animal Feeding Operation (CAFO) for up to 3700 head of cattle in the “A” (Agricultural) zone is permitted in the zone by Conditional Use Permit (CUP).

- Findings:**
- (1) The subject property, parcel R37348010, containing approximately 163.23 acres is zoned “A” (Agricultural) see Exhibit 1.
  - (2) The proposed use as a feedlot exceeding 1000 head of cattle meets the definition and requirements of a confined animal feeding operation (CAFO) [CCZO §07-02-03 and §08-01-06] and requires a conditional use permit per CCZO §07-10-27 Land Use Regulations Matrix-CAFO in the agricultural zone.
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.

(4) Evidence includes associated findings and evidence supported within this document.

## 2. What is the nature of the request?

**Conclusion:** AK Feeders, LLC is requesting a conditional use permit (CUP) for a Confined Animal Feeding Operation (CAFO) for up to 3700 head of beef cattle. The proposed agricultural CAFO facility will be located on approximately 80 acres of parcel R37348010 (163.23 ac) at 21696 State Line Road, Wilder, ID further described as a portion of the NW quarter of Section 14, Township 4N, Range 4W, BM, Canyon County, ID. The property is zoned “A” (Agricultural). This application is proposing to expand an existing feedlot that does not currently meet the criteria to require a CAFO permit or CUP. This request is for a new CAFO facility permit.

- Findings:**
- (1) The feedlot facility currently exists and existed prior to the adoption of the current CAFO ordinance (1-18-2007) as evidenced by Google Earth Pro aerial photos (1994 to present) of the property which show existing barns, feed pens, forage stockpiling such as hay and silage, cattle in the pens [dependent upon seasonal image dates], the applicant testimony, and written testimony by former property owner, Andy Bishop (Exhibits 6, 7 & 22).
  - (2) The applicant may operate a feedlot with up to 999 head of cattle without a conditional use permit (CUP) for a feedlot operation on the property by entitlement of animal units and acreage supporting the cattle operations in accordance with the zoning code. AK Feeders, LLC owns approximately 346 acres in the Arena Valley area of Canyon County that support the animal operations as evidenced in the staff report and Canyon County Assessor records, and property owner map (Exhibits 28 & 29). The cattle operation (grazing & feedlot) may not exceed four (4) animal units [2 cows per animal unit] or eight (8) cows per acre without exceeding the requirements for a Large Animal Facility which would then require a conditional use permit per CCZO §07-10-27 Land Use Regulations Matrix and §07-02-03 Definitions. Calculation: 346 acres x 8 head (4 units/acre) = 2768 head
  - (3) The request for a 3700 head feedlot, if approved, meets the definition of a CAFO (§07-02-03 Definitions) requiring a conditional use permit for the feedlot operation. The application states that animals will be confined and fed for a total of ninety (90) or more days in a calendar year. The area will be devoid of crops/vegetation, and it will be a facility designed to confine and exceed the minimum animal numbers as contained in chapter 8 Confined Animal Feeding Operations (1000 or more beef cattle).
  - (4) The applicant made improvements to the feedlot facility in the fall of 2022 in compliance with the entitled (less than 1000) number of cattle allowed in a feedlot for the AK Feeders’ cattle operations. A notice was sent by DSD staff to the applicant indicating that site improvements could be made in conformance with the allowed animal units but that construction on pens to expand facility to accommodate the CAFO request should cease until proper approvals are obtained (Exhibits 25-27). The applicant complied.
  - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
  - (6) Evidence includes associated findings and evidence supported within this document.

## 3. Is the proposed use consistent with the comprehensive plan?

**Conclusion:** For case file CU2022-0036 the Planning and Zoning Commission finds that the proposed use and conditional use application for a Confined Animal Feeding Operation (CAFO) is consistent with the 2020 Canyon County Comprehensive Plan adopted by County Resolution No. 11-098, as amended. The Plan contains the planning Components as required by I.C. § 67-6508. The commission need not examine each goal and policy but consider the Plan as a whole. The applicable plan, the 2020 Comprehensive Plan, designates the proposed CAFO application area as Agriculture.

The Commission when reviewing the Plan as a whole, finds and concludes that the use and application are consistent with the Plan based on the evidence and review of the Plan components. The Plan directs the hearing body to utilize measures, like the conditions use permit and/or a development agreement, to mitigate potential interference with existing residential use and potential impacts on ground and surface water, which the Commission believes is accomplished here. The Plan also directs expansion of agricultural uses and economic opportunities, which are accomplished in this use and application.

**Findings:** (1) The 2020 Plan describes the land use classification ‘Agriculture’ as follows: The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.

(2) **Chapter 1: Property Rights Component:**

The Property Rights Component of the Plan is intended to ensure that land use hearing procedures do not violate individual property rights and that individual property rights are not burdened by unnecessary technical limitation (see Goal no. 1 in this component). The Commission places conditions that aim to protect the life, health and safety of the property owners and citizens of Canyon County in compliance with state, federal, and county regulations as appropriate and as provided for in the Conditional Use permitting process of the Canyon County Ordinances.

Goal no. 2 states, “the community goal is to acknowledge the responsibilities of each property owner as a steward of the land, to use their property wisely, maintain it in good condition to preserve it for future generations.” The Commission finds that the testimony provided on behalf of the applicant, proposed use, and application is an effort by the applicant to meet this goal. The application, testimony, aerial photos and a letter submitted by a former owner of the property indicate that the property has been in use as a cattle operation with a feedlot for many years. The ranch is currently in use as a cow/calf operation with a feedlot component (Exhibits 22, 13, and 7). The applicant has made improvements to the cultivated farmland and to the cattle operations at this facility and surrounding properties owned by AK Feeders and the DeBenedetti family and continues to improve the facilities. The applicant will be required to meet state, federal, and county laws and ordinances as improvements and expansion of the cattle operations occur at this location.

There are several policies in this component that the Commission finds applicable to this application. Policy 1: The Commission finds that the hearing and notifications were consistent with the requirements of the law and that the applicant and property owners were provided due process of law by the nature of these proceedings. Policies 2 through 7 do not appear to be specifically applicable to the CAFO permitting proceedings. Policies 8 through 13 are applicable to this use and application. These policies provide for orderly development and the minimization of conflict; provide that the property is maintained in the best possible condition; provide instruction to limit unnecessary conditions or procedures; provide that property owners not use their property in a manner that negatively impacts their neighbors; and finally, provides that the County will enforce its regulations and ordinances.

The applicant has applied for a conditional use permit which is subject to conditions to minimize conflict and the impact upon neighbors. The applicant is subject to all laws and

regulations including requirements and inspections by the ISDA in conformance with IDAPA 02.04.15 “Rules Governing Beef Cattle Animal Feeding Operations” and with other regulatory agencies including IDEQ and IDWR. Additional enforceable conditions are applied to mitigate concerns such as lighting which is also addressed as criteria for approval in CCZO §08-01-11 (1) C 4 requiring that lighting be placed and shielded to direct the light source down and inside the property lines of the new CAFO and that all direct glare from the lights be contained within the CAFO area. The Commission finds that the ability to place enforceable mitigating conditions allows the use and application to comply with these policies by minimizing the conflict and impact to neighboring residential uses in this predominantly agricultural area. The Commission acknowledges that there are residential properties in the area of the proposed CAFO as evidenced by the letters from area residents, aerial photos, property history and application (Exhibits 22, 28, 30, 31, 34, 40, 47-61, & 63). The Commission also acknowledges that testimony, the revised site plan moving the feeding operation away from the northern neighbors, and providing a buffer of agricultural pasture land between the operation and the neighbors to the south, along with reducing the animal head count from 6000 to 3700 offers evidence that the applicant does regard the impact to the neighbors and is willing and able to mitigate concerns of the neighbors while still meeting the agricultural business needs for AK Feeders, LLC and those of other cattle operators in the area. (Exhibits 3 & 22).

- (3) **Chapter 2: Population Component:** The subject property and surrounding area is not located within an area of city impact and is not located within five or more miles of any Canyon or Owyhee County cities. The city of Adrian, Oregon is located approximate four miles to the northwest. Within a one-mile radius of the subject property there are 48 residential homes on 72 total agriculturally zoned land parcels with an average lot size of 25.92 acres. This component considers growth trends, encourages economic expansion and population growth that is guided to enhance the quality and character of the County. Policies 2 and 3 encourage future high-density development to locate within incorporated cities and/or areas of impact and 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. The predominant land use of properties within a one mile radius is agricultural production. There is no evidence to suggest that population growth trends are occurring in this area of the county. There are no platted subdivisions within one mile of the subject property as evidenced by the aerial photo and the subdivision map (Exhibits 41 & 42). The land use and zoning is agricultural and the proposed feedlot will support the agricultural beef industry providing the applicant and producers within the county a viable location to sell and feed out their beef crop.
- (4) **Chapter 3: School Facilities and Transportation Component:** The focus of this component is primarily on ensuring the development of school facilities to support population growth. There are no schools located in Canyon County within five miles of the property. The Commission finds that the proposed use and application does not directly relate to this section of the plan as it does not create increase in population and/or affect development plans of the transportation systems in and around the area schools.

**(5) Chapter 4: Economic Development Component:**

This Plan component contains the following goals: 1. To diversify and improve the economy of Canyon County in ways that are compatible with community values; 2. To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities; 3. Create new jobs that are sustainable and lasting; 4. Provide and economically viable environment that builds and maintains a diverse base of business; and 5. To ensure that land use policies, ordinances, and processes allow for a viably economic environment for development. The applicant asserts that the CAFO will create jobs, support area farmers, ranchers, and support services having a secondary benefit in the way of utilization of local products and businesses. These claims are supported by numerous letters of support from local businesses, cattle producers, and farmers. (Exhibits 45 & 46 containing 155 individual submissions)

Additionally, the use and application support continued agricultural use and economic benefits through an existing business and is therefore consistent with policies 1, 2, 5 and 7 of the Plan. More specifically, policy 1 states, “Canyon County should encourage the continued use of agricultural lands, land uses, and recognize the economic benefits they provide to the community.”

**(6) Chapter 5: Land Use Component:** The County’s Land Use Component begins with a statement that “the County’s agricultural lands need to be monitored and maintained. The County’s agricultural agriculture must be protected from encroachment.” These statements are some of the most explicit direction in the Plan. The goals of this component are stated below:

1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
3. Use appropriate techniques to mitigate incompatible land uses.
4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.
5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
6. Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.
7. To encourage livability, creativity and excellence in the design of all future residential developments.
8. Consider adjacent county land uses when reviewing county-line development proposals.

The Board in its future land use map has designated this area for future agricultural use. Although some residential uses exist in the area, the Commission believes the Plan directs the hearing body to mitigate conflicts between those two uses--not to exclude agricultural uses where residential uses exist. The conditional use process allows for the Commission to apply enforceable conditions with the intent of mitigating conflicts by restricting and monitoring the use of the subject parcel as a feedlot where existing residential uses exist in the agricultural zone. These include, but are not limited to, shielded lighting, setbacks, animal numbers, protection of water sources, compliance with odor and pest control plans, and compliance with state and federal and other county regulations related to the CAFO permit. The Commission believes that the goals as stated encourage the County to find a balance between the uses and that the conditions have accomplished that.

This Land Use Component includes eleven (11) general policies directed at the review process for land use applications. Policy No. 2 says to “Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate”. The Commission acknowledges that conditions can be placed through the CUP process affecting similar compliance and review requirements as a development agreement. Policy 6 requires review of proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality. The County requested a CAFO Siting Team Review of the property and proposal. The Siting Team evaluated the property as “High Risk” for environmental impacts to the water sources on the property. The Commission acknowledges that the Siting Team, led by the Idaho State Department of Agriculture, Pradip Adhikari, PhD, indicates that the inherent risks can be mitigated through best management practices and compliance with the requirements of the ISDA and the nutrient management plan as approved and to be amended if the permit for the CAFO is approved. The facility is and would continue to be subject to IDAPA rules and regulations and subject to ISDA inspections and permitting. This is evidenced by the AK Feeders CAFO Site Advisory Team report, email responses to staff and applicants, and approved Nutrient Management Plan (Exhibits 8-8.3, 13, 20, 19). Policy 11 encourages the county to coordinate planning and development with applicable highway districts. The Commission finds that this has been accomplished as evidenced by the agency responses from Golden Gate Highway District and Oregon Department of Transportation (Exhibits 17 & 18).

The Land Use Component also includes a section specific to Agriculture. The Plan states that the “County’s policy is to encourage the use of these lands for agriculture and agriculturally-related uses...” with four additional policies including the protection of agricultural land for the production of food, voluntary mechanisms for the protection of agricultural land, support of the Idaho Right to Farm laws (Idaho Code §22-4501-22-4504), as amended. Policy 4 is of specific note and is as follows: Recognize that confined animal feeding operations (CAFOs) may be more suitable in some areas of the County than in other areas of the County. The Commission finds that the subject property has encompassed a feedlot component for many years and that this is a predominantly agricultural area of the county with limited residential development, no residential subdivisions or residential development trends as evidenced by written testimony, aerial maps, and lack of concentrated development. The Commission also finds that there are several feedlots and dairies in the vicinity within 1.5 to 5 miles in Canyon County and Owyhee County as evidenced by the Siting Team Map, aerial maps, and staff analysis. The Commission also finds that the Siting Team indicates that the noted environmental risks can and will be mitigated through compliance with the IDAPA 02.04.15 “Rules Governing Beef Cattle Animal Feeding Operations,” and finds that this predominantly agricultural area of the county is suitable for a feedlot operation (Exhibits 8-8.3, 10, 28, 34, 39, & 41).

The Commission does not find that the residential, area of city impact, or commercial and industrial sections of this component have policies that are directly applicable to this application in this area of the county.

**(7) Chapter 6: Natural Resources Component:**

The Commission finds that the Plan recognizes the attributes of agricultural land as a natural resource in the county and that the Agricultural / residential interface areas often create

conflicts between residents. The Commission recognizes that one of the most significant policy directives of this Plan is supporting, protecting, and development of the County's agricultural resources.

This component includes a separate Agricultural Land section with specified goals and policies. The first goal in this section is "To support the agricultural industry and preservation of agricultural land." The policies in this section include the protection of agricultural activities from land use conflicts or undue interference created by non-agricultural development, that development should not be allowed to disrupt irrigation structures and associated rights-of-ways, and to protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development. The Commission finds that these goals and policies support the expansion of the agricultural use as a CAFO feeding operation on the property and that the component encourages the Commission to mitigate the conflicts with the residential uses through meaningful and enforceable conditions in the CUP process that can ensure that the waterways are protected (ISDA jurisdiction), irrigation systems are not disrupted, and that the applicant must actively manage the proposed plans for dust, odor, pests, and waste management at the facility. (Exhibits 3, 8, 12, 22)

The Natural Resources component also contains a water section that recognizes that water is an essential and limited natural resource that should be preserved and protected. The County CAFO ordinances recognize this and require that the county request a CAFO Site Advisory Team (inclusive of agencies with jurisdiction expertise in these areas) review the proposed facilities to evaluate the environmental risks as they relate to water use and sources of potential contamination at a facility. The siting team provided specific mitigation measures that will address the high risk areas identified in the report including, soil components, discontinuous clay layers, depth to groundwater and sand & gravel aquifer. The Commission recognizes that the mitigation techniques and best management practices fall under the jurisdiction of the state and federal agencies but also recognizes that the County can place meaningful and enforceable conditions to ensure applicant compliance through the CUP process. The Commission also recognizes that the area is close to the Snake River, that there is high groundwater as indicated through testimony and the siting team report, also that the property lies 3300 feet west of, but down gradient of, an identified nitrate priority area. The Commission finds that the risks can be mitigated through required IDAPA rules, best management practices, and conditions of development in the CUP process. (Exhibits 8, 12 & 12.2, 39 & 44)

There is no indication in the record that the Fire District is concerned with availability of water for fire protection for the proposed use or that the goals and policies of the Fish and Wildlife Habitat, Air, or Mineral Resources are implicated here. The Commission does recognize that the proximity to the Snake River and the vast open cultivated agricultural fields in this region of the county promote the presence of wildlife including the snow geese as indicated in public testimony and pictures. The Commission does not find overwhelming evidence that the presence of an expanded feedlot operation on 80 acres would sufficiently reduce or disrupt the current migratory conditions in this area of Canyon County, Idaho and on the Oregon properties adjacent to the facility as evidenced by the expanse of open cultivated fields in the predominantly agricultural area in the aerial maps as part of the record. (Exhibit 3, 30, 32, 50, &47)



**(8) Chapter 7: Hazardous Areas Component**

The hazardous areas component focuses primarily on floodplain and hillside development in the county. The Commission finds that the subject property is not in a hazardous area, near a landfill, and it is located within the Wilder fire protection district. The Commission acknowledges that the property lies near the Snake River and that it is an area that has a high water table; however, the property is not in a mapped flood hazard area as evidenced by the siting report and floodplain case map (Exhibits 32).

**(9) Chapter 8: Public Services, Facilities and Utilities Component**

This component contains goals and policies to ensure that public services are adequate for the proposed use. Among those services considered in the component text are water, wastewater, storm water, solid waste, public safety, and utilities and energy. The goals of the component are broadly intended to direct the County's planning in a manner where appropriate services are available for a proposed use and more specifically as it relates to residential and commercial/industrial development. Policy 4 states, "Encourage activities to promote the protection of groundwater and surface water." The Commission acknowledges that the proposed use has potential to impact water quality as evidenced by the "high risk" score in the Siting Team report. The Commission also finds that evidence has been presented by the entities having jurisdiction (ISDA, IDEQ, and IDWR) that the risk can be effectively mitigated through appropriate permitting, construction, inspections, and best management practices (BMPs) typically utilized for the proposed use (see Exhibits 8-8.3, 13, 20, 21). The Commission also acknowledges that this component discusses solid waste management in the context of the Canyon County Landfill. The component does not address agricultural nutrient management. For the purpose of an agricultural facility, solid waste is managed through the Nutrient Management Plans (NMP) required for animal facilities that are composting or land applying 'nutrients' to area properties and regulated by the IDAPA rules and regulations. These plans are reviewed by the Idaho Department of Agriculture with conditions noted and BMPs that help to promote protection of area water sources. (Exhibit 13).

**(10) Chapter 9: Transportation Component**

The Plan's transportation component has many broad goals and policies as well as specific goals and policies for various types of development. The county is reliant on the highway districts, the Idaho Transportation Department, and other agencies with jurisdictional authority to provide comment on any impacts to the County's roadways. In this case, Golden Gate Highway District No. 3 (GGHD) and the Oregon Department of Transportation (ODOT) are the transportation agencies with jurisdiction over the roadways in the area of this project. The GGHD and the ODOT have reviewed and provided comment in response to the application information (Exhibit 17 & 18). The Commission acknowledges that area residents are concerned about an increase in truck traffic to and from the proposed facility and as evidenced in the aerial maps there are a number of ninety degree or 'sharp' turns in Peckham and Red Top Roads (Exhibit 33 and 48 & 52). The Commission also acknowledges that this is an agricultural area that is expected to have agricultural traffic including tractors, harvesting equipment, semi-trucks and trailers as well as residential vehicles. The applicant estimates that if approved there could be a net increase of eleven (11) daily vehicle trips in the traffic analysis (provided to GGHD inclusive of employees, trucks and service providers. Consistent with Policy No. 13 the site has access to maintained public roads, State Line Road and Peckham Road, for fire protection and emergency services access. The applicant must comply with GGHD access requirements (Exhibit 15 & 16). The Commission finds the application and noticing processes consistent with applicable goals and policies in this component.

**(11) Chapter 10: Special Areas, Sites, and Recreation Component:**

This component considers the many important aspects of our rivers, parks and recreation opportunities in Canyon County. The Commission acknowledges that area residents were concerned with impacts to the Snake River and that there is wildlife including snow geese that migrate through this region as evidenced by aerial photo and provided pictures (Exhibits 47 & 50). The southwest corner of the subject property (measured from the irrigation pivot) is located within approximately 250 feet of the Snake River however, the proposed CAFO facility (80-acre site) delineated on the site plan is buffered by approximately 750-800 feet of irrigated pasture land. The concerns with seepage and water contamination are proposed to be mitigated through the state agency required permitting processes as outlined in the Siting Team report and IDEQ letter (Exhibit 8 & 20). The Commission also acknowledges that the applicant has provided a lighting plan (Exhibit 14) and must comply with the requirement for downward facing shielded lighting at the facility in accordance with CCZO §08-01-11(1)C4 addressing (Exhibit 47 Glenis Christopherson) concerns for light pollution and potential impact to the wildlife. With these considerations the Commission finds that the property is agricultural, in agricultural production, and that the other goals and policies of this component of the Plan are not directly applicable to the proposed facility.

**(12) Chapter 11: Housing:**

As stated elsewhere herein the County's future land use map designates the future land use of this property as agriculture. The property is not located within an area of city impact and is more than four (4) miles from the nearest city where services can be provided for housing development. This area is not designated for housing, the application does not include a housing component and therefore the Commission finds that the goals and policies in this component of the Plan are not applicable.

**(13) Chapter 12: Community Design Component:**

This component focuses on design features and appearances and the visual impact from the transportation system and scenic by-way corridors. The subject property is bounded by Peckham Road and State Line Roads, the roads in this area are not designated as scenic by-ways. Fargo Road, approximately 4.4 miles to the east is the nearest scenic by-way to this location. The site plan is consistent with the setback requirements as defined in the CAFO ordinances. The property and surrounding properties are predominantly pasture and cultivated agricultural uses. The facility is buffered by an approximate 45 acres of an irrigated pasture used for grazing as evidenced by Cardoza photos in Exhibit 51 on the south to Peckham Road. The Cardoza residence is the nearest residence to the facility and that a visual buffer may be necessary to lessen the impact of the agricultural facility to this property. Again, the Commission recognizes that this area of the county is designated agriculture on the future land use map and that agricultural uses inclusive of Policy 3, encourage development design that accommodates topography and promotes conservation of agricultural land. Policy 5 encourages each development to address concerns regarding roads, lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities and weed control (see Exhibits 12, 14, 8). Through conditions placed in the CUP that the development must abide by alongside other applicable state and federal laws and regulations, the Commission finds that the applicant meets the overall purpose of the goals and policies of the Community Design component applicable to this site.

**(14) Chapter 13: Agriculture Component:**

The goals and policies of this component are specific to agriculture. The reviews of the other specific agriculture sections in the Land Use Component and Natural Resources Component are also pertinent to this section as well. The first statement in this component reads, "Canyon County is a highly productive agricultural area as a result of good soils, a long growing season, and the delivery of water by irrigation districts and canal companies. Agriculture and farming provide the economic and social foundation of our communities. It

is therefore essential for the county to support agriculture through the land use planning process. Canyon County's policy is to support agricultural use of agricultural land and to protect agricultural lands from inappropriate and incompatible development." The following goals and policies in this component address the needs and expectations for agriculture and agricultural activities.

**Goals:**

1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.
2. Support and encourage the agricultural use of agricultural lands.
3. Protect agricultural lands and land uses from incompatible development.

**Policies:**

1. Preserve agricultural lands and zoning classifications.
2. Develop and implement standards and procedures to ensure that development of agricultural land is compatible with agricultural uses in the area.
3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.
4. Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
5. Recognize that confined animal feeding operations ("CAFO's") may be more suitable in some areas of the county than in other areas of the county.

The Commission finds that the proposed use is an agricultural use in an agricultural zone and that agriculture is important to the economic and social foundation of our county. The Commission also recognizes that there are existing residential homes on agricultural properties in this region of the county as evidenced by testimony and maps. The Commission also acknowledges that there are other diaries, feedlots, and a sheep farm in the five-mile radius of the proposed new CAFO as evidenced in the staff report, siting team map, and is also identified herein in the Land Use Component review. The Commission acknowledges that agricultural operations and facilities can create conflict with new and existing residential and commercial development and that our agricultural base drives our economy. Mitigation measures to address odors, pests, lighting, and environmental concerns are conditioned and will be implemented by the operator in accordance with state and federal regulations including grading and retention of drainage water in lined evaporation ponds. The applicant must protect the waterways and irrigation structures which is appropriately addressed in the Siting Team Report, the site plan and NMP requirements as well as meaningful and enforceable conditions placed in the CUP (Exhibits 1, 3, 6, 7, 8, 10, 12, 13, 14, 15, 16, 32, 34, 35, and 4).

The Commission also finds that the Siting Team indicates that the noted environmental risks can and will be mitigated through compliance with the IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations," and finds that the agricultural area of the county is suitable for a feedlot operation (Exhibits 8-8.3).

**(15) Chapter 14: National Interest Electric Transmission Corridors Component:**

The purpose of this component is to address electrical transmission corridors. There is no evidence in the record to indicate that this application relates to or will impact the County's electric transmission corridors and therefore the Commission finds that this component of the Plan not applicable to the application or applicants use as a CAFO.

- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2002-0036.
- (3) Evidence includes associated findings and evidence supported within this document.

**4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

**Conclusion:** The Commission finds and concludes that the proposed confined animal feeding operation (CAFO) is proposed in an agricultural zone and area with predominantly agricultural uses. As conditioned the use will not negatively change the predominantly agricultural character of the area and will not be injurious to properties in the immediate vicinity and regulated by state, federal, and local regulations.

- Findings:**
- (1) The property is located in an “A” (Agricultural) zone (Exhibit 1). The character of the area is predominantly agricultural and the property has contained a feedlot element for many years (Exhibits 6, 7, 22). Expansion of the feedlot portion of the agri-business in an “A” (Agricultural) zone does not alter the agricultural character of the area.
  - (2) The applicant modified the site plan of the facility to construct the expansion area of the feedlot to buffer the existing residential properties with open agricultural fields as evidenced by the site plan. The applicant shall conform to the site plan as conditioned. (see FCO Conditions of Approval #3,4, & 5)
  - (3) Mitigation measures to address odors, pests, lighting, and environmental concerns are conditioned and will be implemented by the operator in accordance with state and federal regulations including grading and retention of drainage water in lined evaporation ponds and as regulated by ISDA.
  - (4) The applicant possesses ownership of the majority of properties in the immediate vicinity of the proposed feedlot expansion as identified in County Assessor records and presented in area map (Exhibit 28).
  - (5) There are multiple feedlot and dairy operations in the near vicinity of the proposed facility including a feedlot/dairy operation 1.5 miles to the east at 21351 Arena Valley Road, Wilder, ID. Three feedlot/dairies located within three (3) miles or less in Owyhee County on the south side of the Snake River and a large 145 acre sheep/lambing operation approximately 2.5 miles northeast of the subject property at 23503 Roswell Road as evidenced by the Siting Team map and aerial review of county properties. (Exhibits 10 & 35)
  - (6) The proposed facility is not located in an identified nitrate priority area. The Ada Canyon nitrate priority area as identified on the case map is located approximately 3300 feet (more than a half mile) to the east of the subject property. State regulatory agencies require mitigation measures and best practice management to protect the surface and groundwater as outlined in the Siting Team Advisory Report (Exhibits 8, 13, 20, 39).
  - (7) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
  - (8) Evidence includes associated findings and evidence supported within this document.

**5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?**

**Conclusion:** The Commission finds and concludes that adequate facilities and systems for the use will be provided as regulated and conditioned at the time of expansion.

- Findings:**
- (1) The applicant has applied for and obtained approval for additional stock water rights for the facility to be accessed from a new agricultural well on the subject property. The property currently has approved irrigation and stock water rights from the Allen Drain and surface water rights from Riverside Irrigation District as evidenced in Exhibits 21 & 22.
  - (2) Drainage and stormwater retention areas are to be designed and constructed in compliance with the requirements of the Idaho Department of Agricultural (ISDA) regulations and as specified in the Siting Team Advisory Report. Said facilities are regulated and regularly inspected by the ISDA to ensure compliance with the applicable standards (Exhibits 8, 8.2, 20).
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
  - (4) Evidence includes associated findings and evidence supported within this document.

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

**Conclusion:** The Commission finds and concludes that legal access currently exists to the subject property and that Golden Gate Highway District No. 3 (GGHD) will require improvements to the approach apron from State Line Road into the subject property.

- Findings:**
- (1) The property has frontage on State Line and Peckham Roads. The access for the proposed CAFO will be at the existing access location to the current agri-business and residence at 21696 State Line Road. The applicant is not proposing nor has GGHD approved a new access to Peckham Road.
  - (2) GGHD reviewed the application proposal and provided comment with conditions requiring a paved approach in accordance with ACCHD requirements as evidenced by Exhibit 18.
  - (3) The Oregon Department of Transportation as an affected agency also made comment indicating that permitting authority on the east side of State Line Road and they do not have specific concerns with the traffic generation estimated in the applicant's traffic narrative (Exhibits 17)
  - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036
  - (5) Evidence includes associated findings and evidence supported within this document.

**7. Will there be undue interference with existing or future traffic patterns?**

**Conclusion:** The Commission finds and concludes that this is a rural agricultural area with expected agricultural traffic including but not limited to trucks, tractors, harvesting equipment, support services and residential vehicles will not create undue interference with existing or future traffic patterns. The roads are publicly maintained roads that provide for emergency vehicles including fire and police to access the property and surrounding area properties. The jurisdictional agencies referenced in criteria six (6) did not report that the addition of approximately eleven (11) vehicle trips (24 total per traffic analysis) per day would cause undue interference with existing or future traffic patterns.

- Findings:**
- (1) GGHD reviewed the application proposal and provided comment with conditions requiring a paved approach in accordance with ACCHD requirements as evidenced by Exhibit 18. As conditioned the applicant will comply with GGHD (condition #6)
  - (2) The Oregon Department of Transportation as an affected agency also made comment indicating that permitting authority on the east side of State Line Road and they do not have

specific concerns with the traffic generation estimated in the applicant's traffic narrative (Exhibit 17)

- (3) The subject property has road frontage on and access to a public road, State Line Road as evidenced by aerial map.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
- (5) Evidence includes associated findings and evidence supported within this document.

**8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

**Conclusion:** The Commission finds and concludes that essential services will be provided and this application will not negatively impact existing services or require additional public funding.

- Findings:**
- (1) The proposed CAFO is not anticipated to impact essential services as there is not expected to be a significant increase in population, residential development, or need for additional police, fire or ambulance response to the feedlot facility. Irrigation facilities will continue to be maintained and preserved on the subject property.
  - (2) The City of Wilder, Canyon County Sheriff, Riverside Irrigation District, Canyon County Paramedics/EMT, and Wilder Fire Protection District were notified of the request and did not provide responses to indicate that the proposed use would have a negative impact. No mitigation measures are proposed at this time.
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
  - (4) Evidence includes associated findings and evidence supported within this document.

**Canyon County Code §09-01-25, 09-03-07, 09-05-25, 09-07-09, 09-09-17, 09-11-25, 09-13-07, 09-15-07, 09-17-23, 09-19-12 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE**

**Conclusion:** The Commission finds and concludes that an area of city impact ordinance is not applicable to this application. The property is not located within the Wilder Area of City Impact. A courtesy agency notice was sent to the City of Wilder and the no response was received from the City of Wilder.

- Findings:**
- (1) The proposed CAFO facility and subject property is not located within the Wilder area of city impact. The impact area boundary is located approximately 3.73 miles east of the subject property at Rodeo Lane. (Exhibit 1)
  - (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.

**Additional Criteria: 08-01-11: Criteria for approval and development standards for new facilities**

**A. General Requirements:**

- 1. The new CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.**

**Conclusion:** The Commission finds and concludes that the proposed CAFO facility is within an area zoned “A” (Agricultural).

**Findings:** (1) Exhibit 1 Parcel Tool identifies the subject property R37348010 as being zoned Agricultural and designated “AG” on future land use map 2011-2022.  
(2) Exhibit 34 Zoning and Classification Map.

- 2. The new CAFO shall comply with and not be in violation of any federal, state or local laws or regulatory requirements.**

**Conclusion:** The Commission finds and concludes that evidence provides that the current facility is in compliance with the Canyon County ordinances and as conditioned the CAFO shall comply with federal, state, and local laws and regulatory requirements. (Condition #1)

**Findings:** (1) The existing feedlot and cattle operation is in compliance with current Canyon County codes.  
(2) The existing feedlot is operating under an approved Nutrient Management Plan (Exhibit 13).  
(3) The existing feedlot and cattle operation has approved irrigation and stock water permits from the Idaho Department of Water Resources (Exhibits 21 & 22).  
(4) Expansion of the existing feedlot facility will require an updated Nutrient Management Plan in compliance with ISDA (IDAPA) rules and regulations (Condition #1) and compliance with the CAFO requirements in the Canyon County Code as conditioned.

- 3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit.**

**Conclusion:** The Commission finds and concludes that the applicant made upgrades to the current cattle operations on the subject property including the addition of cattle feeding pens and alleys. Staff indicated that the facilities could only be constructed to manage the entitled animal units (<1000 head) in the feedlot facility. The applicant complied and has not constructed facility improvements beyond the entitlement requirements for the current business operations.

**Findings:** (1) Courtesy notice and photos from DSD staff indicating construction restrictions. (Exhibit 26 & 27)  
(2) Aerial photos showing evidence of site improvements (Exhibit 7)  
(3) Evidence within the staff report and FCOs indicating the Canyon County Zoning Ordinances (CCZO) entitlement criteria and allowed units on the AK Feeders’ properties.

- 4. A new CAFO shall comply with IDAPA rules governing dead animal disposal.**

**Conclusion:** The Commission finds and concludes that the applicant has provided for a mortality pick-up location. The facility will comply with rules governing dead animal disposal. (Exhibits 3, & 12)

**Findings:** (1) A condition shall be placed to comply with dead animal disposal regulations as governed by the IDAPA and under the jurisdiction of ISDA. (Condition #18)

**B. Animal Waste:**

- 1. The new CAFO shall comply with the terms of its nutrient management plan (NMP) for land application.**

**Conclusion:** The Commission finds and concludes that the applicant has submitted and received approval for the current facility NMP. The NMP and land application of waste is regulated and inspected by the Idaho Department of Agriculture as the entity with jurisdictional authority.

**Findings:** (1) See AK Feeders Site Advisory Team Report (Exhibits 8-10).

(2) See ISDA letter dated March 15, 2023 approval of AK Feeders NMP (Exhibit 13)

**2. The new CAFO shall be in compliance with all applicable environmental regulations and requirements.**

**Conclusion:** The Commission finds and concludes that the applicant will operate the CAFO in compliance with all applicable environmental regulations and requirements as conditioned and regulated by the agency having jurisdictional authority (Condition 1).

**3. All new lagoons shall be constructed in accordance with state and federal regulations.**

**Conclusion:** The Commission finds and concludes that the Idaho State Department of Agriculture has regulatory jurisdiction and authority of this criteria.

**Findings:** (1) See AK Feeders Site Advisory Team Report (Exhibit 8).

**C. Site Setbacks:**

**1. The locating of animal waste systems, corrals, wells and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.**

**Finding:** *The facility shall comply with setbacks and will be conditioned to comply as required by regulatory agencies having oversight of CAFO permitting activities. Two feed pens constructed in September 2022 are not located 50 feet from the public right of way and condition no. 5 requires the applicant to reconstruct the pens to comply with the site plan and CAFO setback requirements.*

**2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.**

**Finding:** *The facility is owned by AK Feeders. There is one house on the subject property and it is owned by AK Feeders. The nearest non-applicant owned residential property from the defined 80 acre CAFO boundary on the site plan (Exhibit 3) is more than 450 feet to the southeast on Peckham Road.*

**3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights-of-way (ROW).**

**Finding:** *The site plan for the CAFO facility identifies the appropriate setbacks for the proposed facility structures. Two of the existing feeder pens (constructed in September 2022) and located adjacent to State Line Road do not currently meet setbacks (approx. 30' from ROW) and will require modification to bring those pens into compliance with the submitted site plan and ordinance. A condition shall be placed to require the setback be met—50 feet from Stateline Road rights-of-way. (Condition #5)*

**4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.**

**Finding:** *The applicant has provided a site plan and identified the location of the proposed lights at the facility. A condition is placed to require compliance with the C4 (Condition #7).*

**5. No new CAFO shall be approved unless the following questions are answered to the satisfaction of the commission or board:**

(A) Whether the proposed facility will be injurious to or negatively change the essential character of the vicinity.

**Finding:** *The proposed facility will not be injurious or negatively change the essential character of this predominantly agricultural area of Canyon County as conditioned. This criteria is also addressed in the eight (8) CUP criteria of review and more specifically criteria #4.*



(B) Whether the proposed facility would cause adverse damage, hazard and nuisance to persons or property within the vicinity.

**Finding:** As conditioned, the facility will not cause adverse damage, hazard and nuisance to persons or property within the vicinity. *This criteria is also previously addressed in the eight (8) CUP criteria above. A condition is placed to require compliance with state and federal requirements (Condition #1), compliance with the provided Waste Management and Nuisance Control Plan - including waste, odor, pests, and dust (Condition #14). Conditions have also been placed to address weeds, dust, # of cattle housed in the feedlot facility, lighting, dead animal disposal, protection of irrigation facilities, parking on roadways, and more specifically Condition #12 addresses land application of nutrients setback of 300 feet from the Cardoza property and #13 a 500 foot setback not allowing for any current or future stockpiling or composting of waste from the residential properties immediately adjacent to the 163.23 acre subject property.*

(C) Whether studies should be ordered at the CAFO applicant's expense to aid the commission/board in determining what additional conditions should be imposed as a condition of approval to mitigate adverse damage, hazard and nuisance effects.

**Finding:** *The facility must comply with the IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations," as regulated, permitted, inspected and enforced by the Idaho Department of Agriculture. A Siting Team review was conducted and a report was provided to the County with proposed mitigation requirements. The ISDA has also reviewed and provided an approval letter for the current AK Feeders' Nutrient Management Plan for the existing facility with required testing and identified best management practices. These items are under the jurisdiction of the ISDA.*

**6. The animal waste system shall not be located or operated closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.**

**Finding:** *The animal waste systems as shown on the site plan are not within 500 feet of a residence belonging to someone other than the applicant. By scaling the site plan the nearest residence to the southeast corner of the waste pond is more than 900 feet.*

**7. No animal waste system shall be located and/or operated closer than one hundred feet (100') from a domestic or irrigation well.**

**Finding:** *No waste system shall be located and/or operated closer than one hundred feet from a domestic or irrigation well. (Condition #3)*

**8. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.**

**Finding:** *No animal waste system existing or new is proposed to be less than 100 feet from a public right of way and a condition is placed to ensure compliance with set-backs. (Condition #3 and 4)*

**9. The setbacks contained herein shall not apply to land application.**

**Finding:** *Land application is addressed in the Nutrient Management Plan reviewed and regulated by the ISDA. However, to comply with criteria within the CAFO ordinance and CUP criteria mitigating land use conflicts; land application of nutrients shall not be allowed within 300 feet of the exterior boundaries of parcel R37348 (a 2 acre residential parcel located at 31252 Peckham Road, Wilder, ID.) Stockpiling and/or composting of animal waste shall not be allowed within 500 feet of the immediately adjacent properties located along Peckham Road and specifically identified in Conditions # 12 and # 13.*

#### **CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:**

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the

criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.

## Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case #CU2022-0036, a conditional use permit for AK Feeders, LLC requesting a Confined Animal Feeding Operation (CAFO) for a maximum of 3700 head of beef cattle on approximately 80 acres of parcel R37348010 (containing 163.23 acres) in substantial conformance to the specified CAFO boundaries on site plan received by DSD 4-25-23 and subject to the following conditions as enumerated:

### Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use. Including but not limited to:
  - a. Compliance with Idaho State Department of Agriculture
  - b. Compliance with Idaho Department of Environmental Quality
  - c. Compliance with Idaho Environmental Protection Agency
  - d. Compliance with Idaho Department of Water Resources
2. Pursuant to Canyon County Code Chapter 8, CAFO Regulations, §08-01-14: Construction of the new or expanding CAFO must commence within three (3) years of the issuance of the CAFO siting permit and be completed within five (5) years of the same date. If construction has not commenced within three (3) years and/or completed within five (5) years from the date the CAFO siting permit was approved, the permit holder may request an extension. Application for extension must be filed at least sixty (60) days prior to the expiration of the three (3) year or five (5) year period. A renewal extension, if granted, may be limited to three hundred sixty-five (365) calendar days, which shall commence at the expiration of either period. The applicant bears the burden of persuasion on an extension request.
3. The development shall comply with all site setbacks as provided in the County CAFO Ordinance (Canyon County Code Section 08-01-012(1)C), as follows:
  - a. The locating of animal waste systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
  - b. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
  - c. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
  - d. The animal waste system shall not be located closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
  - e. No animal waste system shall be located closer than one hundred feet (100') from a domestic or irrigation well. *Definition of animal waste system: structure or system that provides for the collection, treatment, or storage of animal waste, including composting.*
  - f. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
  - g. The setbacks contained herein shall not apply to land application (except as provided for parcel R37348 specifically). *Land application is the spreading on or incorporation of liquid or solid waste into the soil mantle primarily for beneficial purposes.*

4. Prior to commencement of operation expansion, the feedlot shall be developed in substantial conformance the site plan dated 4-24-23 (Exhibit 3 and Attached hereto as Attachment A). If the site plan needs to be adjusted to meet the setback requirements of the CAFO ordinance, then a revised site plan meeting the setback requirement the other conditions contained herein shall be submitted to the Development Services Department prior to commencement of construction of the proposed improvements on the site. The facility shall be constructed in substantial conformance with and in conformance with all setback requirements for a CAFO facility as required in CCZO §08-01-11(1) C. *Note: Feedlot receiving and processing pens are noted to be reconfigured.*
5. Prior to expansion, lagoons shall be lined and constructed in accordance with state and federal regulations.
6. Two existing feedlot pens (*constructed in or around September 2022*) adjacent to Stateline Road shall be reconfigured to meet the required 50 foot setback from the public right of way and as shown on the CAFO site plan dated 4-24-23 from AGPRO in compliance with CCZO §08-01-012(1)C. (attached hereto as Attachment A) The identified pens must be reconfigured prior to the applicant expanding the current cattle numbers to accommodate the CAFO permit. The applicant shall provide proof of the reconfiguration and compliance with the CAFO setbacks to Development Services Department in the form of pictures and/or setback inspection before CAFO operations (>1000 head of cattle in feedlot) begin.
7. The applicant shall comply with applicable Golden Gate Highway District No. 3 access requirements. The applicant shall obtain a permit prior to expansion of the existing feedlot facility. The applicant shall provide proof of compliance by providing Development Services with an approved highway district permit for improvements. (Exhibit 18)
8. Lighting (existing and new) shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area. CAFO facility lighting shall be utilized only on an as needed basis after dusk at the facility. Existing night sensor, photoelectric/photo cell light(s) typical for residential/farm/barnyard lighting may remain on throughout the night. Existing lighting must be shielded to direct the light down and inside the property.
9. The feedlot, waste systems, and support facility (barnyard) shall be kept weed free and/or maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
10. The applicant shall not impede or disrupt existing irrigation structures, i.e. drains, laterals, supply ditches, on and adjacent to the subject property.
11. The applicant shall not discharge CAFO process water or stormwater from the feedlot and/or settling lagoons to the Allen Drain. Comply with ISDA rules and regulations.
12. The operator shall process and dispose of waste in a manner consistent with the requirements of the Nutrient Management Plan for AK Feeders as approved and regulated by the Idaho State Department of Agriculture.
13. The operator shall not land apply nutrients within 300 feet of parcel R37348 (two acres) at site address 31252 Peckham Road, Wilder, Idaho.
14. The operator shall not place a composting facility or stage/stockpile nutrients within 500 feet of any existing residential parcel [R37351, R37351011, R37351010, R37350] along/near the southern boundary (Peckham Road) of subject property R37348010 (163.23 acres) inclusive of residential parcel R37348.
15. The CAFO shall comply with the odor, waste, dust, and pest best management practices in compliance with the approved nutrient management plan and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements.
16. Signage shall meet CCZO §07-10-13 requirements, and shall not exceed 32 sq. feet as proposed by the applicant unless an additional sign permit is applied for and approved by the Director.
17. The feedlot operation shall not exceed the maximum 3700 head of cattle at any given point in time within the feedlot facility without applying for and receiving approval through an amended or new conditional use permit.

18. The CAFO shall comply with the nutrient management plan as approved by the Idaho State Department of Agriculture.
19. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements
20. The CAFO shall also comply with Idaho State Department of Agriculture rules regarding dead animal disposal.
21. The facility shall comply with the recommendations in the Mitigation section of the CAFO Siting Team report, to minimize potential water source contamination (Exhibit 8 and attached hereto as Attachment B).
22. The CAFO shall comply with stock water and/or commercial water right requirements (Idaho Department of Water Resources).
23. All employee, delivery-including cattle trucks, facility-related parking of vehicles shall be onsite--not in the public right-of-way and/or along the shoulders of State Line Road in the vicinity of the facility.
24. Comply with all Fire District requirements by State adopted IFC and as evidenced by review and approval documentation prior to issuance of a certificate of occupancy.
25. The Applicant shall submit a copy of the annual inspection report provided by the Idaho State Department of Agriculture to the Development Services Department (DSD) commencing December 31, 2023. Each annual inspection report shall be submitted to DSD no later than December 31<sup>st</sup> of each calendar year unless the report is received by the Applicant after that date in which case the report shall be submitted to DSD within ten business days of its receipt.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

\_\_\_\_\_  
Robert Sturgill, Chairman

State of Idaho )

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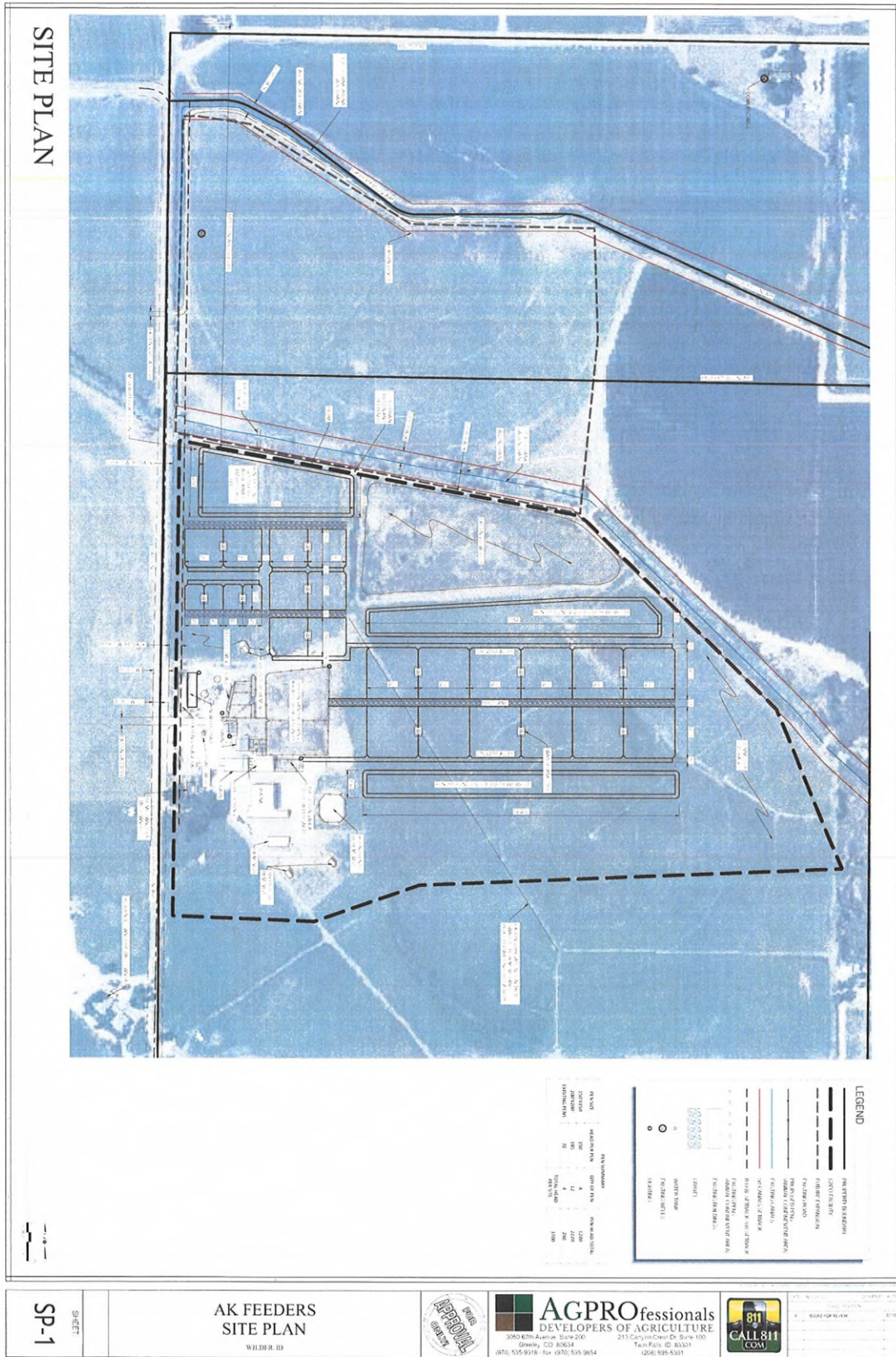
County of Canyon County )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 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.

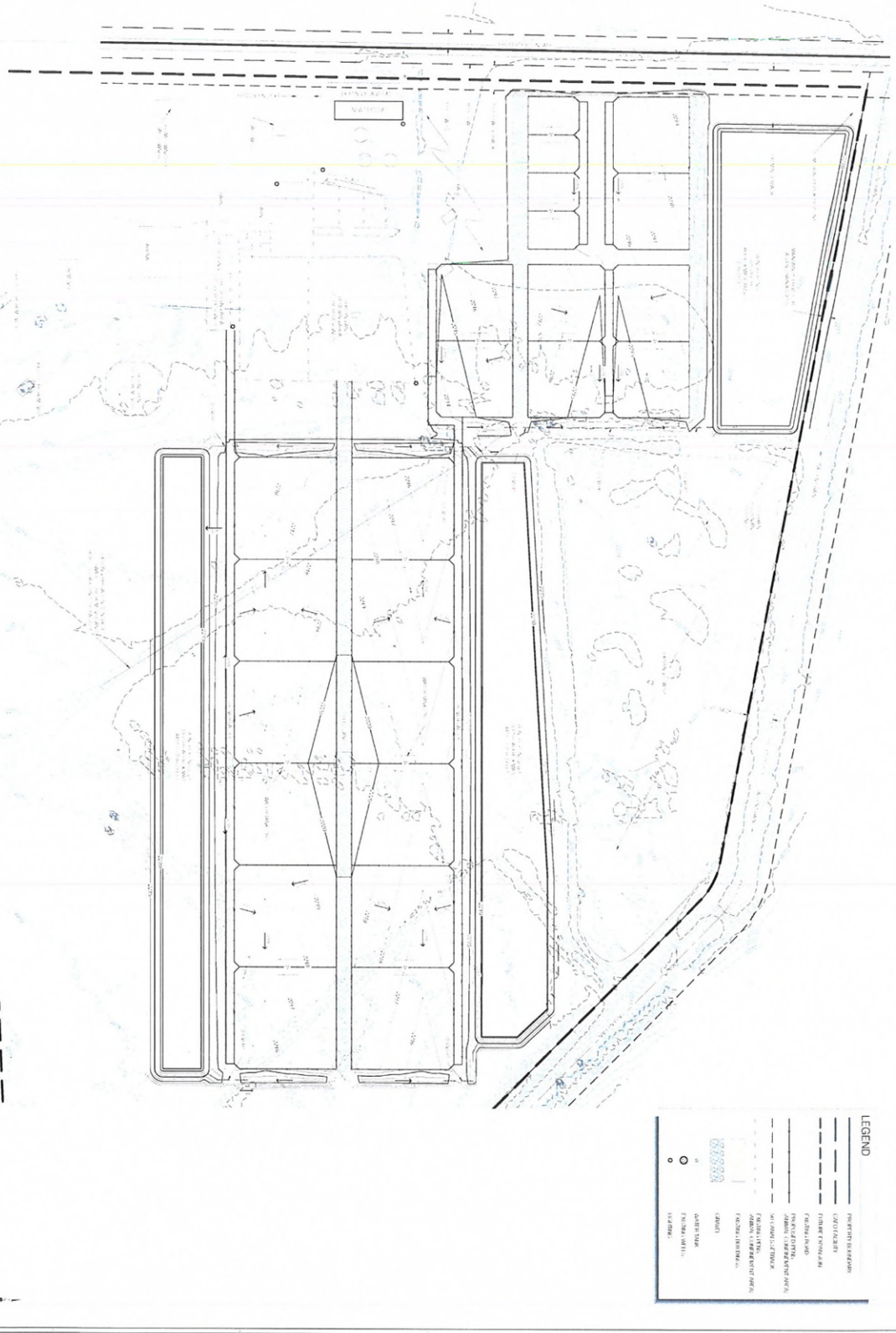
Notary: \_\_\_\_\_

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

Attachment A: Site Plan and Grading Plan



**GRADING PLAN**



**LEGEND**

	PROPOSED ELEVATION
	CONTOUR LINES
	ELEVATION POINTS
	PROPOSED GRADING
	EXISTING GRADING
	PROPOSED STRUCTURE
	EXISTING STRUCTURE
	PROPOSED ROAD
	EXISTING ROAD
	PROPOSED UTILITY
	EXISTING UTILITY
	PROPOSED FENCING
	EXISTING FENCING
	PROPOSED PLANTING
	EXISTING PLANTING
	PROPOSED STORMWATER
	EXISTING STORMWATER
	PROPOSED EROSION CONTROL
	EXISTING EROSION CONTROL

<p><b>GR-1</b></p> <p>SHEET</p>	<p><b>AK FEEDERS</b></p> <p><b>GRADING PLAN</b></p> <p>WJDR ID</p>		<p><b>AGPROfessionals</b></p> <p>DEVELOPERS OF AGRICULTURE</p> <p>3055 67th Avenue, Suite 200              Greeley, CO 80632              (970) 438-9318 - fax - (970) 435-9854</p> <p>213 Canyon Blvd. Suite 100              Twin Falls, ID 83301              (208) 335-5311</p>	
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## Attachment B: Siting Advisory Team Report



IDAHO STATE DEPARTMENT OF AGRICULTURE



### CAFO SITE ADVISORY TEAM

September 14, 2023

Canyon County Board of Commissioners  
Commissioner Leslie Van-Beeck  
Commissioner Brad Holton  
Commissioner Zach Brooks  
Canyon County, Caldwell Idaho

#### **RE: CAFO Siting Advisory Team Review Report of AK Feeders**

Dear Commissioners,

The Idaho State Concentrated Animal Feeding Operation (CAFO) Siting Team has completed its review of the proposed Livestock Confinement Operation expansion of AK Feeders located at 21696 Stateline Rd. Wilder, Idaho. This facility is proposing to extend the existing operation to 3700 head of beef cattle. The review was completed in response to a request made by Canyon County in accordance with IDAPA 02.04.30, subchapter B.

The Team, consisting of representatives from the Idaho Department of Environmental Quality (IDEQ), Idaho Department of Water Resources (IDWR), and the Idaho State Department of Agriculture (ISDA) performed a site evaluation on September 9, 2023.

The information evaluated for this facility included the application package provided by Canyon County, IDWR ground water information and water right records, IDWR Statewide Ambient Ground Water Quality Monitoring Program network data, IDEQ map and data, ISDA Regional Agricultural Ground Water Quality Monitoring Program data, Natural Resources Conservation Service soil data, well driller reports, discussions with county officials and the owner, and an onsite evaluation by the team.

According to IDAPA 02.04.30 subchapter B, CAFO Site Advisory Team is required to provide a site suitability determination that includes:

- **Risk Category.** A determination of an environmental risk category: high, moderate, low; or insufficient information to make a determination.
- **Description of Factors.** A description of the factors that contribute to the environmental risks.
- **Mitigation.** Any possible mitigation of the environmental risks.

#### **I. Risk Category**

The following determination is based on the information supplied to the team through the county and site-specific conditions at the time of the site visit. However, information used for evaluating the ground water,

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Page 1 of 4

geology, and soils may be based on regional information and may not fully characterize the local conditions of the specific facility.

The Environmental Risk, as determined by the CAFO Site Advisory Team, is **High Risk**.

**Any changes or modification in the application or at the site may alter the Environmental Risk.** Risk is determined through a point-based scoring system (attached) that utilizes and accounts for a combination of environmental factors. Management and mitigation are not factored into this determination; it is a physical characterization of the site only.

## II. Description of Factors

The Environmental Risk is based on physical characteristics of the site. The following technical factors contributed to the environmental risk rating:

### High Risk Factors

- Dominant soil texture in the area is fine sandy loam, with high saturated hydraulic conductivity ( $K_{sat}$ ) between 0.57 and 2 inches/hour.
- Clay layers in the unsaturated zone are discontinuous. Driller's reports indicate 0-10 ft. of clay layers in the unsaturated zone
- The depth to first encountered groundwater is generally shallow at 0-25 ft.
- The aquifer geology is composed of sand and gravel.

### Moderate Risk Factors

- The average soil depth in the area is approximately 60 inches.
- The most recent mean nitrate level in groundwater within a 5-mile radius is 5.3 mg/L.
- The percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 25%.
- Downgradient distance to the closest domestic well is cross-gradient, however less than 100 feet away.

### Low Risk Factors

- The time of travel to the nearest downgradient spring is greater than 10 years.
- The CAFO site is not located within a source water delineation capture zone.
- Downgradient distance from the CAFO to the nearest surface water body (Snake River) is greater than 200 feet.
- The facility exports all manure off site to a third party, presenting low risk to downgradient surface water bodies from land application at the proposed CAFO site.
- The CAFO site is not within a 100-year floodplain.
- Surface run-on potential to the CAFO site is low due to moderately sloped topography next to CAFO site.
- NRCS run off index indicated low risk of surface runoff from the CAFO facility.
- The average annual precipitation is approximately 9.1 inches/year.

## III. Mitigation

The CAFO Site Advisory Team's environmental risk assessment process is focused on water quality.

The facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations". The Nutrient Management Plan will be

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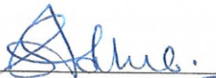
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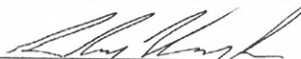
The following individuals were present at the CAFO Site Advisory Team evaluation. The names depicted in bold type are the individuals responsible for the suitability determination.

1. **Pradip Adhikari**, Soil Scientist, ISDA
2. **Gus Womeldorph**, IDWR, Hydrogeologist
3. **Kathryn Elliott**, IDEQ, Ground Water Coordinator
4. Debbie Root, Canyon County Representative
5. David DeBenedetti, Facility Owner
6. Coortney Rueth, Owner Representatives
7. Valene Cauhorn, AgPro/Owner Representatives
8. Mat Wilke, Owner Representatives

If you require further information regarding this site determination, please feel free to contact us.



Pradip Adhikari, ISDA  
(208) 332-8541



Gus Womeldorph, IDWR  
(208) 287-4963



Kathryn Elliott, IDEQ  
(208) 373-0191

#### ATTACHMENTS

1. CAFO Site Advisory Team Environmental Risk Form
2. IDEQ produced map (including animal units in the area, public water systems, residential wells, irrigated acres and population)

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"Serving consumers and agriculture by safeguarding the public, plants, animals and the environment through education and regulation."

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**AK Feedlots**

**21696 Stateline RD, Wilder,**

Map Legend

- Dairy Locations (ISDA)
- Feedlots (ISDA)
- Schools (GIS)
- Township and Range
- PLS (Sections)
- ▲ Public Water Systems

**Source Water Delineations**

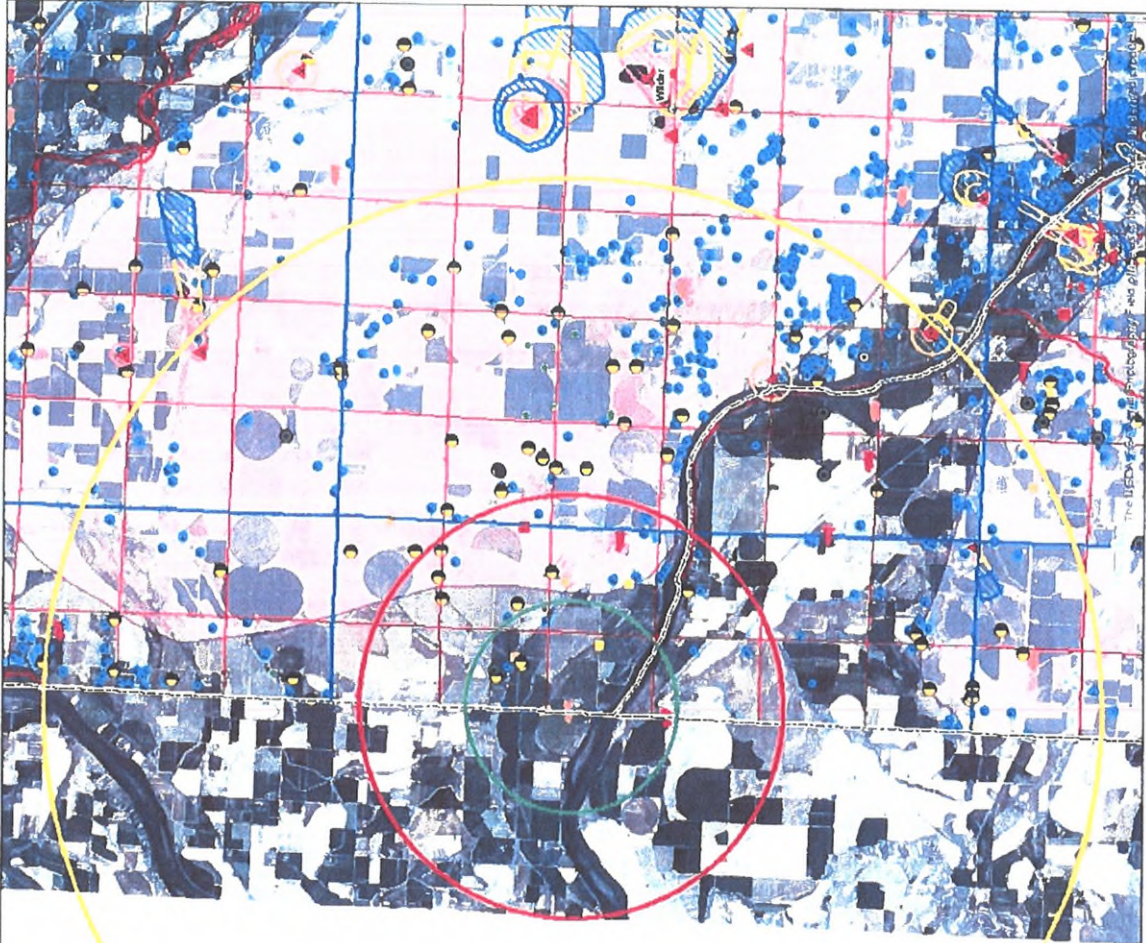
**Time of Travel**

- SWA 3 Year To T
- SWA 6 Year To T
- SWA 10 Year To T
- Surface Water Buffer
- Fixed Radius
- Watershed Boundary

- Isda Wells (Males)
- Deep Injection Wells (Non-Permit)
- Deep Injection Wells (IDWR)
- State Monitoring Wells (IDWR)
- Domestic Wells (IDWR)
- Springs (IHD)

**Nitrate Priority Areas (2020)**

- Animal Units = 5 Miles = ~ 11,740
- Public Water Systems = 5
- Residential Wells = 320
- State Monitoring Wells = 56
- Deep Injection Wells = 1
- Population 2020 = 7,669
- Irrigated Acres = 27,868
- USGS (NH) Springs = 1
- Schools = 1



Obtain more information from the Department of Environmental Quality, Division of Environmental Quality, for more information on the accuracy, completeness, or reliability of the information or data provided. The data could be affected by errors in data collection, data processing, or data entry. DEQ may update the data used at any time without notice.

**State of Idaho CAFO Site Advisory Team Environmental Risk Form**

Risk Scoring System  
 1 = Low Risk = Ideal goal for environmental protection  
 2 = Moderate Risk = Provides reasonable resource protection  
 3 = High Risk = Poses a high risk for health and/or for contaminating ground or surface water

Name & Date of Siting: AK Feeders. 9/6/2023

Category	Result	Risk Score
<b>Soil</b>		
1. Soil permeability	High. Fine sandy loam with Ksat 0.57 to 2.00 in/hr.	3
2. Soil depth	Moderate. Typical soil profile depth 60 inches.	2
3. Thickness of clay in unsaturated zone	High. Driller's reports indicate 0-10 ft of clay typical in unsaturated zone.	3
<b>Ground Water</b>		
4. Depth to first encountered water	High. Depth to first encountered water is generally shallow, 0-25 ft.	3
5. Mean nitrate level in ground water within a 5 mile radius	Moderate. Mean most recent nitrate levels are 5.3 mg/L within a 5-mile radius.	2
6. Percentage of wells over 5 mg/L nitrate within 5 miles	Moderate. 25% of wells within a 5 mile radius have a nitrate value over 5 mg/L.	2
7. Aquifer geology	High. Typical aquifer geology is sand and gravel.	3
8. Time of travel to a spring	Low. Time of travel to a spring is >10 years.	1
9. Downgradient distance to nearest domestic well	Moderate. Nearest domestic well is cross-gradient, but <100 ft away.	2
10. Within source water delineation area time-of-travel	Low. CAFO is not within a source water delineation area time-of-travel.	1
<b>Surface Water</b>		
11. Downgradient distance from CAFO to nearest surface water body	Low. Downgradient distance from CAFO to nearest surface water body (Snake River) is >200	1
12. Downgradient distance from land application to nearest surface water	Low. All manure is third-party export.	1
13. 100-year floodplain	Low. Not within the 100 year floodplain.	1
<b>Nutrient Transport</b>		
14. Run-on	Low. Run-on risk is low due to low to moderately sloped topography next to CAFO site.	1
15. Surface Runoff	Low. NRCS surface run-off index is low.	1
16. Annual precipitation	Low. Average annual precipitation is 9.1 inches.	1
Index 1		40.00
Index 2		3.00
<b>Final Risk Score</b>		<b>High</b>

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# Waste Management Plan

## *Waste Management and Nuisance Control*

*For*

*AK Feeders  
Canyon County, Idaho*

Prepared by



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**HQ & Mailing:** AGPROfessionals  
3050 67<sup>th</sup> Avenue  
Greeley, CO 80634 (970) 535-9318

**Idaho:** 213 Canyon Crest Drive, Suite 100  
Twin Falls, ID 83301 (208) 595-5301

*Developed in Accordance with Generally Accepted Agricultural Best Management Practices*

March 2023

## Introduction

This *Management Plan for Waste and Nuisance Control (MPWNC)* has been developed and implemented to identify methods AK Feeders will use to minimize the inherent conditions that exist in confinement feeding operations. The management plan outlines management practices generally acceptable and proven effective at odor and pest management and minimizing nuisance conditions. This narrative is a proactive measure to assist integration into local communities. AK Feeders management will use practices to their best and practical extent.

## Legal Description

The concentrated animal feeding facility described in this MPWNC is located directly on the Idaho and Oregon border, on the west side of State Line Road in Section 14, Township 4 North, Range 6 West.

## Odor Control

Odors result from the natural decomposition processes that start as soon as the manure is excreted and continue as long as any usable material remains as food for microorganisms living everywhere in soil, water and the manure. Odor strength depends on the kind of manure, and the conditions under which it decomposes. Although occasionally unpleasant, the odors are not dangerous to health in the quantities one customarily notices around animal feeding operations and fields where manure is spread for fertilizer. AK Feeders will use the following methods and management practices for odor control:

1. Pen Management
  - *Drainage and Regular Manure Removal*  
Dry manure is less odorous than moist manure. Standing water can increase microbial digestion and odor-producing by-products. AK Feeders will conduct proper pen maintenance and surface grading to reduce standing water. In between pen cleanings, the manure will be mounded in the pens prior to being exported.
2. Manure/Stormwater Pond Management
  - *Aerobic Designed Ponds*  
The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in accordance with the *Nutrient Management Plan* for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.

## **Dust Control**

Dust from pen surfaces is usually controlled by intensive management of the pen surface by routine cleaning and harrowing of the pen surface. The purpose of intensive surface management is twofold: to keep cattle clean and to reduce pest habitat. The best management systems for dust control involve moisture management. Management methods AK Feeders will use to control dust are:

1. Pen Density
  - Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.
2. Regular Manure Removal
  - AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.
3. Water Trucks
  - Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions.

If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

## **Pest Control - Insects and Rodents**

Insects and rodents inhabit environments that have an adequate-to-good food supply and that foster habitat prime for breeding and living. AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary.

1. Habitat Management

○ *Regular Manure Removal and Lot Management*

Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.

○ *Reduce Other Fly Habitats*

Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.

2. Controls – Biological and Chemical

○ *Biological Control*

Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.

○ *Baits and Chemical Treatments*

Baits and treatments are generally very effective. If additional pest prevention is necessary, AK Feeders will use USDA approved fly sprays and baits, such as Pyganic. Application levels and methods of such will be warranted by the results of the other control measures previously outlined.

In the event it is determined that nuisance conditions from pests such as flies and rodents persist, AK Feeders will initially increase the frequency of the housekeeping and management practices outlined previously. If further action is necessary, AK Feeders will increase use of USDA approved chemical controls and treatments, such as fly sprays and baits, and rodenticide for pest control.

# SITE PLAN

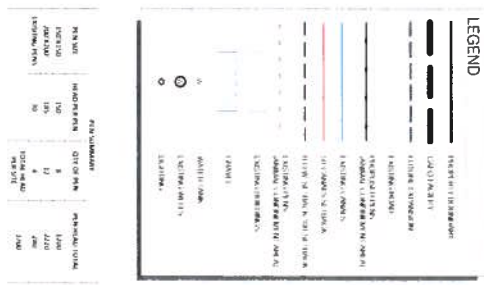
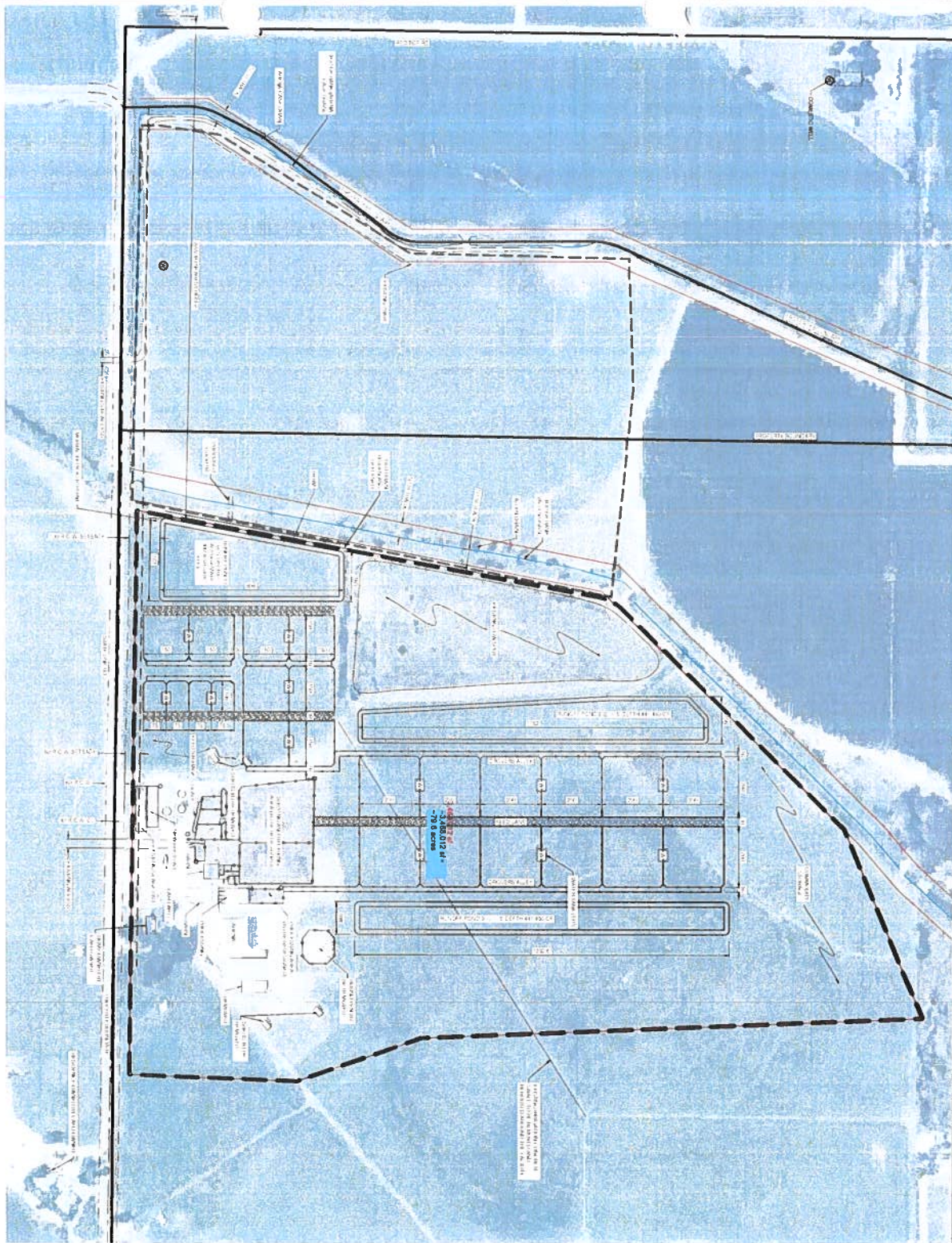


EXHIBIT  
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SP-1

SHEET

**AK FEEDERS  
SITE PLAN**  
WILDER, ID



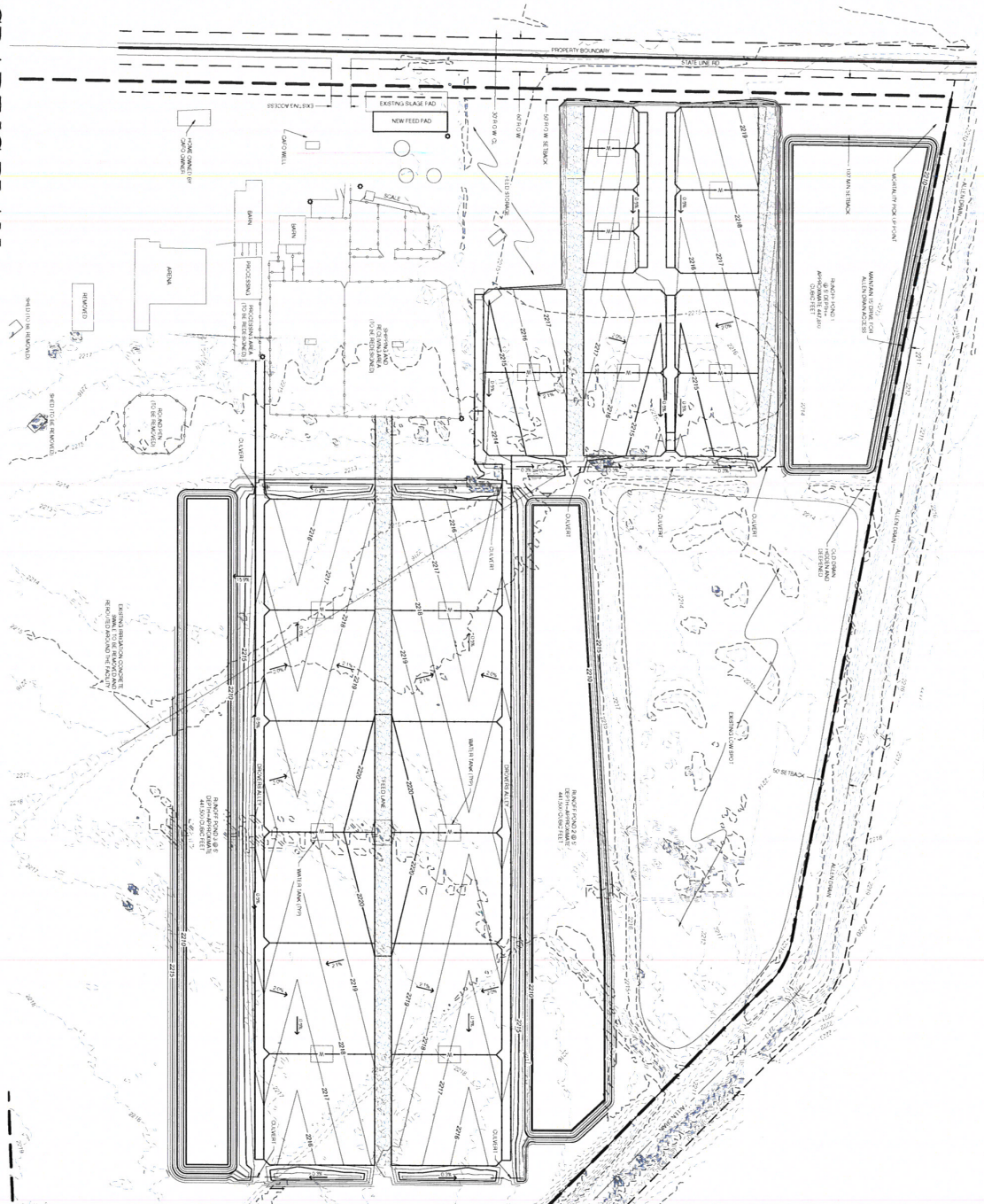
**AGPRO**professionals  
DEVELOPERS OF AGRICULTURE  
3397 E. Pro Avenue, Suite 200  
Greer, CO 80434  
970.535-8338 Fax: 970.535-9634  
213 Canyon Drive, Suite 100  
Twin Falls, ID 83301  
978.576-5391



DATE	DESCRIPTION	BY	CHKD



# GRADING PLAN



**LEGEND**

- PROPERTY BOUNDARY
- UTILITY FACILITY
- FUTURE EXPANSION
- EXISTING POND
- PROPOSED POND
- ANIMAL CONFINEMENT AREA
- ANIMAL CONFINEMENT AREA WITH COVER STACK
- EXISTING FENCE
- PROPOSED FENCE
- EXISTING BUILDING
- CHANNEL
- WATER TANK
- EXISTING UTILITY
- PROPOSED UTILITY

GR-1 SHEET

AK FEEDERS  
GRADING PLAN  
WILDER, ID



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3050 67th Avenue, Suite 200,  
Greenlee, CO 80634  
(970) 535-8318 • fax: (970) 535-9854

213 Canyon Crest Dr, Suite 100,  
Twin Falls, ID 83301  
(208) 595-5301

DATE	APR 14 2021	DRAWN BY	AGPRO
ISSUE #	REVISION		
A	READY FOR REVIEW		

EXHIBIT  
3



White Barn Ventures, Inc.

Canyon County Development Services  
ATTN: Debbie Root  
111 N. 11th Avenue  
Caldwell, ID 83605  
RE: 2020 Comp Plan Analysis

10/23/2023

Hi Debbie,

Please see the attached 2020 comp plan analysis and review of the applicable conditional use permit criteria under CCC 07-07-05 and 08-01-11 I am submitting on behalf of my clients, AK Feeders, for their CAFO CU2022-0036 application. This CAFO application is in conformance with the 2020 Comprehensive Plan. The proposed application for the expansion of this cattle operation meets many of the goals, policies, and implementation actions in the Plan, some of which I have listed below.

- **Pg 34 Goals:**

1. To diversify and improve the economy of Canyon County in ways that are compatible with community values.
2. To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities.
3. Create new jobs that are sustainable and lasting.
4. Provide an economically viable environment that builds and maintains a diverse base of business.
5. To ensure that land use policies, ordinances and processes allow for a viable economic environment for development

- **Page 34 & 35 Policies:**

1. Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
2. Support existing business and industry in the county.
- 3a. Encourage broad-based economic development programs that include natural resources such as agriculture.
8. Set aside suitable sites for economic growth and expansion that are compatible with the surrounding area.

- **Page 36 states:**

Agriculture and natural resource management is important to Canyon County and each of the cities and outlying communities as a whole. Eighty four percent of the total land area of Canyon County is agricultural. According to the Bureau of Reclamation, between 2002-2007 Canyon County lost 25% of its productive agricultural lands to development.

EXHIBIT  
4



This rapid urbanization has made it difficult for existing Agricultural operations to continue with generally recognized agricultural practices without public scrutiny. Farming continues to be an economic stability to the County and the use of agricultural land for the production of food and fiber continues to serve as a constant need as a land and economic base. A more detailed discussion of agricultural trends can be found in Chapter 13. Conflicts may arise between raising crops and animals amidst residential or transitional type uses.

\*More recent studies were included in the 2030 Comp Plan, According to American Farmland Trust's "Farms Under Threat: The State of the States" 2020 report, 8,800 acres, or almost fourteen square miles of County farmland was converted to low and high-density development between 2001-2016. That's close to one square mile per year. Boise State University Land Use Lab estimates the current conversion rate has accelerated to 1,113 acres per year, or almost two square miles per year, as Canyon County continues to be the path of growth in the Treasure Valley.

- **Page 37: Agriculture:**

The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value. This proposed use is "Agriculture" by definition.

- **Page 38: Goals:**

2. To provide for the orderly growth and accompanying development of the resources within the county that are compatible with the surrounding area.

- **Page 39: Agriculture:**

The County's policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide, fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.

- **Page 40: Policies:**

1. Encourage the protection of agricultural land for the production of food.



3. Canyon County supports Idaho's Right to Farm laws (Idaho Code § 22-4501-22-4504), as amended.

4. Recognize that Confined Animal Feeding Operations ("CAFO's") may be more suitable in some areas of the county than in other areas of the county. **The site borders Oregon, which has strict land use laws deterring residential development, as well as very low residential density in the immediate vicinity on the Idaho side. The site is also isolated from much more densely populated residential areas in the county towards the east in Wilder, Greenleaf, Caldwell and Nampa.**

- **Page 42: Implementation Action for CAFO's:**

Review and refine the siting standards and regulations for Confined Animal Feeding operations.

- **Page 43: Goals:**

1. Encourage the protection of agricultural land, fish and wildlife habitat, clean water and air, and desirable vegetation for use by future generations.

2. This Plan recognizes the attributes of agricultural land as natural resources in the county. An important planning challenge in development of land is balancing natural resources against the impacts of population growth.

- **Page 44: Goals: A. Agricultural Land:**

1. To support the agricultural industry and preservation of agricultural land.

- **Page 44: Policies: A. Agricultural Land:**

1. Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development.

- **Page 46: A. Agricultural Land:**

Implementation Action: Establish preservation standards and incentives that protect the long-term use of land with agricultural soils, used for existing agricultural operations and designated for rural use.

Implementation Action: Review and refine the siting standards and regulations for Confined animal feeding operations.

- **2030 Comp Plan**

Although the application was submitted under and subject to the 2020 Comp plan, many attributes of the new 2030 Comp Plan would also apply to this CAFO permit request including the items listed below.

### **Agriculture**

Agriculture is a significant economic driver. According to the USDA 2017 Census of Agriculture, Canyon County Profile, the total market value of agricultural products sold was \$574,757,000, \$314,467,000 in crops and \$260,290,000 in livestock. This ranked fifth in Idaho and seventy seventh in the United States.



The County has the second-highest annual average of agricultural workers at 5,668. This robust agricultural economy is the product of investment of multiple generations of family farms and ranches to produce a volume of crops and livestock that has in turn, driven the location of many food processing and distribution facilities in Canyon County. The Idaho Department of Labor estimates 5,668 employees of the agricultural industry in the County in 2021. This large agricultural economic hub is a direct result of the unique combination of good soil quality, reliable irrigation water supply, climate, and transportation corridors in Canyon County. These factors are not easily relocated or recreated in other areas of Idaho.

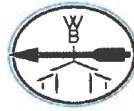
**Agriculture Description** The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value.

The AK Feeders Site lies under an Intensive Agriculture overlay in the 2030 Comp Plan. This overlay is applied to protect working lands and operations. These areas may have higher quality soils, water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, **concentrated animal feeding operations, grazing,** and other agriculturally based uses. This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety.

**Agriculture Land Use** The majority of farms in the County consist of cropland at eighty percent, followed by pastureland at fourteen percent. A total of 213,410 acres were irrigated, coming out to seventy-eight percent of farmland. **The top crops in acres were forage (hay/haylage) 49,359, wheat for grain 31,647, corn for grain 21,012, corn for silage 20,293,** and vegetables harvested 19,314.

The AK Feeders operation relies heavily on Hay, Corn Grain, and Corn Silage for the majority of the feed ration. The location of this CAFO is in an area where these crops are grown in the immediate vicinity. Locally sourcing these crops is an economic benefit to the area's farms, and this area is well suited for Corn Silage and Haylage production that is not easily transported long distances. Many times hay crops are rained on, making dry hay difficult to produce. Chopping haylage allows for quicker removal of the crop from the field, and ultimately more crop production. Not only is this another option for local hay producers to market their feed, it is also better for crop yields.

Manure and compost produced by this operation will also bolster crop yields in the area, reducing the reliance on chemical fertilizers that are more prone to leaching into aquifers and surface waters than organic fertilizers. CAFOs are a necessary part of Canyon



Counties Agriculture community, and will help to insure the Counties strong foothold in Agriculture for generations to come.

### **Commodity Crops**

According to USDA's CropScape and the National Agricultural Statistics Service, the top nine commodity crops grown in the County are **alfalfa, hay**, spring and winter wheat, **corn**, sugar beets, beans, potatoes, and onions. Secondarily, the alfalfa, hay, and corn crops grown are a significant source of the feed supply for the dairies and feed lots in the County.

### **Livestock**

According to the 2017 Census of Agriculture County Profile for the County, livestock is ranked number six in the state, with fourteen percent of land in farms identified as pastureland. The County has several feedlots and dairies.

### **Additional Goals and Policies from the 2030 Comp Plan that support the application:**

P3.04.01 Build Canyon County as the premier location for agricultural-based businesses of all sizes.

G12.01.00 Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.

P12.01.01 Preserve and maintain agriculturally designated lands for agricultural use.

P12.01.04 Prioritize the protection of agriculture and farmlands in Canyon County as an essential part of the County's economy, identity, and sense of place.

G12.02.00 Support farmers and enhance local farmland.

P12.02.01 Encourage soil and water stewardship to ensure that agriculture remains an essential and sustainable part of Canyon County's future.

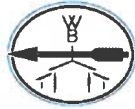
### **County Ordinance Criteria For Approval – CCC 08-01-11 and 07-07-05**

This CAFO is evaluated under CCC 08-01-11 as a CAFO and 07-07-05 for conditional use permits. I would like to address how our application complies with those applicable criteria.

#### **08-01-11: CRITERIA FOR APPROVAL AND DEVELOPMENT STANDARDS FOR NEW FACILITIES:**

(1) Prior to approval of a CAFO siting permit for a new CAFO, and after public hearing, the commission shall find that the proposed new CAFO meets the following requirements:

##### **A. General Requirements:**



1. The new CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate. **The AK Feeders site is within an Agriculture Zone. This is an agricultural use.**

2. The new CAFO shall comply with and not be in violation of any federal, state or local laws or regulatory requirements. This cattle feeding operation has submitted and received approval of their nutrient management plan by the Idaho Department of Agriculture. The facility will also be subject to regular inspections by the Idaho Department of Agriculture to ensure compliance with applicable laws and regulations and the approved nutrient management plan. **The AK Feeders CAFO application is utilizing the best management practices and a dry scape modern design and engineering and will comply with laws and requirements set forth by the governing agencies.**

3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit. **Any past onsite construction was to support the existing feedlot which is under the 1000 Animal Unit threshold, and not directly related to the CAFO expansion request.**

4. A new CAFO shall comply with IDAPA rules governing dead animal disposal. **The site will comply with these rules.**

B. Animal Waste:

1. The new CAFO shall comply with the terms of its nutrient management plan for land application. **The site will comply with these rules.**

2. The new CAFO shall be in compliance with all applicable environmental regulations and requirements. **The site will be subject to regular Department of Agriculture inspections and will comply with the governing environmental rules and regulations for this CAFO.**

3. All new lagoons shall be constructed in accordance with state and federal regulations. **The design and construction of these lagoons is and will be in compliance. Lagoons will be built utilizing a clay liner that meet the 1 x 10-6 cm/sec seepage requirement. Prior to the lagoon/ponds being implemented they will be tested and approved by ISDA as required.**

C. Site Setbacks: An expansion of an existing CAFO, other than a simple expansion of the number of animals, shall comply with the following site setbacks. If the expansion requires a change in only one or more of the following, the particular item shall comply with the particular setback listed below. The site shall not be required to meet new setback requirements unless the requested expansion requires a change in that particular item. For example, if there is no



change in the size or location of the ensilage process, an operator need not bring that particular use into conformance with the requirements of subsection C2 of this section regarding setback from an existing residence. **The site plan satisfies the setback requirements listed in items 1-3 below.**

1. The locating of animal waste systems, corrals, wells and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.

2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.

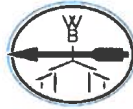
3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.

4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area. **The site plan satisfies the lighting requirements and lighting for the facility will be directed downward.**

5. No new CAFO shall be approved unless the following questions are answered to the satisfaction of the commission or board:

(A) Whether the proposed facility will be injurious to or negatively change the essential character of the vicinity. **The proposed site will not negatively change the character of the area, or be injurious to neighboring properties. This property has a long history of raising cattle since the early 1900s. From the 1950s through the 1980s there were approximately 1100 to 1500 head of cattle in the operations on this property. The current owners have approximately 800-1000 head they raise on the property. This is a longstanding agricultural use in the AG zone. This historic use of this property and the many other AG uses in this Ag zoned area generate dust, noise, odors, truck and tractor traffic. All of those things are part of the agricultural character of the area. This modern feedlot will be compatible with the other primary agricultural uses in the area. The facility and its various components will be designed and constructed in accordance with the site plan and applicable regulations. The applicant will comply with the approved Nutrient Management Plan and the proposed Waste Management Plan. The potential risks associated with the physical nature of the site area are easily mitigated through design and operation of the CAFO facility.**





The operation will be regularly inspected by the Department of Agriculture for compliance. The applicant will follow the recommendations of the CAFO siting as noted in their report. All of the foregoing will put the actual risk of the operation at a low or minimal level. The additional traffic from this facility will be minimal. The number of trips generated by this operation does not come anywhere near the level required to conduct a traffic study. The additional annual average trips per day only increases by 11 per day as noted in the traffic narrative in the submittal materials. This operation does not result in a significant additional impact on the road system in the area.

(B) Whether the proposed facility would cause adverse damage, hazard and nuisance to persons or property within the vicinity. **The proposed site will not cause adverse damage, hazards or be a nuisance to person or property within the vicinity. The proposed use is similar in nature to the current feedyard operation. The permit approval will allow the site to be updated to include runoff ponds to further modernize the operation and mitigate risks associated with weather events. This will be a modern dry scrape operation so standing water which contributes to insect breeding and odor will not be a significant issue. The applicant will utilize various methods which are described in more detail below to help control insects, dust and odors. Storm water retention ponds on the site are designed in accordance with necessary capacity standards and will be clay lined in accordance with applicable environmental regulations to protect the aquifer. The CAFO siting team looked solely at the physical nature of the site in calculating a high risk score for the site. The physical characteristics of the site are what they are – they can't be changed but they certainly can be addressed and mitigated so the actual risk is low or minimal. The team's evaluation and calculation does not include or consider in any way the design and operation of the facility and its various components and practices used to address potential risks. The Siting Team leader Dr. Pradip Adhikari with the Idaho Department of Agriculture stated that the risks noted at the site report can be easily mitigated using the recommendations in the team's report and the design and management practices utilized in this facility.**

(C) Whether studies should be ordered at the CAFO applicant's expense to aid the commission/board in determining what additional conditions should be imposed as a condition of approval to mitigate adverse damage, hazard and nuisance effects. **The applicant has prepared the necessary analysis and complied with all requests, and will be utilizing the best management practices described herein and further outlined in the Nutrient Management Plan, Waste Management Plan, and Nuisance Control plan.**



6. The animal waste system shall not be located or operated closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance. **The site plan satisfies the setback requirements listed.**

7. No animal waste system shall be located and/or operated closer than one hundred feet (100') from a domestic or irrigation well. **The site plan satisfies the setback requirements listed.**

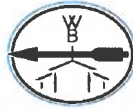
8. No animal waste system shall be located closer than one hundred feet (100') from a public right of way. **The site plan satisfies the setback requirements listed.**

9. The setbacks contained herein shall not apply to land application.

D. Exemption To Subsection (1)C Site Setbacks: Certain land parcels may not be conducive to setback requirements due to unique locations, demographics and technology. Where appropriate, the commission may grant an applicant a variance to setback requirements pursuant to section 07-08-01 (variance) of this code. If this setback includes animal waste systems, the systems shall meet all state and federal regulations and be approved by the regulatory agency exercising authority. (Ord. 07-002, 1-18-2007)

**The application meets the hearing criteria contained in 07-07-05:**

- (1) Is the proposed use permitted in the zone by conditional use permit? **Yes a CAFO is permitted by CUP in the AG zone.**
- (2) What is the nature of the request? **To increase the number of head in this historic cattle operation and operate a modern CAFO as described in the application.**
- (3) Is the proposed use consistent with the comprehensive plan? **Yes. See the analysis above.**
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area. **No. The response to this question has also been described above under the specific CAFO provisions. Cattle have been raised on this property since the early 1900s and there have historically been 1000-1500 hundred head on the property since the 1950s. The current operation has approximately 800 head of cattle. This is an historic**



agricultural operation in area with many other agricultural operations that generate noise, dust, odors and truck and tractor traffic. Although the physical characteristics of the site yielded a high risk score from the CAFO siting team this report does not consider the actual operation design and practices of the facility in any way. The site physical risk factors are easily mitigated so the actual risk is low or minimal. This low risk is achieved by implementing the site and facility design and management practices noted in the application and the siting team report and by complying with applicable regulations and plans. The site has an approved nutrient management plan and as well as a waste management plan and nuisance control plan. The applicant will operate a modern dry scrape facility that is designed, constructed and operated as provided in this application and in accordance with applicable law, the Department of Agriculture's regulations and requirements and any conditions of approval established by the County in this CUP. The facility will be regularly inspected by the Idaho Department of Agriculture. The additional traffic generated from this facility will not be significant and fits with the type and volume of agriculturally related traffic that exists in the area.

(4) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use. **Yes the site plan conforms with applicable requirements and regulations. The property owner owns proper and adequate water rights for the property and the operation.**

(6) Does legal access to the subject property for the development exist or will it exist at the time of development. **Yes – the property accesses on to State Line Road for its existing cattle operation and will continue to use that access.**

(7) Will there be undue interference with existing or future traffic patterns. **No. The property is and has been the location for a historic agricultural cattle operation since the early 1900s. As noted in the submitted documentation the additional traffic generated by the expanded operation on the site will only increase the average daily trips by 11. The number of trips generated by the operation does not come anywhere near the number required to generate a traffic study. The proposed use will not result in a significant increase in traffic or interfere with existing or future traffic patterns. The type of traffic generated by the current operation, the expanded operation and the other agricultural operations in the area are all consistent with agricultural traffic in the area.**

(8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016). **No. This is expanded agricultural operation does not generate any impact on schools. Other services also will be minimally impacted. The demand for emergency services is low with the current operation and will not significantly increase with the expansion of the existing operation. There are no**



**ditches running through the expanded operation on the site and this expansion will have no negative impact on irrigation facilities.**

### **How AK Feeders will Mitigate Risks and Potential Impacts**

AK Feeders will take steps to protect the land and water as required by local/state/federal regulations in concert with the ISDA requirements and by implementation of the Nutrient Management Plan, Waste Management Plan, and Nuisance Control plan.

The facility operates an open lot dry scrape manure system. There is no commercial water produced on the facility. The only process water that will be captured in the containment ponds is precipitation runoff from the corrals and feed storage areas. Runoff from precipitation is directed to one of the three runoff containment ponds. The site has been graded to ensure proper drainage. Runoff containment ponds will be built utilizing a clay liner that meets the ISDA requirements for seepage.

The Wastewater Storage and Containment facilities will be in compliance with 02.04.15.020 Wastewater Storage and Containment Facilities. The runoff lagoons were designed for the 25 year, 24 hour rainfall event and the runoff from the winter precipitation from a one in five year winter. There will be no process wastewater generated on the facility and therefore, it was not used in the calculations of the sizing of the runoff lagoons.

IDAPA02.04.14 Rules Governing Dairy Byproducts is used for the installation of liner for both dairy and beef CAFOs. AK Feeders ponds will be constructed in accordance with 022.04.14 Dairy Storage and Containment Facility Criteria stating “The inside bottom of the dairy storage and containment facility shall be a minimum of two (2) feet above the high water table, bed rock, gravel, or permeable soils. For an earthen dairy storage and containment facility, a soil liner shall be installed such that the specific discharge rate of the containment structure meet  $1 \times 10^{-6}$  cm<sup>3</sup>/cm<sup>2</sup>/ sec or less. Concrete or synthetic liners must be constructed to ASAE and Appendix 10D specifications.”

### **Odor Control**

AK Feeders will use the following methods and management practices for odor control:

#### **1. Pen Management**

**Drainage and Regular Manure Removal** Dry manure is less odorous than moist manure. Standing water can increase microbial digestion and odor-producing by-products. AK Feeders will conduct proper pen maintenance and surface grading to reduce standing water. In between pen cleanings, the manure will be mounded in the pens prior to being exported.

#### **2. Manure/Stormwater Pond Management**

**Aerobic Designed Ponds** The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in



accordance with the Nutrient Management Plan for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.

### **Dust Control**

Management methods AK Feeders will use to control dust are:

1. **Pen Density:** Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.
2. **Regular Manure Removal:** AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.
3. **Water Trucks:** Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions. If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

### **Pest Control**

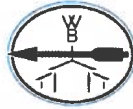
AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary

#### **1. Habitat Management**

- **Regular Manure Removal and Lot Management** Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.
- **Reduce Other Fly Habitats** Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.

#### **2. Controls – Biological and Chemical**

- **Biological Control** Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.



- Baits and Chemical Treatments Baits and treatments are generally very effective. If additional pest prevention is necessary, AK Feeders will use USDA approved fly sprays and baits, such as Pyganic. Application levels and methods of such will be warranted by the results of the other control measures previously outlined.

In the event it is determined that nuisance conditions from pests such as flies and rodents persist, AK Feeders will initially increase the frequency of the housekeeping and management practices outlined previously. If further action is necessary, AK Feeders will increase use of USDA approved chemical controls and treatments, such as fly sprays and baits, and rodenticide for pest control.

**Proposed Conditions of Approval.** The following proposed conditions will help provide the mitigation of potential risks related to the physical site. They will also help ensure compliance in the facility design and operation so that the actual risk of the operation is low and potential impacts of the expanded cattle operation are addressed and consist with the of the AG operations in the area.

- The facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA 02.04.15 "Rules Governing Beef Cattle Feeding Operations". The Nutrient Management Plan will be modified if/when the facility expands to accurately reflect the current operation. The footprint of the animal housing waste containment area will increase (as shown on Exhibit "A" Site plan) if the county approves the proposal. In the event the county approves the proposed expansion, the waste system improvements/modifications will take place before the increase in animal units.
- Care will be taken to prevent solid waste products and storage area runoff from entering surface water bodies, or ponding and entering the groundwater. The facility will ensure setback distances listed in IDAPA 02.02.30 subchapter D "Stockpiling of Agricultural Waste". This would include setbacks from any domestic or irrigation well or downgradient surface water of the state of Idaho.
- Care will be taken when applying solid waste/manure to the facility-controlled fields to ensure runoff does not occur from a weather related event. Timely incorporation of solid manure applications into the soil will also assist in minimizing runoff potential. Also, animal manure shall be incorporated into the soil prior to irrigation, and ideally will be incorporated within 72 hrs of application.

Care will be taken when handling liquid and solid waste in the facility. To protect groundwater, effluent associated with the CAFO facility and standing effluent in the corrals and low areas of the facility must be stored/transferred in an ISDA approved structure. Furthermore, frequent removal of solid waste, and precipitation runoff stored in a clay lined surface will help to prevent groundwater pollution.

- Applicant will comply with the applicable Idaho Department of Agriculture rules and regulations regarding operation of the facility.



- Applicant will comply with the Nutrient Management Plan approved by the Department of Agriculture.
- Applicant will comply with the Waste Management Plan (See attached Exhibit B) - they would probably attach that as an exhibit so everyone knows what this is).
- The facility will be developed in substantial conformance with the Site Plan (See attached Exhibit A)

**Summary**

For these reasons, we feel this location and type of CAFO fit well in the area, and no better site could be had in Canyon County for the production of cattle while minimizing potential conflicts with urban developments. This site has produced cattle for well over a hundred years and this is a responsible and modern expansion of those historic operations. Approving the CAFO permit for AK Feeders at this location will help protect and support the success of the Ag community, deter residential growth in this agricultural zone, and allow AK feeders and other related Ag operators to thrive for many years to come.

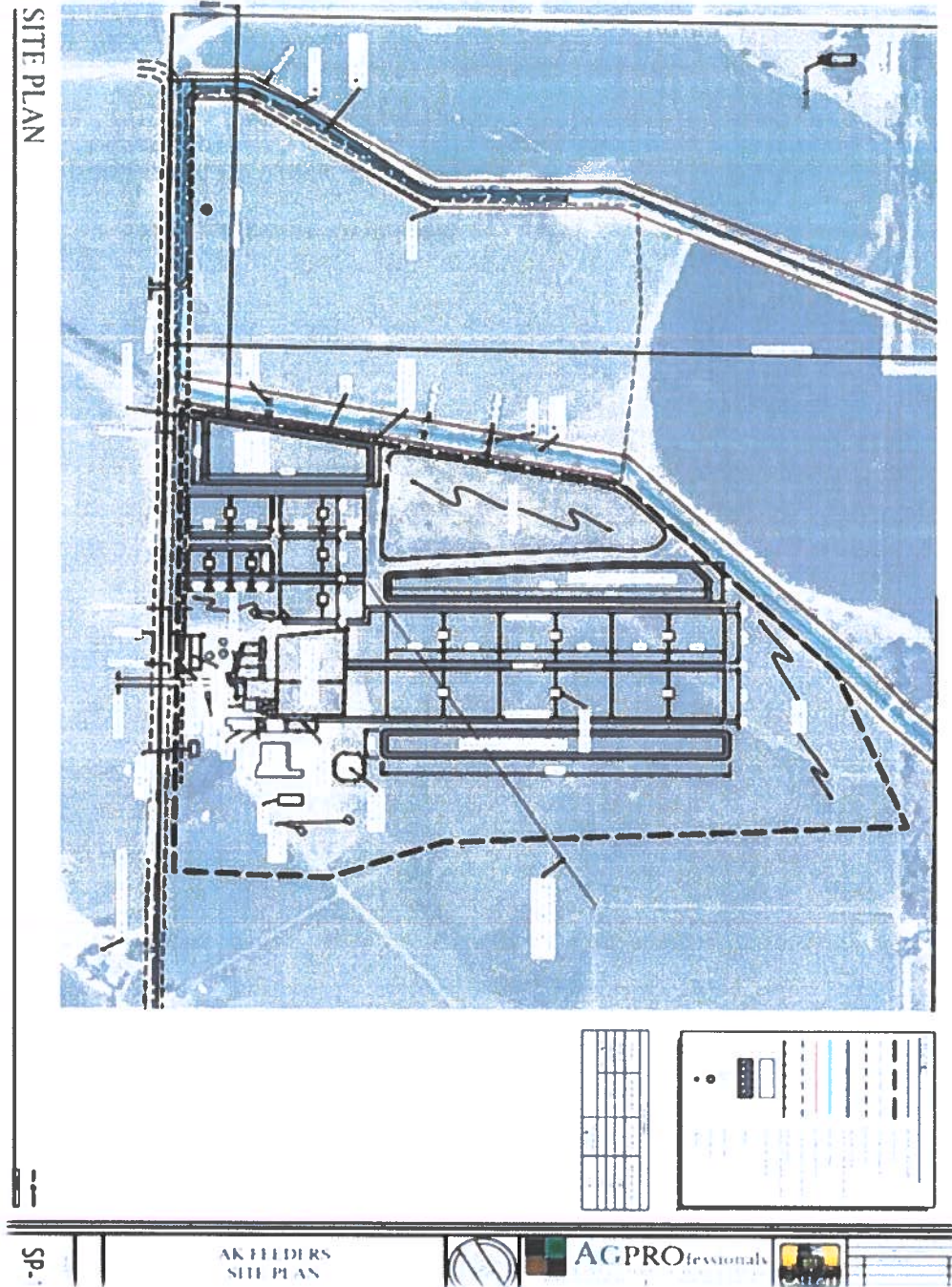
Thank you,

Matt Wilke

White Barn Ventures Inc.~ Applicant Representative for AK Feeders, LLC



Exhibit "A" consisting of 1 page.







**Exhibit “B” Waste Management Plan  
Consisting of 4 pages**

**Waste Management Plan**

***Waste Management  
and  
Nuisance Control***

***For***

***AK Feeders  
Canyon County, Idaho***

Prepared by



**HQ & Mailing:** AGPROfessionals  
3050 67<sup>th</sup> Avenue  
Greeley, CO 80634 (970) 535-9318

**Idaho:** 213 Canyon Crest Drive, Suite 100  
Twin Falls, ID 83301 (208) 595-5301

*Developed in Accordance with Generally Accepted Agricultural Best Management Practices*

March 2023

1

**Page 1 of 4.**



## Introduction

This *Management Plan for Waste and Nuisance Control (MPWNC)* has been developed and implemented to identify methods AK Feeders will use to minimize the inherent conditions that exist in confinement feeding operations. The management plan outlines management practices generally acceptable and proven effective at odor and pest management and minimizing nuisance conditions. This narrative is a proactive measure to assist integration into local communities. AK Feeders management will use practices to their best and practical extent.

## Legal Description

The concentrated animal feeding facility described in this MPWNC is located directly on the Idaho and Oregon border, on the west side of State Line Road in Section 14, Township 4 North, Range 6 West.

## Odor Control

Odors result from the natural decomposition processes that start as soon as the manure is excreted and continue as long as any usable material remains as food for microorganisms living everywhere in soil, water and the manure. Odor strength depends on the kind of manure, and the conditions under which it decomposes. Although occasionally unpleasant, the odors are not dangerous to health in the quantities one customarily notices around animal feeding operations and fields where manure is spread for fertilizer. AK Feeders will use the following methods and management practices for odor control:

### 1. Pen Management

#### ○ *Drainage and Regular Manure Removal*

Dry manure is less odorous than moist manure. Standing water can increase microbial digestion and odor-producing by-products. AK Feeders will conduct proper pen maintenance and surface grading to reduce standing water. In between pen cleanings, the manure will be mounded in the pens prior to being exported.

### 2. Manure/Stormwater Pond Management

#### ○ *Aerobic Designed Ponds*

The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in accordance with the *Nutrient Management Plan* for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.



## **Dust Control**

Dust from pen surfaces is usually controlled by intensive management of the pen surface by routine cleaning and harrowing of the pen surface. The purpose of intensive surface management is twofold: to keep cattle clean and to reduce pest habitat. The best management systems for dust control involve moisture management. Management methods AK Feeders will use to control dust are:

### **1. Pen Density**

- Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.

### **2. Regular Manure Removal**

- AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.

### **3. Water Trucks**

- Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions.

If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

## **Pest Control - Insects and Rodents**

Insects and rodents inhabit environments that have an adequate-to-good food supply and that foster habitat prime for breeding and living. AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary.



1. Habitat Management

○ *Regular Manure Removal and Lot Management*

Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.

○ *Reduce Other Fly Habitats*

Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.

2. Controls – Biological and Chemical

○ *Biological Control*

Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.

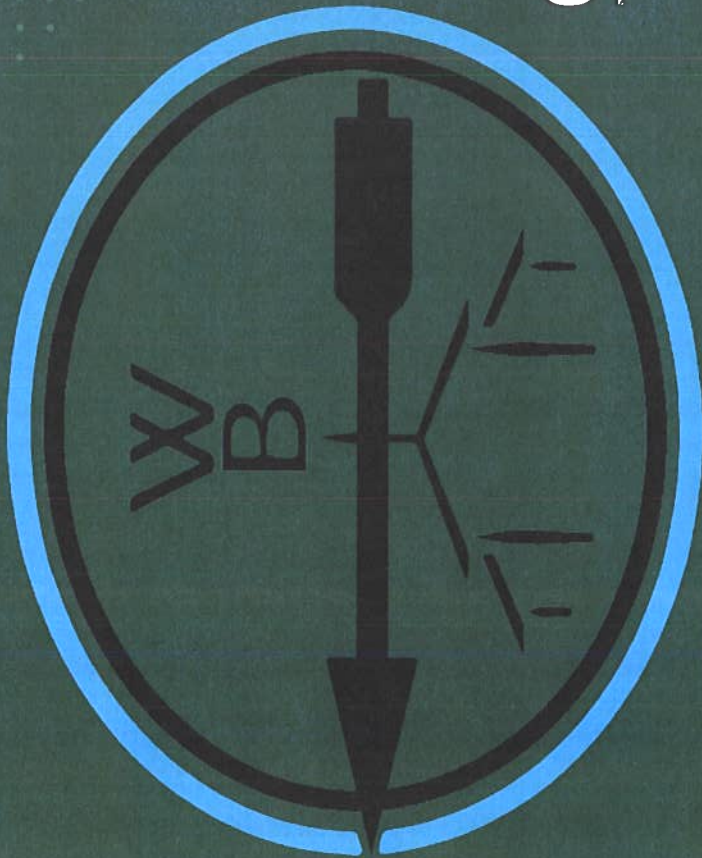
○ *Baits and Chemical Treatments*

Baits and treatments are generally very effective. If additional pest prevention is necessary, AK Feeders will use USDA approved fly sprays and baits, such as Pyganic. Application levels and methods of such will be warranted by the results of the other control measures previously outlined.

In the event it is determined that nuisance conditions from pests such as flies and rodents persist, AK Feeders will initially increase the frequency of the housekeeping and management practices outlined previously. If further action is necessary, AK Feeders will increase use of USDA approved chemical controls and treatments, such as fly sprays and baits, and rodenticide for pest control.

AK FEEDERS, LLC

CU2022-0036



P&Z HEARING 

# CAFO PRESENTATION

Presented by Matt Wilke  
White Barn Ventures, Inc.

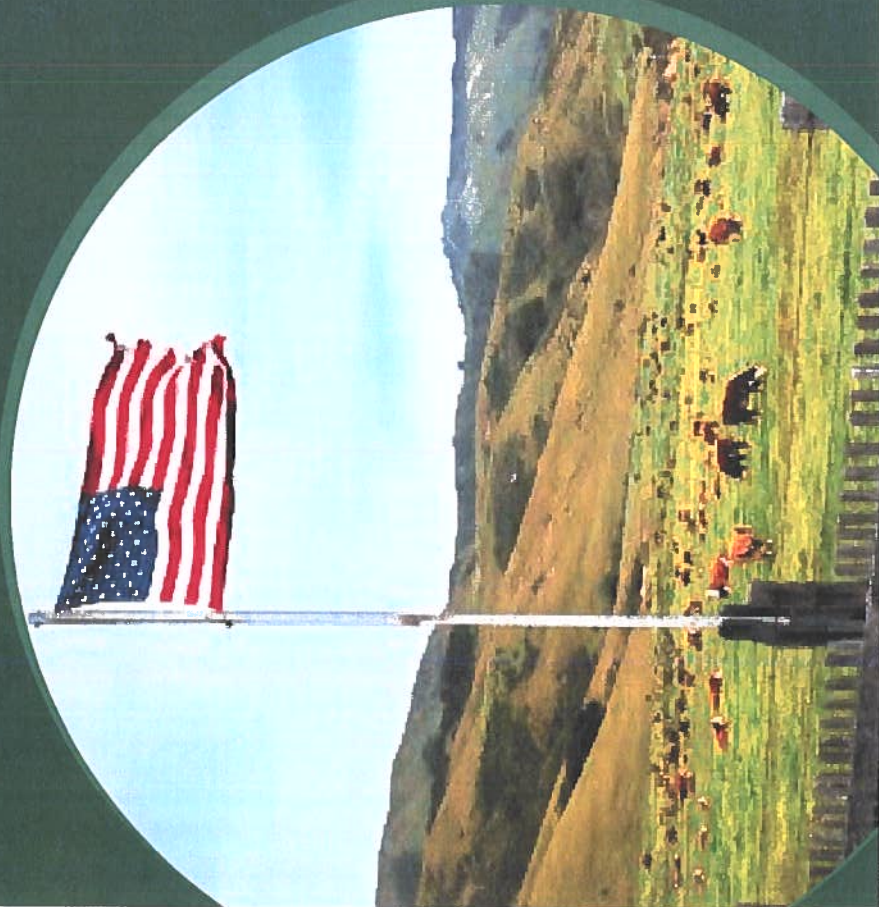
[www.mywhitebarn.com](http://www.mywhitebarn.com)

## Intro

## AK FEEDERS, WILDER, ID

Good evening Honorable Commissioner's, Staff, Neighbors, and Friends. I am proud to present our CAFO application and sincerely appreciate the time and effort each of you has taken to be here tonight. Your dedication to ensuring our Ag community thrives is ever-present, and I am grateful for the opportunity to present this application before you.

Our proposed site consists of approximately 79.6 acres, and will have a 3,700 cow capacity with an average weight of 750 pounds upon approval.



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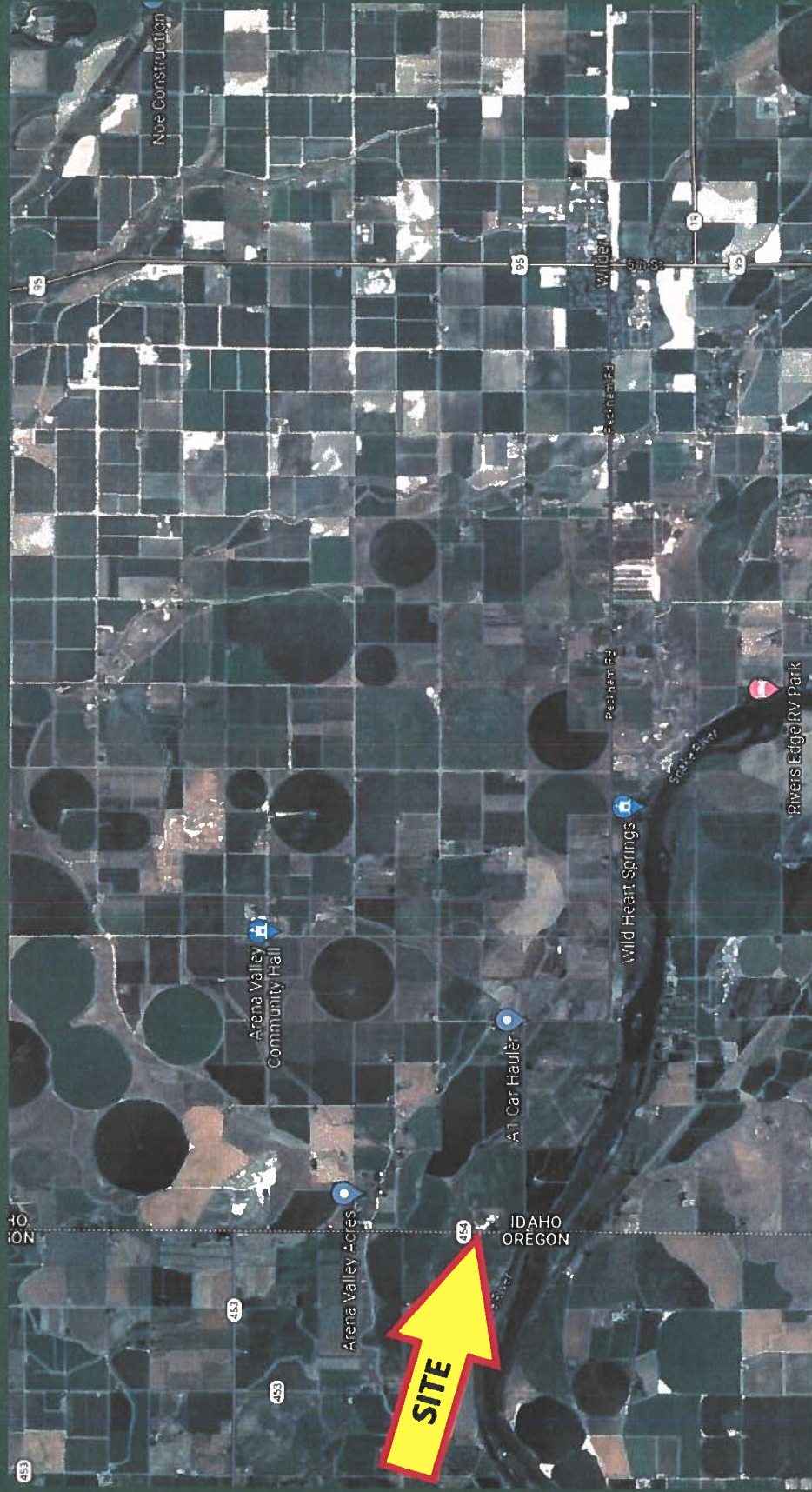
**13-14**

WMP

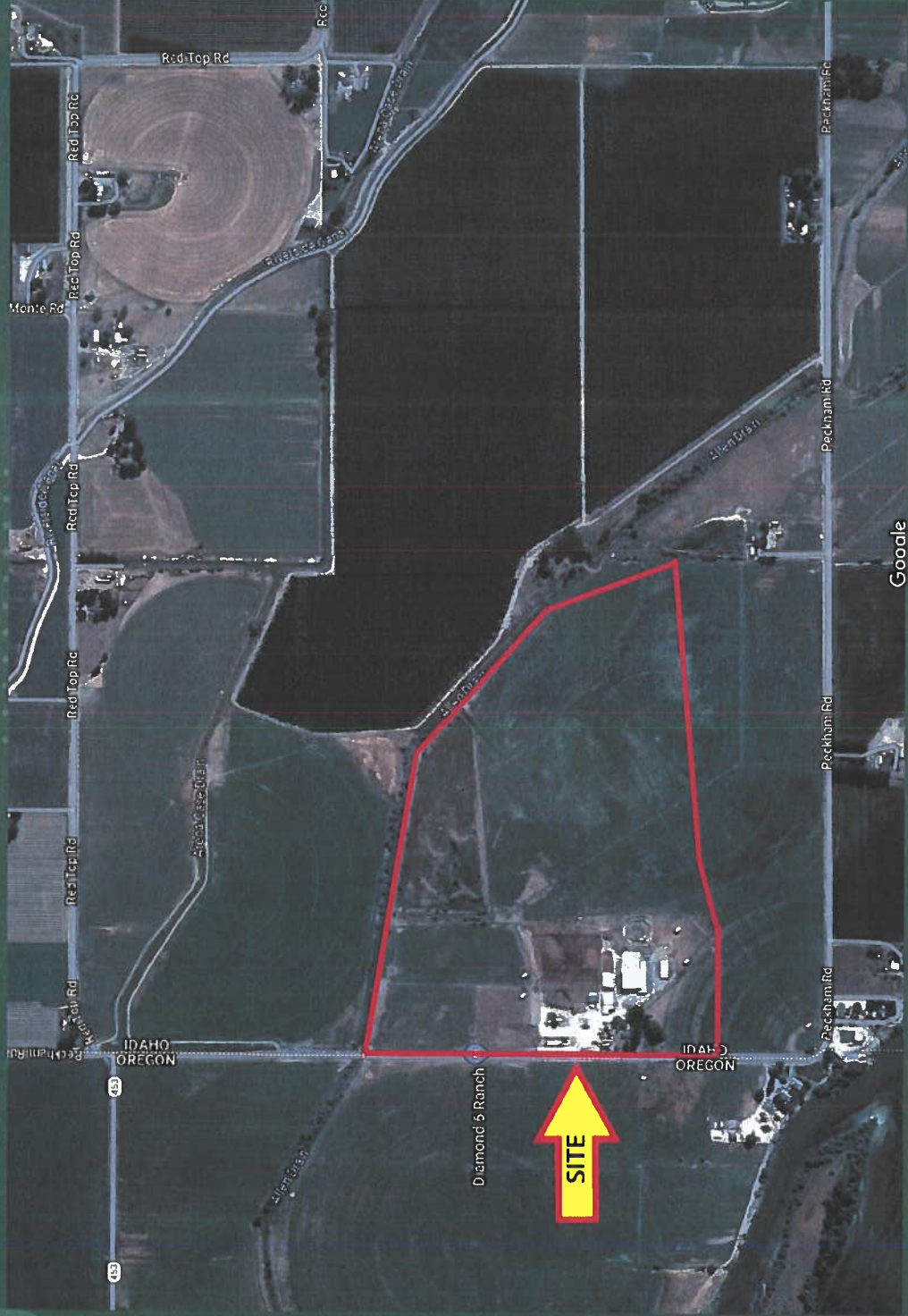
**15-16**

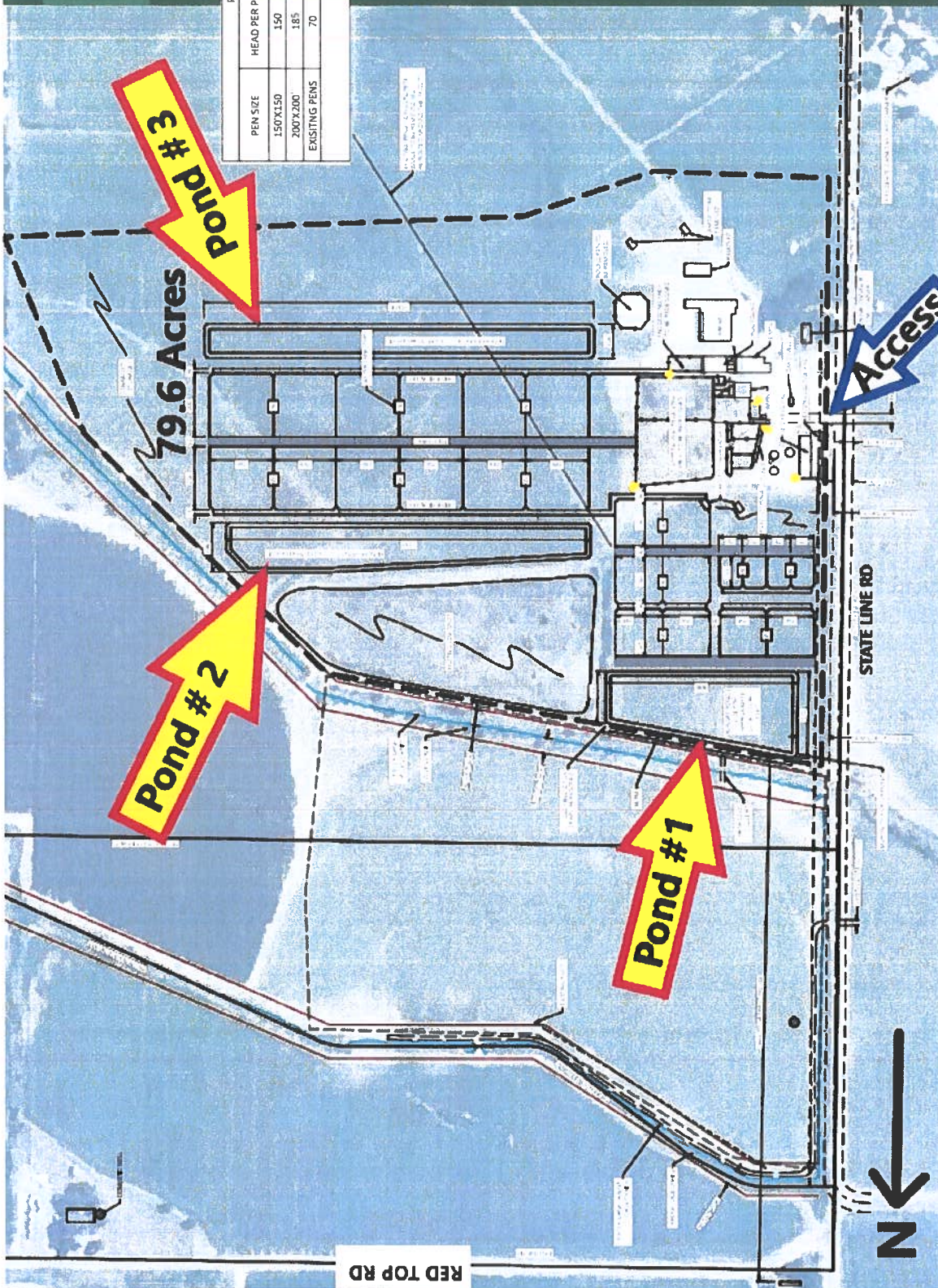
History & Support

SITE LOCATION





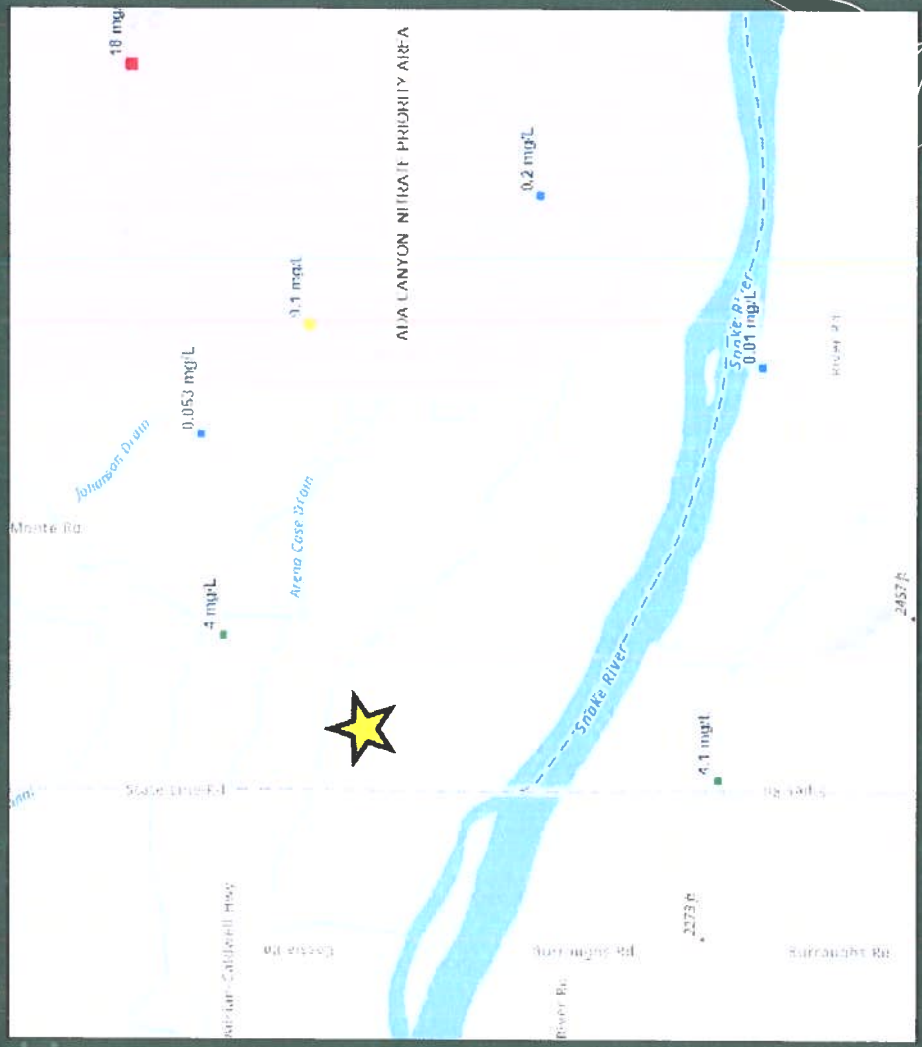
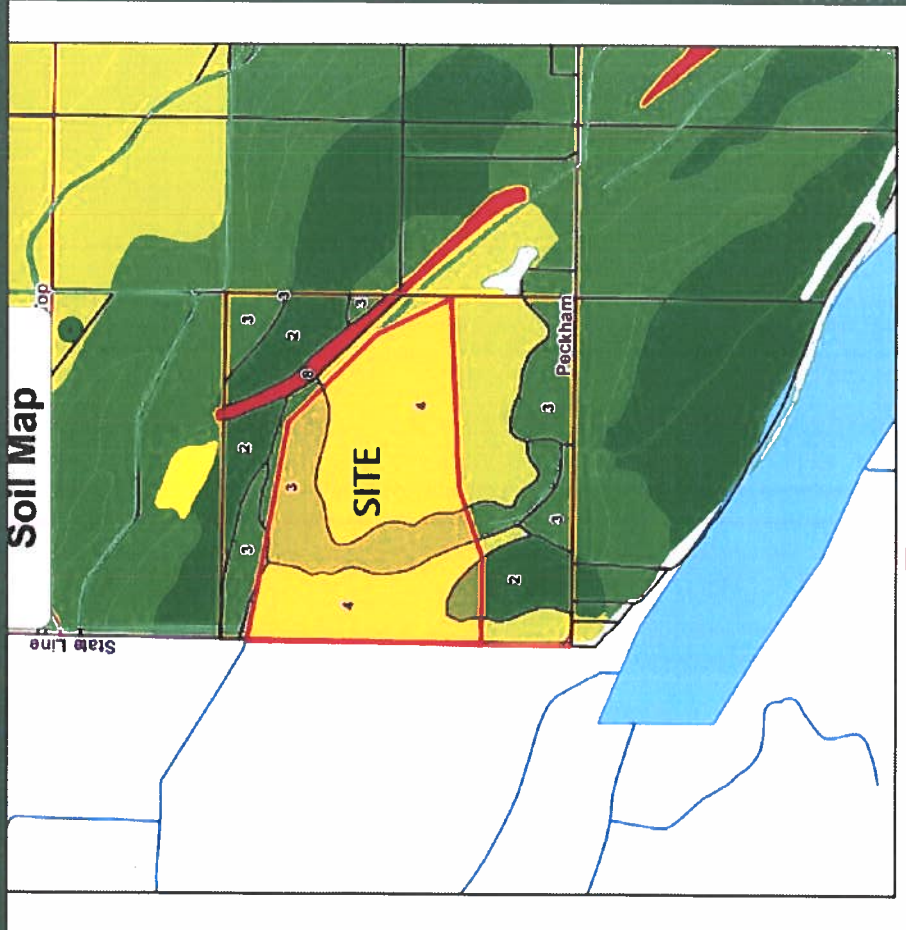




PEN SUMMARY				
PEN SIZE	HEAD PER PEN	QTY OF PEN	PEN HEAD TOTAL	
150'X150	150	8	1200	
200'X200	185	12	2220	
EXISTING PENS	70	4	280	
		TOTAL HEAD PER SITE	3700	

# SOIL MAP / NP AREA

04



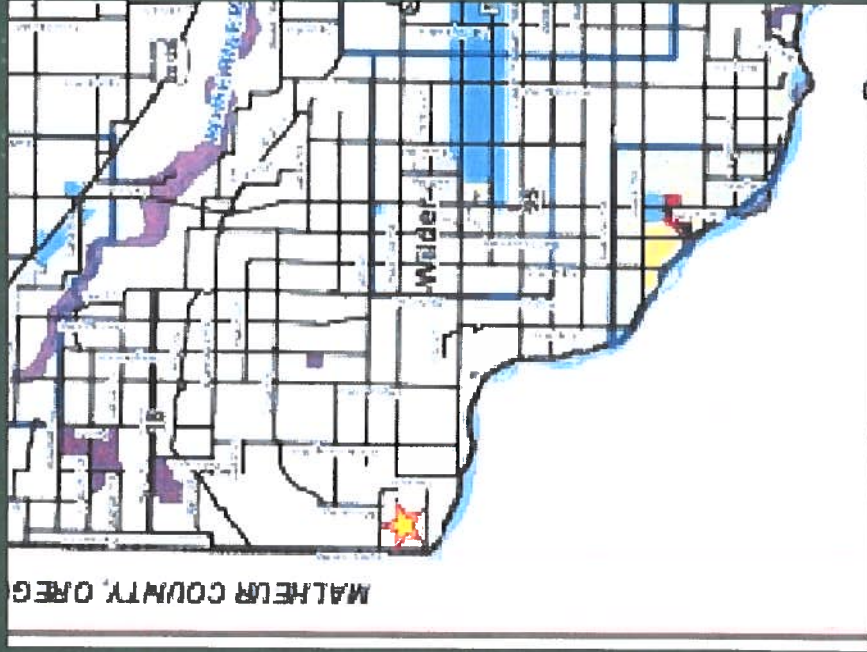
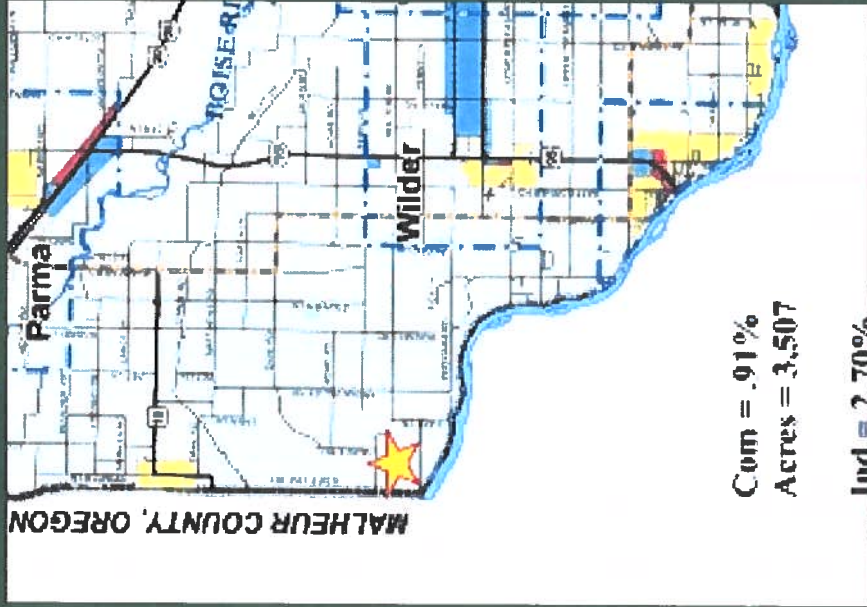
FUTURE LAND USE MAPS

FEMA FLOOD MAP

FLOOD MAP

2030 FLUM

2020 FLUM



# STOCK WATER PERMIT APPROVAL

06



### Permit to Appropriate Water

State of Idaho  
Department of Water Resources  
No. 63-35421  
Maximum Diversion Rate: 0.81 CFS

Priority: May 25, 2023

This is to certify that  
AK PEPPERS LLC, 21886 STATE LINE RD, WILDER, ID 83276-5099  
has applied for a permit to appropriate water from  
Source: GROUND WATER  
Source: GROUND WATER  
and a permit is APPROVED for development of water as follows

Period of Use	Rate of Diversion
Continuous	0.81 CFS

Location of Point of Diversion  
GROUNDWATER, 1/4 NW/4 NW/4, Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County  
GROUNDWATER, SW/4 NE/4, Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County

W	NW	SW	E				SE	S	SW	SE	E	SE	E	SE
			NE	NW	SW	SE								
X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Place of Use: STOCKWATER

#### Conditions of Approval

- Proof of application of water to beneficial use shall be submitted on or before August 01, 2028.
- Subject to all other water rights, the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
- Stockwater shall be used for 3700 head cattle.
- Right holder shall comply with the drilling permit requirements of Idaho Code § 42-335 and applicable Water Conservation Rules of the Department.
- The Director reserves jurisdiction to require the right holder to improve, purchase or leased natural flow water right with the Department to ensure the flow of water in the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

Department of Water Resources, May 23, 2023

OFFICE OF THE DIRECTOR  
DEPARTMENT OF WATER RESOURCES

TO: [Redacted]

FROM: [Redacted]

SUBJECT: Annual Use of Water for Stockwater Response

No. of Stock (head)	Rate (cfs)	Value (cfs)	DAILY DRYLE	
			Rate (cfs)	Value (cfs)
0 - 50	0.02	0.7	0.02	0.7
51 - 75	0.03	0.4	0.03	0.4
76 - 100	0.04	2.0	0.04	2.0
101 - 150	0.05	2.7	0.05	2.7
151 - 200	0.07	3.3	0.07	3.3
201 - 300	0.09	5.4	0.09	5.4
301 - 400	0.12	5.4	0.12	5.4
401 - 500	0.15	3.1	0.15	3.1
501 - 600	0.18	9.4	0.18	9.4
601 - 700	0.20	12.0	0.20	12.0
701 - 800	0.25	15.0	0.25	15.0
801 - 900	0.30	15.0	0.30	15.0
901 - 1000	0.33	15.0	0.33	15.0

(1) The amounts shown are based on 22 gallons per acre per day of water (i.e., for range cattle, horses and horses are shown above the line) and 2 tons (i.e., from conveyance, etc.)

(2) The amounts shown are based on 45 gallons per acre per day of water (i.e., for dairy cattle). The amount shown does include a 10% over-allowance, etc.).

(3) For annual use calculations which involve more than 1000 head, please use number of head up to the next even one hundred, and

Notes:

- For 22-gallon use: 0.12 cfs/head, R (0.015).
- For dairy use: 0.35 cfs/head, R (0.035).

Rate:

- For 11-gallon use: 0.12 cfs/head, R (0.015).
- For dairy use: 0.35 cfs/head, R (0.035).

The answer should be rounded up to the next whole number.

This rate is based upon approval. A 10-day extension to obtain daily flow records.

[Signature]



Idaho State Department of Agriculture
P.O. Box 7249 • Boise, Idaho 83707
P. 208-332-8500 • F. 208-334-2170
www.agri.idaho.gov

BRAD LITTLE, GOVERNOR
CHANEL TEWALT, DIRECTOR

March 15, 2023

AK Feeders
David DeBenedetti
21696 State Line Rd
Wildler, ID. 83676

Dear Mr. DeBenedetti,

I received the Environmental/Nutrient Management Plan for proposed AK Feeders from Brian Searrow, Certified Nutrient Management Planner. I approved the Environmental/ Nutrient Management Plan on March 15, 2023. This Environmental/ Nutrient Management Plan is for your proposed facility located at 21696 State Line Road, Wildler, ID. 83676.

Key Points for EMP/NMP Compliance:

- 1. You are required to soil test all fields, annually, to which nutrients (commercial fertilizer or manure) will be applied that year and soil test records must be kept for 5 years. Soil tests need to be taken by a certified soil sampler.
2. Liquid effluent applications are to occur only within the growing period of the active crop. Fall application of liquid effluent must be completed prior to the non-growing season. The non-growing season will be determined each year by the ISDA Animal/Dairy Bureau. Permission to apply liquid effluent during the non-growing season will be considered on a case-by-case basis. Producers seeking permission to land apply nutrients outside of the application season must contact the Department of Agriculture, Animal/Dairy Bureau at (208) 332-8550 prior to application. Factors considered in granting approval will be, but are not limited to, the following:
- Date
- Existing and forecasted weather conditions
- Moisture content of the soil
- Frost layers in the soil
- Water holding capacity of the soil
- Crop needs
3. CAFO hydroproduct management is a key component to your ability to appropriately implement your environmental/nutrient management plan. It is important to remove accumulated solids and hydroproduct water from your containment facilities prior to the wet season to ensure that the hydroproduct containment facilities have the required 120-day storage capacity.

If you have any questions or concerns, please contact me at (208) 332-8550.

Sincerely,

Pradip Adhikari, PhD
Soil Scientist/Nutrient Management Specialist, Animal Industries

P.O. Box 7249 • Boise, Idaho 83707 • (208) 332-8500 • www.agri.idaho.gov

EMP/NMP APPROVAL / WELL LOG

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Form 798-2
007

1 WELL TAG NO. 00537335
Drilling Permit No. 40537335
Year of Drilling 2023
2 OWNER: DeBenedetti Meat Co.
Address: 21696 State Line Rd, Wildler, ID. 83676

3 WELL LOCATION:
Town: Wildler, County: Blaine, State: ID.
4 USE: Other
5 TYPE OF MOTOR: Other
6 DRILL METHOD: Other
7 SEALING PROCEDURE: Other

8 CASING/PIPE:
9 PERFORATIONS/SCREENS:
10 METHODS OF RECORDATION:
11 FLOWING ARTESIAN: No

12 STATIC WATER LEVEL AND WELL TESTS:
Water level (ft) 55
13 LITHOLOGIC LOG AND/OR MAPS OR ABANDONMENT:
Water quality test or comments:
14 DRILLERS CERTIFICATION:
Company Name: Ecotek Drilling Co No. 7449
Operator: Shawn Phillips Date: 7-6-14

Table with 11 columns: No., From (ft), To (ft), Lithology, Remarks, Remarks or description of repairs or other operations, Water.

15 COMMENTS:
16 SIGNATURE OF DRILLER:
17 SIGNATURE OF OPERATOR:
18 DATE OF REPORT:
19 DATE OF COMPLETION:

GGHD

ODOT



March 20, 2023  
Canyon County Development Services Department  
Alyn Debbie Root, Planner  
111 North 11<sup>th</sup> Ave., 516 310  
Caldwell, ID 83605  
Phone: (208)455-6034  
Email: [alyn@jubb.com](mailto:alyn@jubb.com)

REF: CAV Name AK Forestry, Case Number: CU2022-0016, Parcel # B171380.10

Ms. Root

On behalf of the Golden Gate Highway District No. 3 (GGHD), JUB Engineers, Inc. has reviewed the Traffic Narrative and Site Plan associated with the subject Conditional Use Permit application submitted to GGHD on an email dated March 20, 2023. The subject parcel is located approximately 0.20 miles north of the intersection of State Line Rd intersection on the N1/2 of Section 14, T4N, R6W, DM, Canyon County, ID.

The documents submitted for review to GGHD will support the Conditional Use Permit application. The subject property currently contains pens, feed storage, indoor riding arena, and center pivot fields. Additional pens, feed storage, gravel roads to pens, runoff ponds, and access paving are proposed. Proposed access will be at the existing access location on State Line Road, which is under the jurisdiction of GGHD and classified as a local road according to the GGHD's 2019 Functional Classification Map.

- Based upon the information provided, the following findings and conditions of approval apply:
1. The estimated peak hour and average annual daily traffic (AADT) volume of 10 and 25 are below the Traffic Impact Study (TIS) rural thresholds of 50 and 500, respectively, shown in Section 310.010 of the 2022 Association of Canyon County Highway Districts Highway Standards & Development Procedures (ACCCHD Standards).
  2. Proposed access on State Line Road to meet the rural roadway driveway spacing requirements of Section 305.1020 and Standard Drawing ACCCHD-106 of the ACCCHD Standards.
  3. A site visit by GGHD is required to address possible site distance issues, if any.

GGHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.  
GGHD requests Canyon County Development Services incorporate these comments and any subsequent comments into proposed Conditions of Approval for consideration/approval by Canyon County. Respectfully,

Christopher S. Pettigrew, PE  
Professional Engineer  
Professional Engineer License No. 171022

C.C. Bob Watkins, GGHD Director of Highways  
Matt Wilke, White Barn Real Estate  
Valerie Cauborn, AgPro



Department of Transportation  
Permit 14 Maintenance  
111 N. 11th Avenue  
Caldwell, ID 83605  
541.389.9115

Tim Kueck, Governor

March 20, 2023

Canyon County Development Services  
111 N. 11th Avenue  
Caldwell, ID 83605

SUBJECT: CAFO Permit CU2022-0036

To whom it may concern,

Oregon Department of Transportation (ODOT) staff has completed a review of the submitted site plan for permit CU2022-0036. We have determined that ODOT does not have permitting authority for the frontage on the east side of State Line Road and we have no specific concerns with the traffic generation estimated in the applicant's traffic narrative.

If you have any questions regarding ODOT permits or the content of this letter, please feel free to contact me at 541-216-1246 or [john.w.eden@odot.oregon.gov](mailto:john.w.eden@odot.oregon.gov).

Sincerely,

John Edén, Permit Specialist  
ODOT District 14 Maintenance Office

Table T-5  
YEARLY TRAFFIC ESTIMATE

Traffic Source	Number of Vehicles to Facility by Frequency			Trips <sup>3</sup> Generated Per Day	
	Existing	Proposed	Amount Frequency	Existing	Proposed
Owner/Manager	1	1	Per Day	2	2
Employees (vehicles not # of employees)	5	9	Per Day	10	18
Milk Trucks	0	0	Per Day	0	0
Milk Replacer (calves)	0	0	Per Week	0.0	0.0
Cows/Calves In & Out	1	2	Per Month	0.1	0.1
Buyers	0	0	Per Month	0.0	0.0
AI Delivery/ Service	0	0	Per Week	0.0	0.0
Vet visit	1	1	Per Month	0.1	0.1
Govt. Inspectors	1	1	Each Year	0.0	0.0
Medicine Delivery	1	1	Per Month	0.1	0.1
Mechanical Parts/ Repairs	1	1	Per Week	0.3	0.3
Utilities	1	1	Per Month	0.1	0.1
Fuel Delivery	2	2	Per Month	0.1	0.1
Dry hay, Commodities and Mineral In	14	182	Each Year	0.1	1.0
Silage In	26	338	Each Year	0.1	1.9
Straw In	3	40	Each Year	0.0	0.2
Manure Out	47	621	Each Year	0.3	3.4
Shirry Hauling	0	0	Each Year	0	0
Farming (significant changes)	0	0	Each Year	0	0.0
Miscellaneous Visitors (salesman, mailman, etc.)	0	0	Per Weekday	0	0
Double Haul Adjustment <sup>4</sup>	-47	-621	Each Year	-0.25753	-3.40274
<b>TOTAL Vehicle Trips per day estimate</b>				<b>13</b>	<b>24</b>

**Trip Generation**

The expected hours for outgoing and incoming semi-trucks and other vehicles and equipment will be Monday through Sunday 6:00 A.M. to 5:00 P.M. The highest traffic volumes will be generated during the morning hours of 7:00 A.M. to 9:00 A.M. and in the evening between 3:00 P.M. to 5:00 P.M when employees enter and exit the property. During peak traffic hours no more than five vehicles are expected to be going in and out. Occasional operations outside of the expected hours may be required due to CAFO industry needs.

The site will include a shipping and receiving area for cattle and commodities. Parking for employees will be gravel spaces located near the entrance.

The CAFO expansion only increases the number of employee vehicles from five to nine. The number of trips per day increased from 13 to 24 for the proposed site averaged over the year. The following traffic volumes are anticipated for this proposed site:

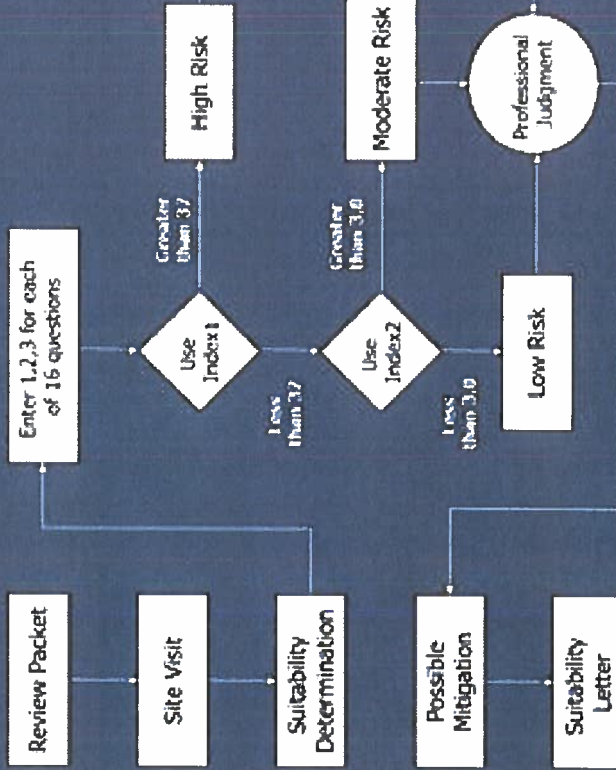
- 6 roundtrips per day
- 18 roundtrips per day

Commercial Vehicles/Equipment  
Owner/Employee Vehicles

The arrival and departure of vehicles is expected to be staggered throughout the day. Employee traffic, which accounts for the majority of the traffic, will arrive in the morning and then depart in the evening.



### CAFO Siting Process Flowchart



State of Idaho CAFO Site Advisory Team Environmental Risk Form

Name & Date of Siting: AK Feeders, 9/6/2023

Risk Scoring System

- Low Risk - Ideal goal for environmental protection
- Moderate Risk - Provides reasonable resource protection
- High Risk - Poses a high risk for health and/or for contaminating ground or surface water

Category	Result	Risk Score
<b>Soil</b>		
1. Soil permeability	High. Fine sandy loam with Ksat 0.57 to 2.00 in/hr.	3
2. Soil depth	Moderate. Typical soil profile depth 60 inches.	2
3. Thickness of clay in unsaturated zone	High. Driller's reports indicate 10-10 ft of clay typical in unsaturated zone.	3
<b>Ground Water</b>		
4. Depth to first encountered water	High. Depth to first encountered water is generally shallow, 0-25 ft.	3
5. Mean nitrate level in ground water within a 5 mile radius	Moderate. Mean most recent nitrate levels are 5.3 mg/L within a 5 mile radius	2
6. Percentage of wells over 5 µg/L nitrate within 5 miles	Moderate. 25% of wells within a 5 mile radius have a nitrate value over 5 mg/L.	2
7. Aquifer geology	High. Typical aquifer geology is sand and gravel.	3
8. Time of travel to a spring	Low. Time of travel to a spring is <10 years.	1
9. Downgradient distance to nearest domestic well	Moderate. Nearest domestic well is cross-gradient, but <100 ft away.	2
10. Within source water delineation area time-of-travel	Low. CAFO is not within a source water delineation area time-of-travel.	1
<b>Surface Water</b>		
11. Downgradient distance from CAFO to nearest surface water body	Low. Downgradient distance from CAFO to nearest surface water body (Snake River) is >200 ft.	1
12. Downgradient distance from land application to nearest surface water	Low. All manure is third-party export.	1
13. 100-year floodplain	Low. Not within the 100-year floodplain.	1
<b>Nutrient Transport</b>		
14. Runoff	Low. Runoff risk is low due to low to moderately sloped topography next to CAFO site.	1
15. Surface Runoff	Low. NRC's surface run-off index is low.	1
16. Annual precipitation	Low. Average annual precipitation is 9.1 inches.	1
<b>Final Risk Score</b>		
Index 1		40.00
Index 2		3.00
		<b>High</b>



## Index1 – High Risk Equation

$$1.5 \cdot \text{Perm} + \text{DepthShall} + 5 \cdot \text{Vadose} + 3 \cdot \text{FirstHOH} + 2.5 \cdot \text{Clay} + \text{Precip} + 2.5 \cdot \text{Flood100} + 0.5 \cdot \text{DistStream} + \text{NO3prior} + \text{AvgNO3} + 2 \cdot \text{Wells} + 0.5 \cdot \text{RunOn} + 6 \cdot \text{SurfaceRun} + 0.5 \cdot \text{DistSurf}$$

Weight	Variable	Weight	Variable
6	Runoff	1	Precipitation
5	Aquifer Geology	1	Soil Depth
3	Depth to Water	1	Wells over 5 mg/L
2.5	Clay Thickness	1	Mean Nitrate
2.5	100-yr Floodplain	0.5	Stream Distance CAFO
2	Domestic Well Distance	0.5	Run-on
1.5	Permeability	0.5	Stream Distance Land App

## Index2 – Low-Moderate Equation

$$2 \cdot \text{Perm} + \text{Vadose} + \text{FirstHOH} + \text{Clay} + 0.5 \cdot \text{Precip} + 1 \cdot \text{Spring} + 2 \cdot \text{Flood100} + 0.5 \cdot \text{SourceHOH} + \text{NO3prior} + 0.5 \cdot \text{AvgNO3} + 0.5 \cdot \text{SurfaceRun} + 0.5 \cdot \text{DistSurf}$$

Weight	Variable	Weight	Variable
2	Permeability	1	Wells over 5 mg/L
2	100-year Floodplain	0.5	Precipitation
1	Aquifer Geology	0.5	Source Water Delineation
1	Depth to Water	0.5	Mean Nitrate
1	Clay Thickness	0.5	Runoff
1	Spring Time of Travel	0.5	Stream Distance Land App



## IDAHO STATE DEPARTMENT OF AGRICULTURE



### CAFO SITE ADVISORY TEAM

September 14, 2023

Canyon County Board of Commissioners  
 Commissioner Leslie Van-Beek  
 Commissioner Brad Hollen  
 Commissioner Zach Brooks  
 Canyon County, Caldwell Idaho

#### RE: CAFO Siting Advisory Team Review Report of AK Feeders

Dear Commissioners,

The Idaho State Concentrated Animal Feeding Operation (CAFO) Siting Team has completed its review of the proposed Livestock Confinement Operation expansion of AK Feeders located at 21696 Stateline Rd, Wilder, Idaho. This facility is proposing to extend the existing operation to 3,700 head of beef cattle. The review was completed in response to a request made by Canyon County in accordance with IDAPA 02.04.30, subchapter H.

The Team, consisting of representatives from the Idaho Department of Environmental Quality (IDEQ), Idaho Department of Water Resources (IDWR), and the Idaho State Department of Agriculture (ISDA) performed a site evaluation on September 9, 2023.

The information evaluated for this facility included the application package provided by Canyon County, IDWR ground water information and water right records, IDWR Statewide Ambient Ground Water Quality Monitoring Program network data, IDEQ map and data, ISDA Regional Agricultural Ground Water Quality Monitoring Program data, Natural Resources Conservation Service soil data, well driller reports, discussions with county officials and the owner, and an onsite evaluation by the team.

According to IDAPA 02.04.30 subchapter B, CAFO Site Advisory Team is required to provide a site suitability determination that includes:

- **Risk Category.** A determination of an environmental risk category: high, moderate, low, or insufficient information to make a determination.
- **Description of Factors.** A description of the factors that contribute to the environmental risks.
- **Mitigation.** Any possible mitigation of the environmental risks.

#### I. Risk Category

The following determination is based on the information supplied to the team through the county and site-specific conditions at the time of the site visit. However, information used for evaluating the ground water,

\*Serving consumers and agriculture by safeguarding the public, plants, animals and the environment through education and regulation.\*

Idaho State CAFO Site Advisory Team • PO Box 7249 • Boise, Idaho 83702 • (208) 332-8550 • (208) 333-4300 • FAX

geology, and soils may be based on regional information and may not fully characterize the local conditions of the specific facility.

The Environmental Risk, as determined by the CAFO Site Advisory Team, is **High Risk**.

Any changes or modification in the application or at the site may alter the Environmental Risk. Risk is determined through a point-based scoring system (attached) that utilizes and accounts for a combination of environmental factors. Management and mitigation are not factored into this determination, it is a physical characterization of the site only.

#### II. Description of Factors

The Environmental Risk is based on physical characteristics of the site. The following technical factors contributed to the environmental risk rating:

##### High Risk Factors

- Dominant soil texture in the area is fine sandy loam, with high saturated hydraulic conductivity ( $K_{sat}$ ) between 0.57 and 2 inches/hour.
- Clay layers in the unsaturated zone are discontinuous. Driller's reports indicate 0-10 ft. of clay layers in the unsaturated zone.
- The depth to first encountered groundwater is generally shallow at 0-25 ft.
- The aquifer geology is composed of sand and gravel.

##### Moderate Risk Factors

- The average soil depth in the area is approximately 60 inches.
- The most recent mean nitrate level in groundwater within a 5-mile radius is 5.3 mg/l.
- The percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 25%.
- Downgradient distance to the closest domestic well is cross-gradient, however less than 100 feet away.

##### Low Risk Factors

- The time of travel to the nearest downgradient spring is greater than 10 years.
- The CAFO site is not located within a source water delineation capture zone.
- Downgradient distance from the CAFO to the nearest surface water body (Snake River) is greater than 200 feet.
- The facility exports all manure off site to a third party, presenting low risk to downgradient surface water bodies from land application at the proposed CAFO site.
- The CAFO site is not within a 100-year floodplain.
- Surface run-in potential to the CAFO site is low due to moderately sloped topography next to CAFO site.
- NRCS run off index indicated low risk of surface runoff from the CAFO facility.
- The average annual precipitation is approximately 9.1 inches/year.

#### III. Mitigation

The CAFO Site Advisory Team's environmental risk assessment process is focused on water quality.

The facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations". The Nutrient Management Plan will be

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modified if when the facility expands to accurately reflect the current operation. The footprint of the animal housing/waste containment area will increase if the County approves the proposal. In the event, the county approves the proposed expansion the waste system improvements/modifications will need to take place, prior to the increase in animal units.

Other Best Management Practices recommendations include:

- Care should also be taken to prevent solid waste products and solid waste storage area runoff from entering surface water bodies, or ponding and entering the ground water. The facility should ensure appropriate setback distances as listed in IDAPA 02 04 30 sub-chapter D "Stockpiling of Agricultural Waste" from the stockpiling of solid waste to any domestic or irrigation well or down-gradient surface water of the state of Idaho.
- Care should be taken when applying solid waste/nutrient to the facility-controlled fields to ensure that runoff does not occur as a result of a weather event. Timely incorporation of solid manure applications into the soil will also assist in minimizing runoff potential. Also, animal manure should be incorporated into the soil prior to irrigation and ideally within 72 hours of application.
- Care should be taken when handling liquid and solid waste in the facility. To protect groundwater, effluent associated with the CAFO facility and standing effluent in the corrals and low areas of the facility must be stored/transferred in a USDA-approved structure. Furthermore, frequent removal of solid waste and storage in a concrete/clay-lined (>15% clay) surface will help to prevent groundwater pollution.

#### IV. Additional Information

Canyon County may issue "special use conditions" in their permit to the applicant. Special use conditions, if not required by existing State or Federal law, would be the county's responsibility to enforce.

CAFO operations require stock water and/or commercial water rights. A review of IDWR records indicates the operation has appropriate water rights.

Facilities that employ chemigation systems must have those systems inspected and approved by ISDA prior to use. Additionally, approved backflow prevention must be in place to prevent back siphoning of wastewater into the aquifer or irrigation laterals/canals.

The CAFO Site Advisory Team did not:

- Review any information regarding air quality. For a more specific evaluation of air quality concerns, please contact the regional IDFQ office.
- Evaluate any increase in the number of lights or light pollution due to the expansion.
- Evaluate the roads in the local area. For a more specific evaluation, please contact the county highway district or the Idaho State Department of Transportation.

The site suitability determination is based on the information supplied to the team from the county and site-specific conditions at the time of the evaluation. This assessment does not consider practices not described during the site visit.

.IDAHO.GOV>

To: Matt Wilk

Cc: Stemmke,

Hello Mike,

Thank you very much for the questions. The calculated risk score is totally based on physical environmental factors that can impact surface and groundwater quality in the case of AK feeders factors such as soil permeability, thickness of clay, aquifer geology, depth of water etc... play a vital role for high score. However these factors can be easily mitigated by implementing available best management practices which are suggested in the AK feeders siting report. Risk score that are determined based on physical environmental factors of the CAFO site cannot be reduced but definitely can be mitigated.

Please let me know if you have any further question.

Thanks  
Pradip

From: Matt Wilke <[matt@whitebarn.com](mailto:matt@whitebarn.com)>

Sent: Friday, October 13, 2023 3:01 PM

To: Pradip Adhikari <[Pradip.Adhikari@ISDA.IDAHO.GOV](mailto:Pradip.Adhikari@ISDA.IDAHO.GOV)>

Cc: Stemmke, Amy <[Amy.Stemmke@idwr.idaho.gov](mailto:Amy.Stemmke@idwr.idaho.gov)>; Kathryn Elliott <[kathryn.elliott@idwr.idaho.gov](mailto:kathryn.elliott@idwr.idaho.gov)>

Subject: Re: Siting Team Report: AK Feeders

**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.**

Hi CAFO team,

I was wondering if your team considers design factors or management practices in your calculations and whether implementing certain design elements and management practices can substantially reduce the risk and help our risk score?

Have a great weekend everyone

Thank you,



Matt Wilke

Owner | Broker

White Barn Real Estate

White Barn Ventures

Tue 10/17/2023 7:15 AM

## Waste Management Plan

### Waste Management and Nuisance Control

For  
AK Feeders  
Canyon County, Idaho

Prepared by



**HQ & Mailing:** AGPROfessionals  
3050 67<sup>th</sup> Avenue  
Greedy, CO 80634 (970) 535-9318

**Idaho:** 213 Canyon Crest Drive, Suite 100  
Twin Falls, ID 83301 (208) 595-5301

*Developed in Accordance with Generally Accepted Agricultural Best Management Practices*

March 2023

#### Introduction

This *Management Plan for Waste and Nuisance Control (MPWNC)* has been developed and implemented to identify methods AK Feeders will use to minimize the inherent conditions that exist in confined feeding operations. The management plan outlines management practices generally acceptable and proven effective at odor and pest management and minimizing nuisance conditions. This narrative is a proactive measure to assist integration into local communities. AK Feeders management will use practices to their best and practical extent.

#### Legal Description

The concentrated animal feeding facility described in this MPWNC is located directly on the Idaho and Oregon border, on the west side of State Line Road in Section 14, Township 4 North, Range 6 West.

#### Odor Control

Odors result from the natural decomposition processes that start as soon as the manure is excreted and continue as long as any usable material remains as food for microorganisms living everywhere in soil, water and the manure. Odor strength depends on the kind of manure, and the conditions under which it decomposes. Although occasionally unpleasant, the odors are not dangerous to health in the quantities one customarily notices around animal feeding operations and fields where manure is spread for fertilizer. AK Feeders will use the following methods and management practices for odor control:

1. Pen Management
  - o *Drainage and Regular Manure Removal*  
Dry manure is less odorous than moist manure. Standing water can increase microbial digestion and odor-producing by-products. AK Feeders will conduct proper pen maintenance and surface grading to reduce standing water. In between pen cleanings, the manure will be mounded in the pens prior to being exported.
2. Manure/Stormwater Pond Management
  - o *Aerobic Designed Ponds*  
The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in accordance with the *Nutrient Management Plan* for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.

Dust from pen surfaces is usually controlled by intensive management of the pen surface by routine cleaning and harrowing of the pen surface. The purpose of intensive surface management is twofold: to keep cattle clean and to reduce pest habitat. The best management systems for dust control involve moisture management. Management methods AK Feeders will use to control dust are:

1. Pen Density
  - o Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.
2. Regular Manure Removal
  - o AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.
3. Water Trucks
  - o Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions.

If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

#### Pest Control - Insects and Rodents

Insects and rodents inhabit environments that have an adequate-to-good food supply and that foster habitat prime for breeding and living. AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary.

#### 1. Habitat Management

- o *Regular Manure Removal and Lot Management*  
Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys, and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.
- o *Reduce Other Fly Habitats*  
Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.
- 2. Controls - Biological and Chemical
  - o *Biological Control*  
Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.
  - o *Baits and Chemical Treatments*  
Baits and treatments are generally very effective. If additional pest prevention is necessary, AK Feeders will use USDA approved fly sprays and baits, such as Pyganic. Application levels and methods of such will be warranted by the results of the other control measures previously outlined.

In the event it is determined that nuisance conditions from pests such as flies and rodents persist, AK Feeders will initially increase the frequency of the housekeeping and management practices outlined previously. If further action is necessary, AK Feeders will increase use of USDA approved chemical controls and treatments, such as fly sprays and baits, and rodenticide for pest control.



May 24, 2022

To Whom it May Concern:


RE: History of Stark/Bishop/4-Sum Company/Present Day owner AK Feeders

The ranch was homesteaded by the Stark's in 1907. The Stark's had a cow/calf operation and feedlot, utilizing horse drawn equipment.

The Bishop's purchased this property in the mid 1950's, where they also ran a cow/calf and feedlot operation, approximately 1, 100 head of feeder cattle annually. The feedlot operation consisted of 800 beef cattle that were fed up for butcher. Also yearly there were approximately 300 Holstein calves raised on the property and then finished in the feedlot, until around 900 lbs., and sold to J.R. Simplot Company in Caldwell, Idaho. The seed stock cattle were purchased and or raised on the property, and the cattle pairs were pastured on BLM land in the Owyhee's. Many individuals were involved in the cattle drives averaging about 15 miles.

The property was then owned by the 4-Sum Company (Darwin and Sharon Schweitzer) in the late 1980's. They also raised cattle on this property, around 400 pairs. All of the cattle were retained on this property, and an annual bull sale was held. There were always at least 1,500 head of cattle on this property, consisting of replaced heifers, bulls for breeding stock.

The present day owner, David DeBenedetti owner of AK Feeders, also has 800 head of breeding stock cows and the property is also being utilized as a feedlot operation.

  
Andy Bishop

As of 10/24/2023, we have received over 100 letters of support from Neighbors, Businesses, and area Farmers & Ranchers. Here are a few examples.

**AK Feeders LLC**  
21006 State Line Road  
Wildier, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 1,700 head feeder on the Idaho/Oregon state line located between Wildier, ID and Adrian, OR. The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Feed Store and AgJobs.com, to have the proper environmental regulations, certain permits, and processes in place to ensure the success of this project. AK Feeders LLC will have a hearing on November 1st, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feeder, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please sign and sign the letter below and mail to the County Planning & Zoning Commission with the compliments stamp out envelope provided before October 28th.

We thank you for your support.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC is ensuring the process to develop a 1,700 head feeder on the Idaho/Oregon state line located between Wildier, ID and Adrian, OR. The goal is to provide the smaller producer a place to grow their stock for sale.

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Name: Deed Wilson Wildier, Idaho

Phone: 208 486 2585 Wilson@stevens.org

Email: Wilson@stevens.org

We thank you for your consideration and support.

**AK Feeders LLC**  
21006 State Line Road  
Wildier, ID 83676

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If you are in support of this project, please sign and sign the letter below and mail to the County Planning & Zoning Commission with the compliments stamp out envelope provided before October 28th.

We thank you for your support.

Dear Planning & Zoning Department (Planning & Zoning Commission)

Under Case No. 23-024-0016, AK Feeders LLC is applying for a conditional use permit for a Continued Animal Feeding Operation (CAFO) that will support 1,700 head of beef cattle on Property 21006 State Line Road, Wildier, ID 83676.

I, Deed Wilson, am in favor of this project and application. This is an agreed upon operation that will support area agricultural operations.

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

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21006 State Line Road  
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Name: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

We thank you for your consideration and support.



**08-01-12: CRITERIA FOR APPROVAL OF EXPANDING CAFOs:**

(1) Prior to approval of a CAFO siting permit for an expanding CAFO, the commission shall find that the expanding CAFO meets the following requirements:

**A. General Requirements:**

1. The expanding CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.
2. The expanding CAFO shall comply with and not be in violation of any federal, state or local law or regulatory requirements.
3. An applicant shall not begin construction of an expanding CAFO prior to approval of the CAFO siting permit.
4. An expanding CAFO shall comply with IDAPA rules governing dead animal disposal.

**B. Animal Waste:**

1. The expanding CAFO shall comply with the terms of its nutrient management plan for land application.
2. The expanding CAFO shall be in compliance with all applicable environmental regulations and requirements.
3. All new lagoons shall be constructed in accordance with state and federal regulations.

**C. Site Setbacks:**

1. The locating of animal waste systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
  2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
  3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
  4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the expanding CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.
  5. The animal waste system shall not be located closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
  6. No animal waste system shall be located closer than one hundred feet (100') from a domestic or irrigation well.
  7. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
  8. The setbacks contained herein shall not apply to land application.
- D. Exemption To Subsection (1)C Site Setbacks:** Existing agricultural buildings, feed bunks, feed racks, corrals and feed storage areas, including feed products resulting from the ensilage process, are exempt from the setback requirements provided they are not being expanded. Certain land parcels



# THANK YOU!

(208) 412-9803

[www.mywhitebarn.com](http://www.mywhitebarn.com)

[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)

May 24, 2022

To Whom It May Concern:

RE: History of Stark/Bishop/4-Sum Company/Present Day owner AK Feeders

The ranch was homesteaded by the Stark's in 1907. The Stark's had a cow/calf operation and feedlot, utilizing horse drawn equipment.

The Bishop's purchased this property in the mid 1950's, where they also ran a cow/calf and feedlot operation, approximately 1, 100 head of feeder cattle annually. The feedlot operation consisted of 800 beef cattle that were fed up for butcher. Also yearly there were approximately 300 Holstein calves raised on the property and then finished in the feedlot, until around 900 lbs., and sold to J.R. Simplot Company in Caldwell, Idaho. The seed stock cattle were purchased and or raised on the property, and the cattle pairs were pastured on BLM land in the Owyhee's. Many individuals were involved in the cattle drives averaging about 15 miles.

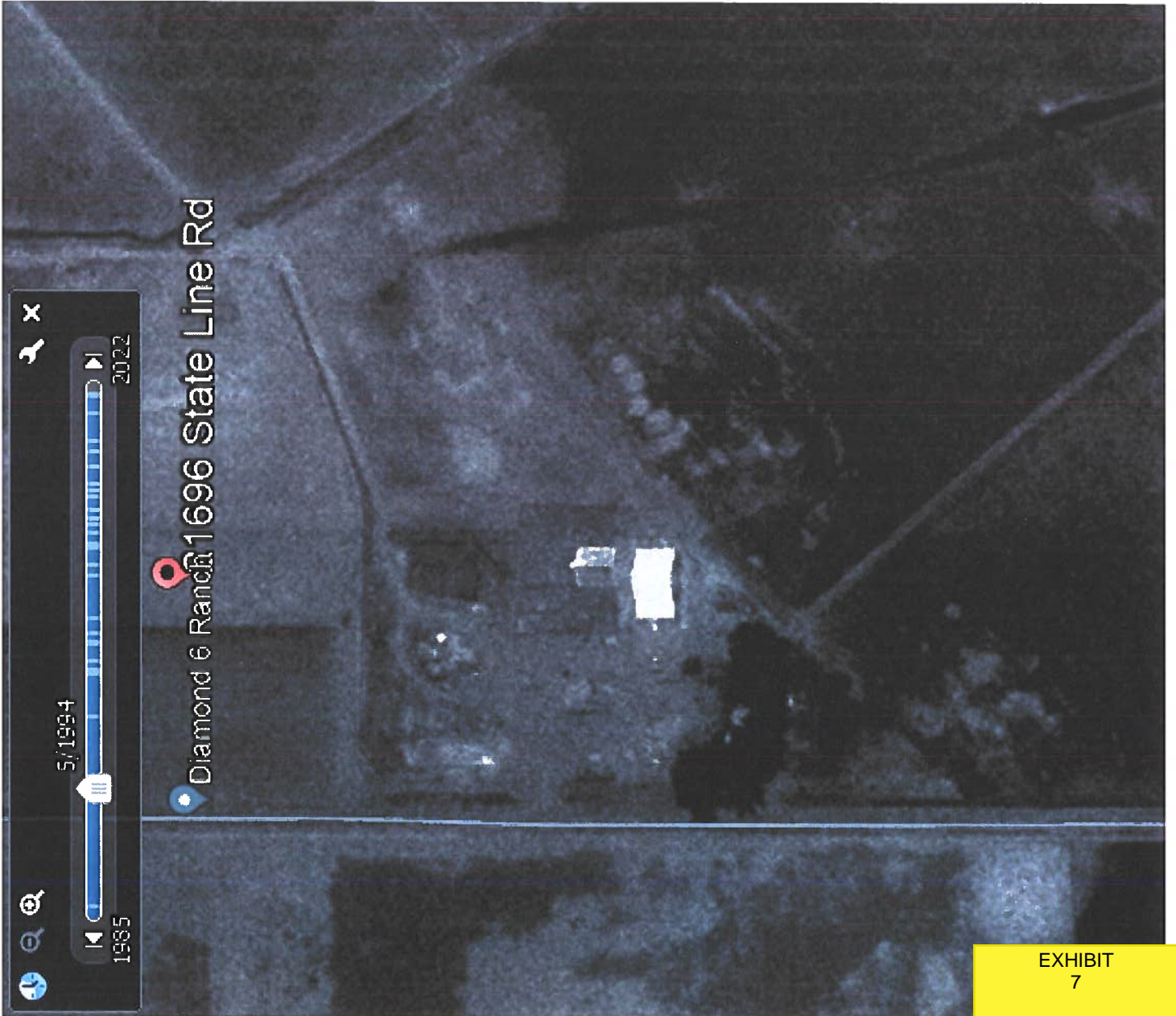
The property was then owned by the 4-Sum Company (Darwin and Sharon Schweitzer) in the late 1980's. They also raised cattle on this property, around 400 pairs. All of the cattle were retained on this property, and an annual bull sale was held. There were always at least 1,500 head of cattle on this property, consisting of replaced heifers, bulls for breeding stock.

The present day owner, David DeBenedetti owner of AK Feeders, also has 800 head of breeding stock cows and the property is also being utilized as a feedlot operation.



Andy Bishop

Google Earth Pro  
image date  
5-9-1994



Google Earth Pro  
image date  
8-22-2002



8/2002

21696 State Line Rd

Diamond 6 Ranch

Google Earth Pro  
image date  
6-15-2004



1985 9/2004 2022

Diamond 6 Ranch

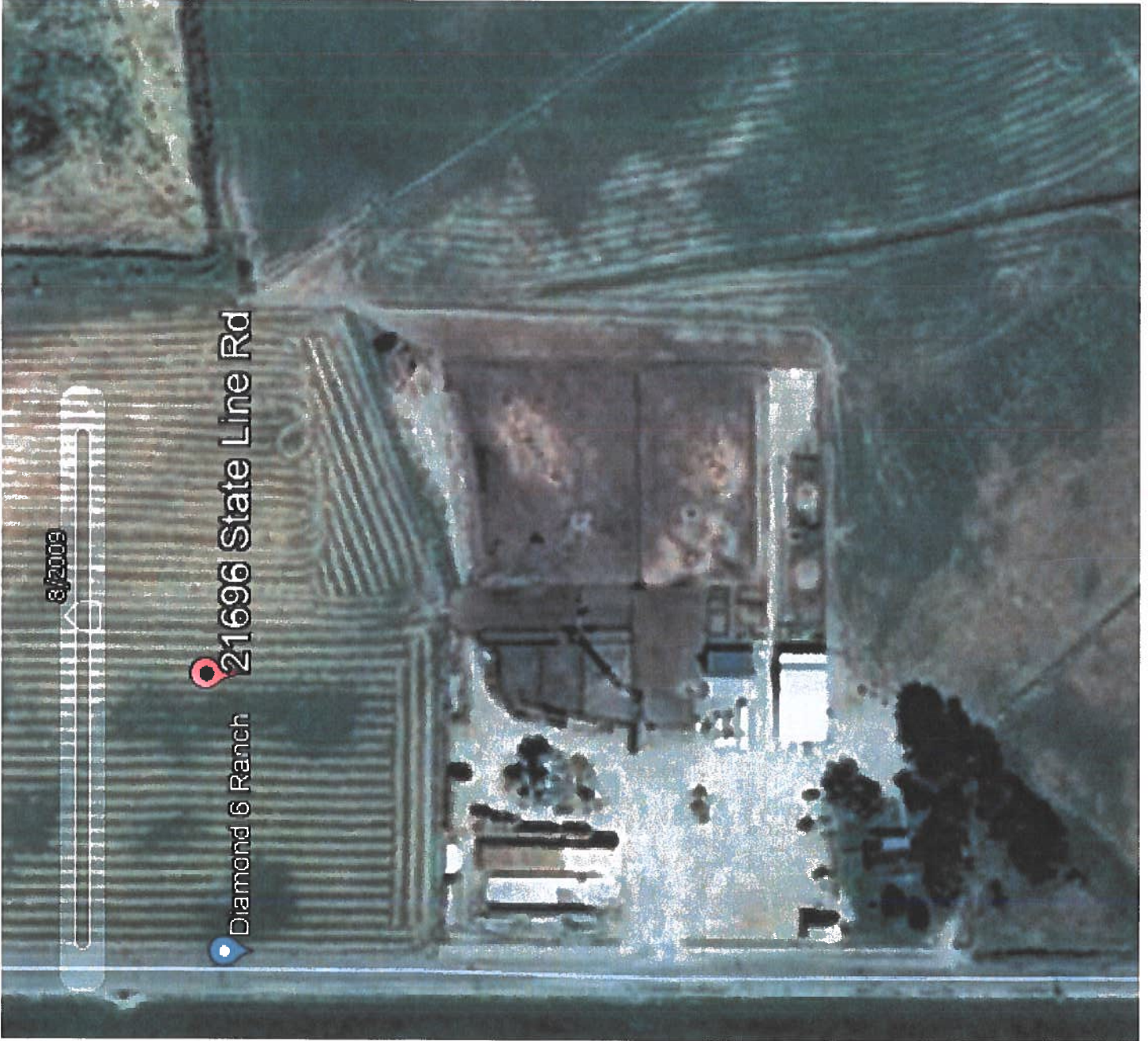
21696 State Line Rd

Google Earth Pro  
image date  
6-16-2004



Diamond 6 Ranch  
21696 State Line Rd

Google Earth Pro  
Mileage data  
6-23-2009



372009

Diamond 6 Ranch  
21696 State Line Rd



Google Earth Pro  
image date  
8-31-2011  
Note: A Lot of Staged feed  
haystacks, silage pit



8/2011

Diamond 6 Ranch 21696 State Line Rd

*Google Earth Pro  
image data  
5-9-2013*



*Spag Earth Pro  
image date  
4-29-2015*





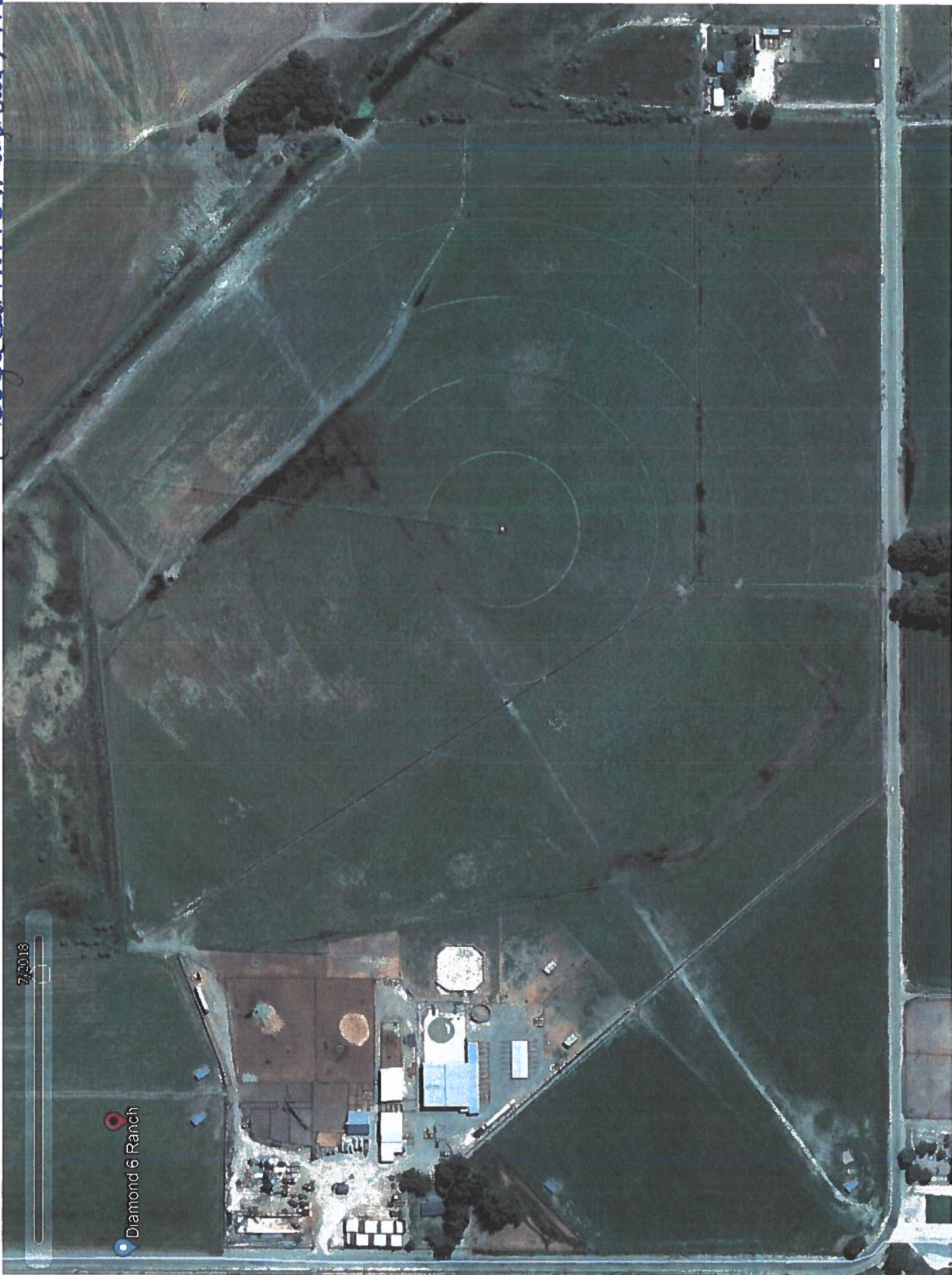
↑  
Cattle  
Grazing

Google Earth Pro  
image date 6-29-2017

Google Earth Pro  
image date  
6-29-2017  
(cropped from grazing image)



Google Earth Pro image date 7-19-2018



7/2018

Diamond 6 Ranch

Google Earth Pro  
image date  
4-27-2019



4/2019

Diamond 6 Ranch 21696 State Line Rd

OREGON

Google Earth Pro  
image date  
3-26-2021





Google Earth Pro  
image date 9-5-2022

Shows expansion of pens  
under construction  
- facility not to exceed 999 head





# IDAHO STATE DEPARTMENT OF AGRICULTURE



## CAFO SITE ADVISORY TEAM

September 14, 2023

Canyon County Board of Commissioners  
Commissioner Leslie Van-Beek  
Commissioner Brad Holton  
Commissioner Zach Brooks  
Canyon County, Caldwell Idaho

### RE: CAFO Siting Advisory Team Review Report of AK Feeders

Dear Commissioners,

The Idaho State Concentrated Animal Feeding Operation (CAFO) Siting Team has completed its review of the proposed Livestock Confinement Operation expansion of AK Feeders located at 21696 Stateline Rd. Wilder, Idaho. This facility is proposing to extend the existing operation to 3700 head of beef cattle. The review was completed in response to a request made by Canyon County in accordance with IDAPA 02.04.30, subchapter B.

The Team, consisting of representatives from the Idaho Department of Environmental Quality (IDEQ), Idaho Department of Water Resources (IDWR), and the Idaho State Department of Agriculture (ISDA) performed a site evaluation on September 9, 2023.

The information evaluated for this facility included the application package provided by Canyon County, IDWR ground water information and water right records, IDWR Statewide Ambient Ground Water Quality Monitoring Program network data, IDEQ map and data, ISDA Regional Agricultural Ground Water Quality Monitoring Program data, Natural Resources Conservation Service soil data, well driller reports, discussions with county officials and the owner, and an onsite evaluation by the team.

According to IDAPA 02.04.30 subchapter B, CAFO Site Advisory Team is required to provide a site suitability determination that includes:

- **Risk Category.** A determination of an environmental risk category: high, moderate, low; or insufficient information to make a determination.
- **Description of Factors.** A description of the factors that contribute to the environmental risks.
- **Mitigation.** Any possible mitigation of the environmental risks.

### I. Risk Category

The following determination is based on the information supplied to the team through the county and site-specific conditions at the time of the site visit. However, information used for evaluating the ground water,

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Idaho State CAFO Site Advisory Team • PO Box 7249 • Boise, Idaho 83707 • (208) 332-8550 • (208) 334-4062 (Fax)

EXHIBIT  
8

Page 1 of 4

geology, and soils may be based on regional information and may not fully characterize the local conditions of the specific facility.

The Environmental Risk, as determined by the CAFO Site Advisory Team, is **High Risk**.

**Any changes or modification in the application or at the site may alter the Environmental Risk.** Risk is determined through a point-based scoring system (attached) that utilizes and accounts for a combination of environmental factors. Management and mitigation are not factored into this determination; it is a physical characterization of the site only.

## II. Description of Factors

The Environmental Risk is based on physical characteristics of the site. The following technical factors contributed to the environmental risk rating:

### High Risk Factors

- Dominant soil texture in the area is fine sandy loam, with high saturated hydraulic conductivity ( $K_{sat}$ ) between 0.57 and 2 inches/hour.
- Clay layers in the unsaturated zone are discontinuous. Driller's reports indicate 0-10 ft. of clay layers in the unsaturated zone
- The depth to first encountered groundwater is generally shallow at 0-25 ft.
- The aquifer geology is composed of sand and gravel.

### Moderate Risk Factors

- The average soil depth in the area is approximately 60 inches.
- The most recent mean nitrate level in groundwater within a 5-mile radius is 5.3 mg/L.
- The percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 25%.
- Downgradient distance to the closest domestic well is cross-gradient, however less than 100 feet away.

### Low Risk Factors

- The time of travel to the nearest downgradient spring is greater than 10 years.
- The CAFO site is not located within a source water delineation capture zone.
- Downgradient distance from the CAFO to the nearest surface water body (Snake River) is greater than 200 feet.
- The facility exports all manure off site to a third party, presenting low risk to downgradient surface water bodies from land application at the proposed CAFO site.
- The CAFO site is not within a 100-year floodplain.
- Surface run-on potential to the CAFO site is low due to moderately sloped topography next to CAFO site.
- NRCS run off index indicated low risk of surface runoff from the CAFO facility.
- The average annual precipitation is approximately 9.1 inches/year.

## III. Mitigation

The CAFO Site Advisory Team's environmental risk assessment process is focused on water quality.

The facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations". The Nutrient Management Plan will be

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modified if/when the facility expands to accurately reflect the current operation. The footprint of the animal housing waste containment area will increase if the County approves the proposal. In the event, the county approves the proposed expansion the waste system improvements/modifications will need to take place, prior to the increase in animal units.

Other Best Management Practice recommendations include:

- Care should also be taken to prevent solid waste products and solid waste storage area runoff from entering surface water bodies, or ponding and entering the ground water. The facility should ensure appropriate setback distances as listed in IDAPA 02.04.30 subchapter D "Stockpiling of Agricultural Waste" from the stockpiling of solid waste to any domestic or irrigation well or down-gradient surface water of the state of Idaho.
- Care should be taken when applying solid waste/manure to the facility-controlled fields to ensure that runoff does not occur as a result of a weather event. Timely incorporation of solid manure applications into the soil will also assist in minimizing runoff potential. Also, animal manure should be incorporated into the soil prior to irrigation and ideally within 72 hours of application.
- Care should be taken when handling liquid and solid waste in the facility. To protect groundwater, effluent associated with the CAFO facility and standing effluent in the corrals and low areas of the facility must be stored/transferred in a ISDA-approved structure. Furthermore, frequent removal of solid waste and storage in a concrete/clay-lined (>15% clay) surface will help to prevent groundwater pollution.

#### **IV. Additional Information**

Canyon County may issue "special use conditions" in their permit to the applicant. Special use conditions, if not required by existing State or Federal law, would be the county's responsibility to enforce.

CAFO operations require stock water and/or commercial water rights. A review of IDWR records indicates the operation has appropriate water rights.

Facilities that employ chemigation systems must have those systems inspected and approved by ISDA prior to use. Additionally, approved backflow prevention must be in place to prevent back siphoning of wastewater into the aquifer or irrigation laterals/canals.

The CAFO Site Advisory Team did not:

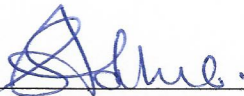
- Review any information regarding air quality. For a more specific evaluation of air quality concerns, please contact the regional IDEQ office.
- Evaluate any increase in the number of lights or light pollution due to the expansion.
- Evaluate the roads in the local area. For a more specific evaluation, please contact the county highway district or the Idaho State Department of Transportation.

The site suitability determination is based on the information supplied to the team from the county and site-specific conditions at the time of the evaluation. This assessment does not consider practices not described during the site visit.

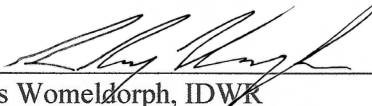
The following individuals were present at the CAFO Site Advisory Team evaluation. The names depicted in bold type are the individuals responsible for the suitability determination.

1. **Pradip Adhikari**, Soil Scientist, ISDA
2. **Gus Womeldorph**, IDWR, Hydrogeologist
3. **Kathryn Elliott**, IDEQ, Ground Water Coordinator
4. Debbie Root, Canyon County Representative
5. David DeBenedetti, Facility Owner
6. Coortney Rueth, Owner Representatives
7. Valene Cauhorn, AgPro/Owner Representatives
8. Mat Wilke, Owner Representatives

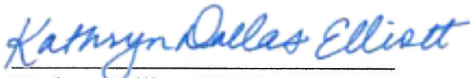
If you require further information regarding this site determination, please feel free to contact us.



Pradip Adhikari, ISDA  
(208) 332-8541



Gus Womeldorph, IDWR  
(208) 287-4963



Kathryn Elliott, IDEQ  
(208) 373-0191

#### ATTACHMENTS

1. CAFO Site Advisory Team Environmental Risk Form
2. IDEQ produced map (including animal units in the area, public water systems, residential wells, irrigated acres and population)

## Debbie Root

---

**From:** Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>  
**Sent:** Friday, September 15, 2023 10:59 AM  
**To:** Debbie Root  
**Cc:** Womeldorph, Gus; Susan Beattie; Kathryn Elliott  
**Subject:** RE: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application  
**Attachments:** AK Feeders Siting Report\_final.pdf; AK Feeders CAFO Siting Team Map FY2024.jpg; AK Feeders Scoresheet.xlsx

Hello Debbie,

Idaho State CAFO siting team has completed the siting of AK feeders. Please find the details reports along with the siting team map and score sheet attached with this email.

Some physical factors such as depth to water, lack of clay in the unsaturated zone and soil type, could create potential hazards to groundwater quality by the proposed CAFO expansion. Therefore the CAFO siting team has rated this facility as High Risk. This risk can be mitigated by implementing best management practices such as storing liquid effluent, carol runoff in the ISDA approved containments, increased frequency of manure removal and storing in the concrete /clay lined (clay >15%) surface.

We also included statement related to this issue in the Best Management Practice Recommendation in the report.

Please let me know if you have any questions.

Thanks  
Pradip

---

**Pradip Adhikari, PhD**  
Soil Scientist/Nutrient Management Specialist  
Idaho State Department of Agriculture  
Animal Industries/Dairy/Nutrient Management  
2270 Old Penitentiary Road  
Boise, ID 83712  
Email: [Pradip.adhikari@isda.idaho.gov](mailto:Pradip.adhikari@isda.idaho.gov)  
Phone: 208-332-8541 ext 541 (O)  
208-917-0275 (C)



EXHIBIT  
8.1

**From:** Pradip Adhikari  
**Sent:** Wednesday, August 23, 2023 2:55 PM  
**To:** Debbie Root <Debbie.Root@canyoncounty.id.gov>; Womeldorph, Gus <Gus.Womeldorph@idwr.idaho.gov>; Susan

Beattie <susan.beattie@deq.idaho.gov>

Cc: Valene Cauhorn <vcauhorn@agpros.com>; Matt Wilke <matt@mywhitebarn.com>

Subject: RE: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

Hello Debbie,

Idaho State CAFO siting team has scheduled the siting of the AK Feeders on September 6<sup>th</sup> Wednesday at 10:30 AM. Please send the county representative as well as inform facility owner/representatives to be present @ **21696 State Line Rd, Wilder, ID 83676** during the siting. Please let me know if you have any questions.

Sincerely,

---

**Pradip Adhikari, PhD**

Soil Scientist/Nutrient Management Specialist

Idaho State Department of Agriculture

Animal Industries/Dairy/Nutrient Management

2270 Old Penitentiary Road

Boise, ID 83712

Email: [Pradip.adhikari@isda.idaho.gov](mailto:Pradip.adhikari@isda.idaho.gov)

Phone: 208-332-8541 ext 541 (O)

208-917-0275 (C)



From: Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>

Sent: Wednesday, July 19, 2023 9:01 AM

To: Pradip Adhikari <[Pradip.Adhikari@ISDA.IDAHO.GOV](mailto:Pradip.Adhikari@ISDA.IDAHO.GOV)>

Subject: FW: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

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Pradip,

I am forwarding these two site drawings for your case file –I do not believe that I included the grading plan drawing in the packet that was sent.

Apologies,

Deb Root, MBA

Canyon County Development Services

[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)

208-455-6034

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

**Debbie Root**

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**Subject:** FW: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

**From:** Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>  
**Sent:** Monday, October 23, 2023 10:35 AM  
**To:** Debbie Root <Debbie.Root@canyoncounty.id.gov>  
**Subject:** RE: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

Hello Debbie,

Thanks for the questions. All the earthen liquid storage should meet the ISDA standards that is included in the IDAPA 02.04.14 and should be inspected and approved by ISDA. You can find details in the link and a section of code copied below.

<https://adminrules.idaho.gov/rules/current/02/020414.pdf>

Thanks  
Pradip

---

**IDAHO ADMINISTRATIVE CODE**  
**Department of Agriculture**

**IDAPA 02.04.14**  
**Rules Governing Dairy Byproduct**

**01. Dairy Storage and Containment Facility Criteria. (3-31-22)**

**a.** Dairy storage and containment facilities shall be constructed to meet a minimum of one hundred eighty (180) days of holding capacity. Process water containment structures that are utilized as the secondary or final storage for effluent shall have a minimum two (2) vertical feet of freeboard. Process water and containment structures that are not the secondary or final storage for effluent shall have a minimum one (1) vertical feet of freeboard. (3-31-22)

**b.** Earthen dairy storage and containment facilities less than ten (10) vertical feet high with a maximum high water line of eight (8) vertical feet shall have a top embankment width of at least eight (8) feet. The combined embankment slopes must be at least five (5) horizontal to one (1) vertical, and shall not exceed two (2) horizontal to one (1) vertical slope. Earthen dairy storage and containment facilities greater than ten (10) vertical feet from the naturally occurring ground level shall meet the NRCS Idaho Conservation Practice Standard Waste Storage Facility Code 313 December 2004 embankment requirements. (3-31-22)

**c.** The inside bottom of the dairy storage and containment facility shall be a minimum of two (2) feet above the high water table, bed rock, gravel, or permeable soils. For an earthen dairy storage and containment facility, a soil liner shall be installed such that the specific discharge rate of the containment structure meet  $1 \times 10^{-6}$  cm<sup>3</sup>/cm<sup>2</sup>/sec or less. Concrete or synthetic liners must be constructed to ASAE and Appendix 10D specifications. (3-31-22)

**d.** Storage areas for dairy byproduct, including compost and solid manure storage areas, shall be appropriately protected to prevent run on, run off, and contamination of ground and surface water. (3-31-22)

**e.** Dairy environmental management systems shall be maintained in a condition that allows the producer to regularly inspect the integrity of the systems. (3-31-22)

Pradip,

For the BMPs that are listed in the siting report: When the Dept of Ag reviews and permits effluent storage facilities does the ISDA require the applicant to construct the clay/concrete lined facilities?

Deb Root, DSD Planner



Pradip   
Adhikari <Pradip.Adhikari@ISDA  
.IDAHO.GOV>

To: Matt Wil

Tue 10/17/2023 7:15 AM

Cc: Steimke,

Hello Mike,

Thank you very much for the questions. The calculated risk score is totally based on physical environmental factors that can impact surface and groundwater quality. In the case of AK feeders factors such as soil permeability, thickness of clay, aquafer geology, depth of water etc.. play a vital role for high score. However these factors can be easily mitigated by implementing available best management practices which are suggested in the AK feeders siting report. Risk score that are determined based on physical environmental factors of the CAFO site cannot be reduced but definitely can be mitigated.

Please let me know if you have any further question.

Thanks  
Pradip

---

**From:** Matt Wilke <[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)>  
**Sent:** Friday, October 13, 2023 3:01 PM  
**To:** Pradip Adhikari <[Pradip.Adhikari@ISDA.IDAHO.GOV](mailto:Pradip.Adhikari@ISDA.IDAHO.GOV)>  
**Cc:** Steimke, Amy <[Amy.Steimke@idwr.idaho.gov](mailto:Amy.Steimke@idwr.idaho.gov)>; Kathryn Elliott <[Kathryn.Elliott@deq.idaho.gov](mailto:Kathryn.Elliott@deq.idaho.gov)>  
**Subject:** Re: Siting Team Report: AK Feeders

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Hi CAFO team,

I was wondering if your team considers design factors or management practices in your calculations and whether implementing certain design elements and management practices can substantially reduce the risk and help our risk score?

Have a great weekend everyone.

Thank you,



Matt Wilke  
Owner | Broker  
White Barn Real Estate  
White Barn Ventures  
208.412.9803

EXHIBIT  
8.3

**State of Idaho CAFO Site Advisory Team Environmental Risk Form**

Name & Date of Siting: AK Feeders. 9/6/2023

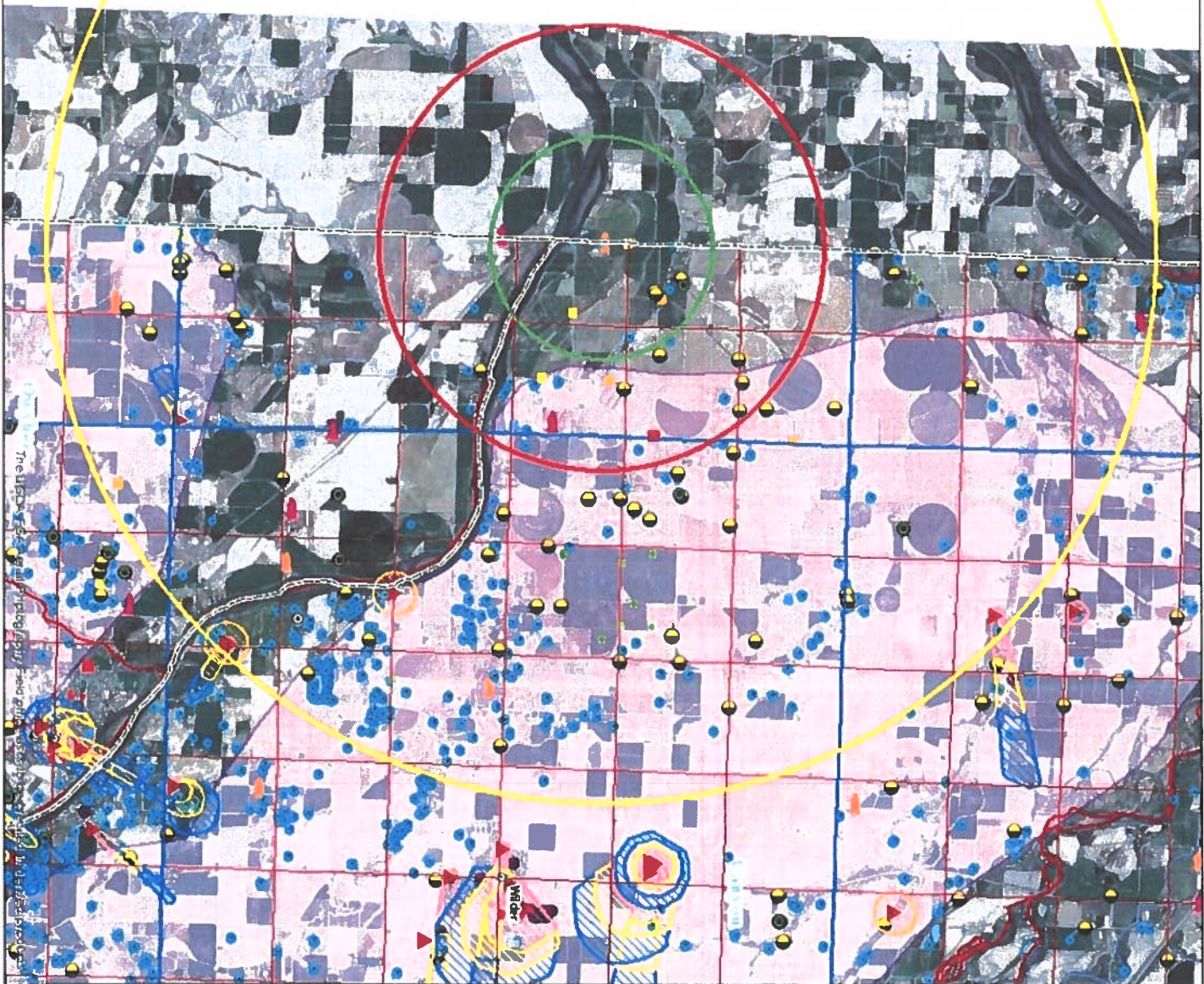
**Risk Scoring System**

- 1 = Low Risk = Ideal goal for environmental protection
- 2 = Moderate Risk = Provides reasonable resource protection
- 3 = High Risk = Poses a high risk for health and/or for contaminating ground or surface water

Category	Result	Risk Score
<b>Soil</b>		
1. Soil permeability	High. Fine sandy loam with Ksat 0.57 to 2.00 in/hr.	3
2. Soil depth	Moderate. Typical soil profile depth 60 inches.	2
3. Thickness of clay in unsaturated zone	High. Driller's reports indicate 0-10 ft of clay typical in unsaturated zone.	3
<b>Ground Water</b>		
4. Depth to first encountered water	High. Depth to first encountered water is generally shallow, 0-25 ft.	3
5. Mean nitrate level in ground water within a 5 mile radius	Moderate. Mean most recent nitrate levels are 5.3 mg/L within a 5-mile radius.	2
6. Percentage of wells over 5 mg/L nitrate within 5 miles	Moderate. 25% of wells within a 5 mile radius have a nitrate value over 5 mg/L.	2
7. Aquifer geology	High. Typical aquifer geology is sand and gravel.	3
8. Time of travel to a spring	Low. Time of travel to a spring is >10 years.	1
9. Downgradient distance to nearest domestic well	Moderate. Nearest domestic well is cross-gradient, but <100 ft away.	2
10. Within source water delineation area time-of-travel	Low. CAFO is not within a source water delineation area time-of-travel.	1
<b>Surface Water</b>		
11. Downgradient distance from CAFO to nearest surface water body	Low. Downgradient distance from CAFO to nearest surface water body (Snake River) is >200	1
12. Downgradient distance from land application to nearest surface water body	Low. All manure is third-party export.	1
13. 100-year floodplain	Low. Not within the 100 year floodplain.	1
<b>Nutrient Transport</b>		
14. Run-on	Low. Run-on risk is low due to low to moderately sloped topography next to CAFO site.	1
15. Surface Runoff	Low. NRCS surface run-off index is low.	1
16. Annual precipitation	Low. Average annual precipitation is 9.1 inches.	1
		Index 1 40.00
		Index 2 3.00
<b>Final Risk Score</b>		<b>High</b>



**AK Feedlots**  
**21696 Stateline RD, Wilder, ID**



**Map Legend**

- ➡ Dairy Locations (ISDA)
- ➡ Feedlots (ISDA)
- Schools (GNIS)
- Township and Range
- PLS (Sections)
- ▲ Public Water Systems
- Source Water Delineations**
- Time of Travel
  - SMA 3 Year ToT
  - SMA 6 Year ToT
  - SMA 10 Year ToT
  - ▨ Surface Water Buffer
  - ▨ Fixed Radius
- ▨ Watershed Boundary
- Isda Wells (Ntates)
- Deep Injection Wells (Non-Permitted)
- Deep Injection Wells (IDWR)
- State Monitoring Wells (IDWR)
- Domestic Wells (IDWR)
- Springs (NHD)
- ▨ Nitrate Priority Areas (2020)

Animal Units < 5 Miles = ~ 11,740  
 Public Water Systems = 5  
 Residential Wells = 350  
 State Monitoring Wells = 56  
 Deep Injection Wells = 1  
 Population 2020 = ~ 2,669  
 km gated Acres = ~ 27,868  
 USGS(NHD)Springs = 1  
 Schools = ~ 0



Restriction of liability: Neither the State of Idaho nor the Department of Environmental Quality nor any of their employees make any warranty or assume any legal liability or responsibility for the accuracy, completeness or timeliness of any information provided on this map. The user assumes all technical responsibilities for any errors. DEQ may update, modify or re-use the data used at any time, without notice.

## Debbie Root

---

**From:** Valene Cauhorn <vcauhorn@agpros.com>  
**Sent:** Tuesday, July 18, 2023 4:35 PM  
**To:** Pradip Adhikari  
**Cc:** Matt Wilke; Hannah Dutrow; Debbie Root  
**Subject:** [External] AK Feeders Siting Team Information  
**Attachments:** AK Feeders NMP EMP approval letter.pdf; NRCS Soil Report - 07.18.23.pdf

Good Afternoon Dr. Adhikari,

I am assisting AK Feeders (Mr. David DeBenedetti – owner) and Mr. Matt Wilke (Planner) with the application and engineering for the expansion to the feedyard.

I have attached the NRCS Soils Report for the site you requested. Similar to the projects we have done with other counties and the Siting Team, we have already submitted a NMP for review and approval (see attached). It is my understanding that with Beef NMPs, ISDA does not hold onto a copy of them, but only a copy of the approval letter. We are happy to bring a copy to review on-site during the Siting Team meeting if needed, but it has already been reviewed and approved and we have not updated the site since then.

Let me know if you need anything else or have any further questions!

Thanks!

*Valene Lickley Cauhorn, PE*

Agricultural Engineer/Idaho Office Manager

**AGPRO**fessionals

213 Canyon Crest Dr, Suite 100

Twin Falls, ID 83301

970-571-9086 cell

208-595-5301 office

HQ/Mailing:

3050 67th Avenue, Suite 200

Greeley, CO 80634

970-535-9318 office

970-535-9854 fax

[www.agpros.com](http://www.agpros.com)





United States  
Department of  
Agriculture

**NRCS**

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

# Custom Soil Resource Report for Canyon Area, Idaho

## AK Feeders



July 18, 2023

# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

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scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

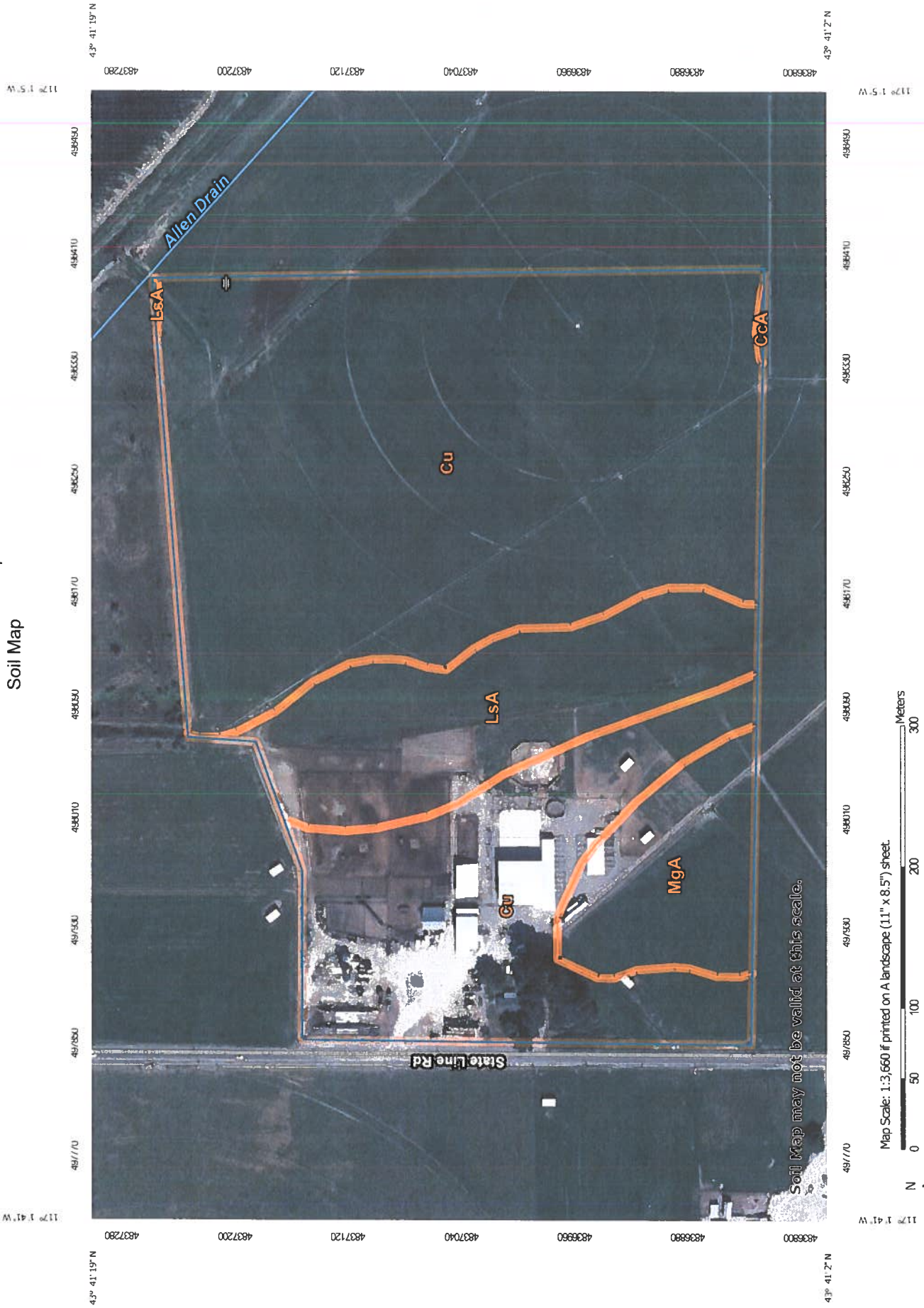
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# Soil Map

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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

# Custom Soil Resource Report Soil Map



Soil Map may not be valid at this scale.

Map Scale: 1:3,660 if printed on A landscape (11" x 8.5") sheet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

## MAP LEGEND

- Area of Interest (AOI)
- Spoil Area
- Soil Map Unit Polygons
- Stony Spot
- Soil Map Unit Lines
- Very Stony Spot
- Soil Map Unit Points
- Wet Spot
- Other
- Special Line Features
- Special Point Features**
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Water Features**
- Streams and Canals
- Transportation**
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads
- Background**
- Aerial Photography

## MAP INFORMATION

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

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

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

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

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

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

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

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

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

Date(s) aerial images were photographed: Jul 31, 2020—Aug 2, 2020

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

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CcA	Cencove fine sandy loam, 0 to 1 percent slopes	0.0	0.1%
Cu	Cruickshank fine sandy loam	39.2	75.9%
LsA	Letha fine sandy loam, 0 to 1 percent slopes	8.0	15.6%
MgA	Marsing loam, 0 to 1 percent slopes	4.3	8.4%
<b>Totals for Area of Interest</b>		<b>51.6</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate

## Custom Soil Resource Report

pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.



## Canyon Area, Idaho

### CcA—Cencove fine sandy loam, 0 to 1 percent slopes

#### Map Unit Setting

*National map unit symbol:* 2q09  
*Elevation:* 2,000 to 4,500 feet  
*Mean annual precipitation:* 7 to 11 inches  
*Mean annual air temperature:* 45 to 52 degrees F  
*Frost-free period:* 110 to 170 days  
*Farmland classification:* Prime farmland if irrigated

#### Map Unit Composition

*Cencove and similar soils:* 85 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Cencove

##### Setting

*Landform:* Terraces, fan remnants  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Mixed alluvium

##### Typical profile

*Ap - 0 to 9 inches:* fine sandy loam  
*Bk - 9 to 32 inches:* fine sandy loam  
*2C - 32 to 60 inches:* gravelly sand

##### Properties and qualities

*Slope:* 0 to 1 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* High (2.00 to 6.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 30 percent  
*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)  
*Available water supply, 0 to 60 inches:* Low (about 5.9 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 3e  
*Land capability classification (nonirrigated):* 6c  
*Hydrologic Soil Group:* A  
*Ecological site:* R011XY010ID - Calcareous Loam 7-10 PZ ATCO-PIDE4/ACHY-ACTH7  
*Hydric soil rating:* No

## **Cu—Cruickshank fine sandy loam**

### **Map Unit Setting**

*National map unit symbol:* 2q0h  
*Elevation:* 2,000 to 4,500 feet  
*Mean annual precipitation:* 7 to 12 inches  
*Mean annual air temperature:* 45 to 52 degrees F  
*Frost-free period:* 110 to 160 days  
*Farmland classification:* Prime farmland if irrigated and drained

### **Map Unit Composition**

*Cruickshank and similar soils:* 80 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Cruickshank**

#### **Setting**

*Landform:* Flood plains, stream terraces  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Loamy alluvium and/or lacustrine deposits

#### **Typical profile**

*Ap - 0 to 9 inches:* fine sandy loam  
*Bk - 9 to 27 inches:* fine sandy loam  
*C - 27 to 60 inches:* fine sandy loam

#### **Properties and qualities**

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Somewhat poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 2.00 in/hr)  
*Depth to water table:* About 18 to 36 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 40 percent  
*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)  
*Available water supply, 0 to 60 inches:* Moderate (about 7.8 inches)

#### **Interpretive groups**

*Land capability classification (irrigated):* 4e  
*Land capability classification (nonirrigated):* 6c  
*Hydrologic Soil Group:* B  
*Ecological site:* R011XY016OR - Sandy 8-11 PZ  
*Hydric soil rating:* No

## **LsA—Letha fine sandy loam, 0 to 1 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* 2q24  
*Elevation:* 2,000 to 4,000 feet  
*Mean annual precipitation:* 8 to 13 inches  
*Mean annual air temperature:* 45 to 52 degrees F  
*Frost-free period:* 110 to 160 days  
*Farmland classification:* Not prime farmland

### **Map Unit Composition**

*Letha and similar soils:* 90 percent  
*Minor components:* 5 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Letha**

#### **Setting**

*Landform:* Terraces, stream terraces  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Mixed alluvium

#### **Typical profile**

*A - 0 to 5 inches:* fine sandy loam  
*C1 - 5 to 40 inches:* fine sandy loam  
*2C2 - 40 to 58 inches:* sand

#### **Properties and qualities**

*Slope:* 0 to 1 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Somewhat poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.57 to 2.00 in/hr)  
*Depth to water table:* About 36 to 48 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 15 percent  
*Maximum salinity:* Slightly saline to moderately saline (4.0 to 8.0 mmhos/cm)  
*Sodium adsorption ratio, maximum:* 8.0  
*Available water supply, 0 to 60 inches:* Moderate (about 6.5 inches)

#### **Interpretive groups**

*Land capability classification (irrigated):* 3e  
*Land capability classification (nonirrigated):* 6c  
*Hydrologic Soil Group:* B  
*Ecological site:* R011XA007ID - Semiwet Saline Meadow SAVE4/DISP  
*Hydric soil rating:* No

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### Minor Components

#### Chance

*Percent of map unit: 5 percent*

*Landform: Depressions*

*Hydric soil rating: Yes*

### MgA—Marsing loam, 0 to 1 percent slopes

#### Map Unit Setting

*National map unit symbol: 2q2d*

*Elevation: 2,200 to 4,500 feet*

*Mean annual precipitation: 7 to 11 inches*

*Mean annual air temperature: 45 to 52 degrees F*

*Frost-free period: 110 to 170 days*

*Farmland classification: Prime farmland if irrigated*

#### Map Unit Composition

*Marsing and similar soils: 85 percent*

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Marsing

##### Setting

*Landform: Terraces*

*Down-slope shape: Linear*

*Across-slope shape: Linear*

*Parent material: Mixed alluvium*

##### Typical profile

*Ap - 0 to 9 inches: loam*

*Bk - 9 to 23 inches: loam*

*2C - 23 to 60 inches: gravelly coarse sand*

##### Properties and qualities

*Slope: 0 to 1 percent*

*Depth to restrictive feature: More than 80 inches*

*Drainage class: Well drained*

*Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high  
(0.57 to 2.00 in/hr)*

*Depth to water table: More than 80 inches*

*Frequency of flooding: None*

*Frequency of ponding: None*

*Calcium carbonate, maximum content: 15 percent*

*Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)*

*Available water supply, 0 to 60 inches: Low (about 5.7 inches)*

##### Interpretive groups

*Land capability classification (irrigated): 2e*

*Land capability classification (nonirrigated): 6c*

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*Hydrologic Soil Group: B*

*Ecological site: R011XY016OR - Sandy 8-11 PZ*

*Hydric soil rating: No*

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# Waste Management Plan

*Waste Management  
and  
Nuisance Control*

*For*

*AK Feeders  
Canyon County, Idaho*

Prepared by



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*Developed in Accordance with Generally Accepted Agricultural Best Management Practices*

March 2023



## Introduction

This *Management Plan for Waste and Nuisance Control (MPWNC)* has been developed and implemented to identify methods AK Feeders will use to minimize the inherent conditions that exist in confinement feeding operations. The management plan outlines management practices generally acceptable and proven effective at odor and pest management and minimizing nuisance conditions. This narrative is a proactive measure to assist integration into local communities. AK Feeders management will use practices to their best and practical extent.

## Legal Description

The concentrated animal feeding facility described in this MPWNC is located directly on the Idaho and Oregon border, on the west side of State Line Road in Section 14, Township 4 North, Range 6 West.

## Odor Control

Odors result from the natural decomposition processes that start as soon as the manure is excreted and continue as long as any usable material remains as food for microorganisms living everywhere in soil, water and the manure. Odor strength depends on the kind of manure, and the conditions under which it decomposes. Although occasionally unpleasant, the odors are not dangerous to health in the quantities one customarily notices around animal feeding operations and fields where manure is spread for fertilizer. AK Feeders will use the following methods and management practices for odor control:

1. Pen Management
  - *Drainage and Regular Manure Removal*  
Dry manure is less odorous than moist manure. Standing water can increase microbial digestion and odor-producing by-products. AK Feeders will conduct proper pen maintenance and surface grading to reduce standing water. In between pen cleanings, the manure will be mounded in the pens prior to being exported.
2. Manure/Stormwater Pond Management
  - *Aerobic Designed Ponds*  
The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in accordance with the *Nutrient Management Plan* for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.

## **Dust Control**

Dust from pen surfaces is usually controlled by intensive management of the pen surface by routine cleaning and harrowing of the pen surface. The purpose of intensive surface management is twofold: to keep cattle clean and to reduce pest habitat. The best management systems for dust control involve moisture management. Management methods AK Feeders will use to control dust are:

### 1. Pen Density

- Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.

### 2. Regular Manure Removal

- AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.

### 3. Water Trucks

- Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions.

If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

## **Pest Control - Insects and Rodents**

Insects and rodents inhabit environments that have an adequate-to-good food supply and that foster habitat prime for breeding and living. AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary.

## 1. Habitat Management

### ○ *Regular Manure Removal and Lot Management*

Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.

### ○ *Reduce Other Fly Habitats*

Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.

## 2. Controls – Biological and Chemical

### ○ *Biological Control*

Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.

### ○ *Baits and Chemical Treatments*

Baits and treatments are generally very effective. If additional pest prevention is necessary, AK Feeders will use USDA approved fly sprays and baits, such as Pyganic. Application levels and methods of such will be warranted by the results of the other control measures previously outlined.

In the event it is determined that nuisance conditions from pests such as flies and rodents persist, AK Feeders will initially increase the frequency of the housekeeping and management practices outlined previously. If further action is necessary, AK Feeders will increase use of USDA approved chemical controls and treatments, such as fly sprays and baits, and rodenticide for pest control.

## Waste Management Narrative

Prepared for AK Feeders

AK Feeders is a new feedlot near Wilder, Idaho. The feedlot is owned and operated by David DeBenedetti. The feedlot raises beef cattle and will be used for backgrounding. They will buy and/or breed their own stock, bringing the cattle into the feedlot between approximately 300 to 600 pounds. At approximately 1,000 pounds, they will be sent to a finishing feedlot. The feedlot has a capacity for 3,700 head of livestock. The average weight of the livestock will be between 500 to 1,000 pounds.

The facility operates an open lot dry scrape manure system. There is no commercial water produced on the facility. The only process water is precipitation runoff from the corrals and feed storage areas. Runoff from precipitation is directed to one of the three runoff containment ponds. The site has been graded to ensure proper drainage.

Manure is mounded in the pens and will be hauled either annually or bi-annually. All manure will be third party exported.

Land owned or operated by a CAFO, including all livestock (Bovidae, Suidae, Equidae, and other animals) that are on, or contiguous to, a cattle operation, and are owned or controlled by a cattle operation, are required to conform to the IDAPA 02.04.15 rule governing beef cattle animal feeding operations. The producer must ensure all livestock are restricted from the waters of the state (e.g., streams, rivers, canals, irrigation ditches).

***18. A characterization of proposed operation, including estimated amount of water per animal unit required and any land application site(s) owned, leased, operated, or contracted by the applicant, which land is part of the nutrient management plan and includes the following information:***

***Existing Site***

Annual precipitation was determined using the NOAA Atlas 2, Volume V Precipitation map. The average yearly precipitation for the site is approximately 9.56” inches.

There are multiple soil types with the majority of the soil being Cruickshank fine sandy loam, 0 to 3 percent slopes. Next, being Letha fine sandy loam, 0 to 1 percent slopes. Small amounts of Cencove fine sandy loam, Marsing loam, and Falk fine sandy loam all being from 0 to 12 percent slopes. The USDA-NRCS soils report is located in 18.a. – Soil Report.

There are two water wells that provide water to the property. The depth to static ground water varies but is between 60-120 feet. The underlying geologic structure includes topsoil, clay, gravel, sand, and cemented sand with gravel. The drill logs are in 18.b. – Well: Drill Logs.

The site is located within FEMA panel 16027C0175F and is not currently located within a 100-year floodplain. The FEMA map is located in 18.c. – FEMA Map.

***Hydrogeological Factors***

Water quality data was obtained from the Idaho Division of Water Resources (IDWR) online database. This data includes data from the Idaho Department of Agriculture (ISDA) and IDWR. The United States Geological Service (USGS), and the Idaho Department of Environmental Quality (IDEQ) had no additional data specific to this location. There is a map at the beginning of the IDWR data for the farm to show the three monitoring well locations. One well was located north about .3 miles away, another north-northeast about .2 miles away, and the last is northeast about .6 miles away. Water quality data for all three wells are attached. 18.d. – Water Quality Data

The site is located along the Treasure Valley Aquifer. The aquifer flows west from the proposed site, along the Snake River. From the on-site well logs, the static water level below the ground surface ranges about 60-120 feet.

Limited information was available to describe the groundwater and surface water relationships for this area. The IDWR (2017) referenced “A Groundwater-flow Model for the Treasure Valley and Surrounding Area, Southwestern Idaho”. This document indicates that as water is used from the Treasure Valley Aquifer it causes a depletion in available surface water sources, causing a reduction in ground water storage.

The USGS tracks the surface water usage for the nation. There are two monitoring stations near the project site. One station is located in Parma, ID, northwest of the project site, and the other in Malheur County, OR, northeast of the project site. There are graphs that show the approved daily-mean data for surface water usage. There was no information found in the USGS, IDEQ, or IDWR databases on the average groundwater levels at or near the subject property.

Most of the irrigation in the area is from deep wells. Recharge sources in the area are predominately irrigation, precipitation, and snowmelt. These serve as primary sources of recharge in the area.

The USGS indicates the Snake River may be degraded by a variety of pollutants. The waters are primarily impacted by runoff from irrigated crop production, rangeland, and pastureland. The project site is not located in a vulnerable water area and is not located in a nitrate priority area according to the IDWR.

Canyon County tends to be a windy area. The average wind speed is between 11 mph in March and 7 mph in August. The direction is typically south to northwest. 18.c.- Caldwell Industrial Airport Wind Speed and Direction.



Idaho State Department of Agriculture  
P.O. Box 7249 • Boise, Idaho 83707  
P: 208.332.8500 • F: 208.334.2170  
[www.agri.idaho.gov](http://www.agri.idaho.gov)

**BRAD LITTLE, GOVERNOR**  
**CHANEL TEWALT, DIRECTOR**

March 15, 2023

AK Feeders  
David DeBenedetti  
21696 State Line Rd  
Wilder, ID. 83676

Dear Mr. DeBenedetti,

I received the Environmental/Nutrient Management Plan for proposed AK Feeders from Brian Scarrow, Certified Nutrient Management Planner. I approved the Environmental/ Nutrient Management Plan on March 15, 2023. This Environmental/ Nutrient Management Plan is for your proposed facility located at 21696 State Line Road, Wilder, ID. 83676.

Key Points for EMP/NMP Compliance:

1. You are required to soil test all fields, annually, to which nutrients (commercial fertilizer or manure) will be applied that year and soil test records must be kept for 5 years. Soil tests need to be taken by a certified soil sampler.
2. Liquid effluent applications are to occur only within the growing period of the active crop. Fall application of liquid effluent must be completed prior to the non-growing season. The non-growing season will be determined each year by the ISDA Animal/Dairy Bureau. Permission to apply liquid effluent during the non-growing season will be considered on a case-by-case basis. Producers seeking permission to land apply nutrients outside of the application season must contact the Department of Agriculture, Animal/Dairy Bureau at (208) 332-8550 prior to application. Factors considered in granting approval will be, but are not limited to, the following:
  - Date
  - Existing and forecasted weather conditions
  - Moisture content of the soil
  - Frost layers in the soil
  - Water holding capacity of the soil
  - Crop needs
3. CAFO byproduct management is a key component to your ability to appropriately implement your environmental/nutrient management plan. It is important to remove accumulated solids and byproduct water from your containment facilities prior to the wet season to ensure that the byproduct containment facilities have the required 120-day storage capacity.

If you have any questions or concerns, please contact me at (208) 332-8550.

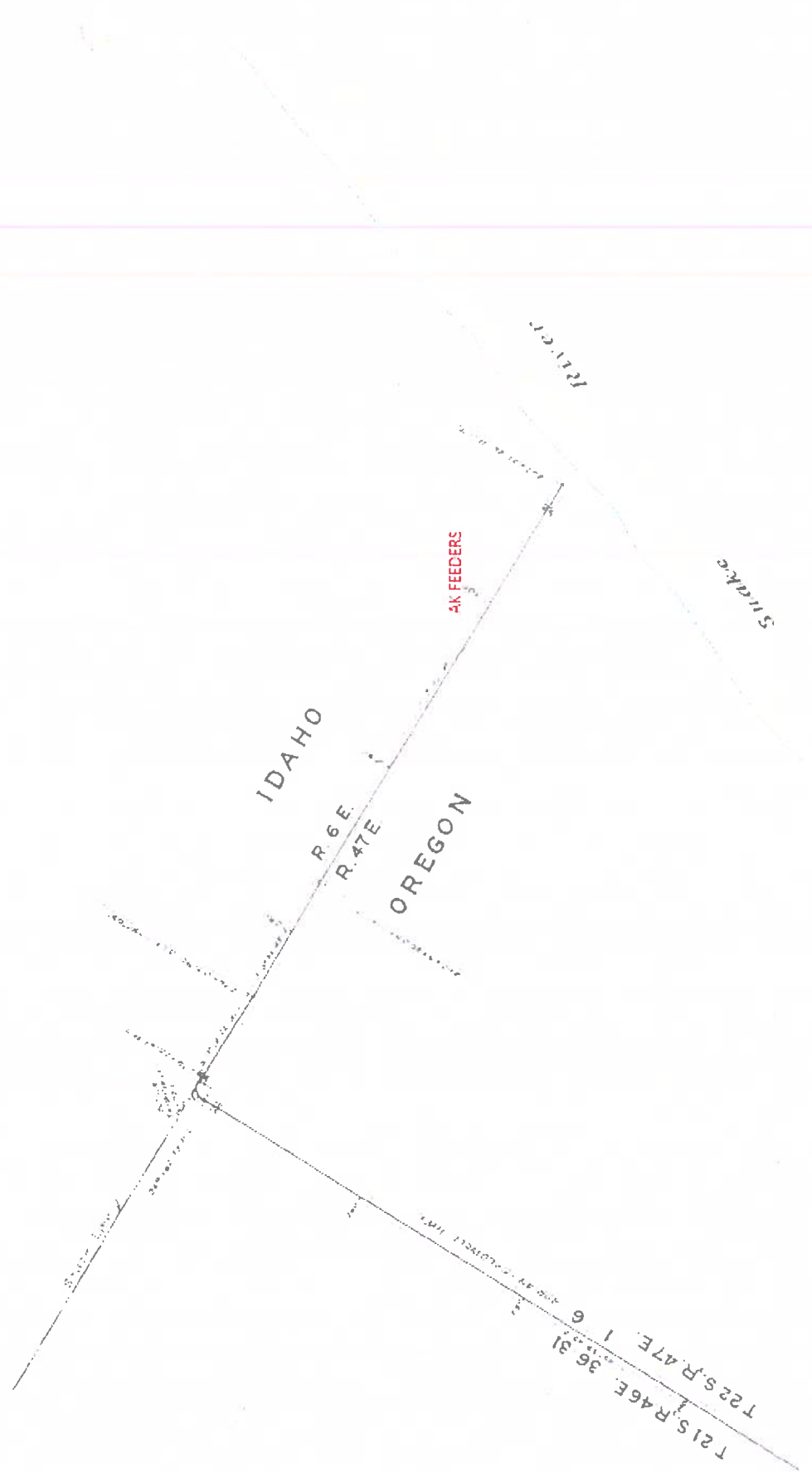
Sincerely,

Pradip Adhikari, PhD  
Soil Scientist/Nutrient Management Specialist, Animal Industries

RECEIVED

MAR 20 2023

RECEIVED



IDAHO

OREGON

SNAKE RIVER

SNAKE

AK FEEDERS

R. 6 E

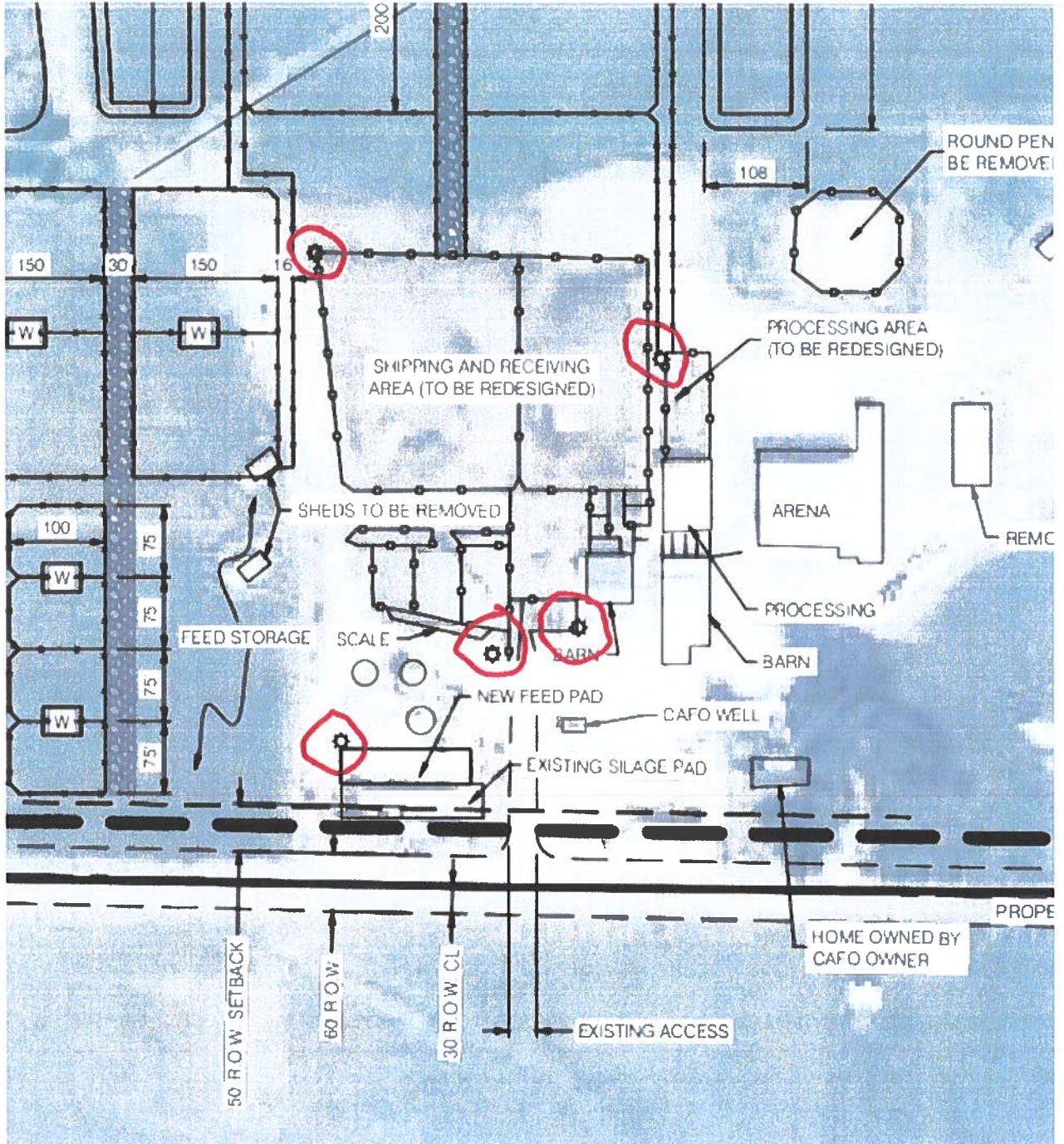
R. 47 E

T21S, R46E, 36, 31

T22S, R47E, 1, 6

T23S, R47E, 1, 6





*downward facing  
utilized when needed during  
non-daylight hours.*

*Lighting locations  
per. Oct 18, 2023 email*

## Debbie Root

---

**From:** Matt Wilke <matt@mywhitebarn.com>  
**Sent:** Wednesday, October 18, 2023 12:36 PM  
**To:** Debbie Root  
**Cc:** akfeeders@gmail.com  
**Subject:** Re: [External] Re: Hearing Date: November 2, 2023  
**Attachments:** Lights.jpg; Traffic Narrative Calculations.png

Hi Debbie,

Attached are the calculations the engineer used for the traffic narrative regarding the commercial traffic.

Lighting will be downward facing and only utilized when needed during non-daylight hours. There are 5 lights proposed on the site plan. I made a screenshot and circled them in red for reference.

I also wanted to confirm that the site will be year-round use.

Thank you,



Matt Wilke  
Owner | Broker  
White Barn Real Estate  
White Barn Ventures  
208.412.9803  
[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)  
[www.mywhitebarn.com](http://www.mywhitebarn.com)

---

**From:** Debbie Root <Debbie.Root@canyoncounty.id.gov>  
**Sent:** Tuesday, October 17, 2023 9:10 AM  
**To:** Matt Wilke <matt@mywhitebarn.com>  
**Subject:** RE: [External] Re: Hearing Date: November 2, 2023

Matt,

Do you have more specific information with regards to actual cattle truck trips/day? The narrative indicates 6 commercial vehicle trips per day. Is that cattle trucks, feed trucks, ??

Deb Root, MBA  
Canyon County Development Services  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)  
208-455-6034

Development Services Department (DSD)  
NEW public office hours  
Effective Jan. 3, 2023  
Monday, Tuesday, Thursday and Friday  
8am – 5pm

EXHIBIT  
15

Table T-5

Traffic Source	YEARLY TRAFFIC ESTIMATE				
	Number of Vehicles to Facility by Frequency			Trips <sup>3</sup> Generated Per Day	
	Existing	Proposed	Amount Frequency	Existing	Proposed
Owner/Manager	1	1	Per Day	2	2
Employees (vehicles not = of employees)	5	9	Per Day	10	18
Milk Trucks	0	0	Per Day	0	0
Milk Replacer (calves)	0	0	Per Week	0.0	0.0
Cows/Calves In & Out	1	2	Per Month	0.1	0.1
Buyers	0	0	Per Month	0.0	0.0
AI Delivery Service	0	0	Per Week	0.0	0.0
Vet visit	1	1	Per Month	0.1	0.1
Govt. Inspectors	1	1	Each Year	0.0	0.0
Medicine Delivery	1	1	Per Month	0.1	0.1
Mechanical Parts/ Repairs	1	1	Per Week	0.3	0.3
Utilities	1	1	Per Month	0.1	0.1
Fuel Delivery	2	2	Per Month	0.1	0.1
Dry hay, Commodities and Mineral In	14	182	Each Year	0.1	1.0
Silage In	26	338	Each Year	0.1	1.9
Straw In	3	40	Each Year	0.0	0.2
Manure Out	47	621	Each Year	0.3	3.4
Slurry Hauling	0	0	Each Year	0	0
Farming (significant changes)	0	0	Each Year	0	0.0
Miscellaneous Visitors (salesman, mailman, etc)	0	0	Per Weekday	0	0
Double Haul Adjustment <sup>4</sup>	-47	-621	Each Year	-0.25753	-3.40274
<b>TOTAL Vehicle Trips per day estimate</b>				<b>13</b>	<b>24</b>
Rough Estimate Trips per day estimate				0	24

Change in Facility Traffic =

810% approximate increase in yearly traffic from facility

Traffic Count clarity  
Oct 18, 2023 email

## **Traffic Narrative**

Prepared for AK Feeders  
Canyon County Conditional Use Permit

### **Introduction**

This Traffic Narrative is prepared for AK Feeders Conditional Use Permit (CUP) request. AK Feeders is requesting a CUP for a Confined Animal Feeding Operation (CAFO) operation on parcel R37348010 which is more particularly described as being a part of the North Half of Section 14, Township 4 North, Range 6 West of the Boise P.M., Canyon County, Idaho, consisting of approximately 163-acres (+/-).

The subject property currently contains pens, feed storage, indoor riding arena, and center pivot fields. Additional pens, feed storage, gravels roads to pens, runoff ponds, and access paving are proposed.

A commercial access permit from Golden Gate Highway District (GGHD) will be applied for separately.

### **Existing Conditions and Roadway Network**

The subject property is accessed along the west side of the property from State Line Road. No new accesses are proposed to serve the property.

State Line Road is a north-south two-lane local paved roadway. All traffic is expected to come from State Line Road. It is estimated that approximately 50% of the traffic is from the north and 50% of the traffic is from the south. The portion of State Line Road where the access to the feedyard is located has a split jurisdiction between Oregon Department of Transportation (ODOT) and GGHD. ODOT maintains the roadway, but GGHD has jurisdiction along the east side of State Line Road including the access to the site which is located on the Canyon County, Idaho side of State Line Road.

State Line Road is flat and straight in both directions leading into the site. Peckham Road to the south of the principal access curves east approximately 1,000 feet from the access. The nearest highways are the 201 in Oregon, approximately 3.30 miles to the west, and the 95 in Idaho, approximately 5.70 miles to the east.

The access to the property is classified as a minimum use access on a local road. It is primarily used for feed and fuel delivery trucks, cattle trucks, and employee vehicles.

Vet visits will occur approximately once monthly, and inspections will occur once yearly, adding very small traffic impact to the site. As a part of the CUP request, paving the access to provide tracking control onto State Line Road is proposed.

Figure 1 references the Golden Gate Highway District Functional Classification 2040. The site is shown in relation to its location along State Line Road. As shown, it is along an area classified as a local road. The expected traffic proposed with the CUP request is not expected to significantly increase the traffic in this area and will continue to comply with the minimal use access.

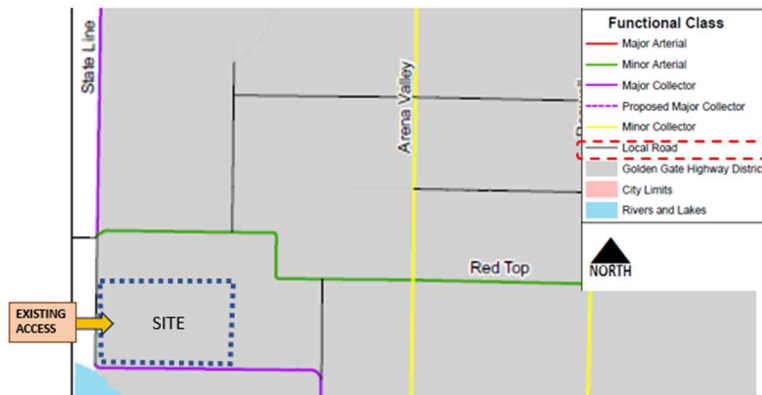


Figure 1. Golden Gate Highway District Functional Classification 2040

### Trip Generation

The expected hours for outgoing and incoming semi-trucks and other vehicles and equipment will be Monday through Sunday 6:00 A.M. to 5:00 P.M. The highest traffic volumes will be generated during the morning hours of 7:00 A.M. to 9:00 A.M. and in the evening between 3:00 P.M. to 5:00 P.M when employees enter and exit the property. During peak traffic hours no more than five vehicles are expected to be going in and out. Occasional operations outside of the expected hours may be required due to CAFO industry needs.

The site will include a shipping and receiving area for cattle and commodities. Parking for employees will be gravel spaces located near the entrance.

The CAFO expansion only increases the number of employee vehicles from five to nine. The number of trips per day increased from 13 to 24 for the proposed site averaged over the year. The following traffic volumes are anticipated for this proposed site:

Commercial Vehicles/Equipment	6 roundtrips per day
Owner/Employee Vehicles	18 roundtrips per day

The arrival and departure of vehicles is expected to be staggered throughout the day. Employee traffic, which accounts for the majority of the traffic, will arrive in the morning and then depart in the evening.

## **Conclusion**

As the increased traffic volumes are below the TIS thresholds, the peak hour left turning volume is less than 10 vehicles, and the peak hour right turning volume is less than 25 vehicles, no roadway improvements are anticipated for the proposed uses. As a part of the CUP conditions, the access is proposed to be paved to provide tracking control for the site.



# Oregon

Tina Kotek, Governor

**Department of Transportation**

**District 14 Headquarters**

1390 SE 1<sup>st</sup> Ave

Ontario, OR 97914

541-889-9115

March 20, 2023

Canyon County Development Services  
111 N. 11th Avenue  
Caldwell, ID 83605

SUBJECT: CAFO Permit CU2022-0036

To whom it may concern,

Oregon Department of Transportation (ODOT) staff has completed a review of the submitted site plan for permit CU2022-0036. We have determined that ODOT does not have permitting authority for the frontage on the east side of State Line Road and we have no specific concerns with the traffic generation estimated in the applicant's traffic narrative.

If you have any questions regarding ODOT permits or the content of this letter, please feel free to contact me at 541-216-1246 or [john.w.eden@odot.oregon.gov](mailto:john.w.eden@odot.oregon.gov)

Sincerely,

John Eden, Permit Specialist  
ODOT District 14 Maintenance Office



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

March 20, 2023

Canyon County Development Services Department  
Attn: Debbie Root, Planner  
111 North 11<sup>th</sup> Ave., Ste. 310  
Caldwell, ID 83605  
Phone: (208)455-6034  
Email: [debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)

RE: Case Name: AK Feeders, Case Number: CU2022-0036, Parcel #: R37348010

Ms. Root:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the Traffic Narrative and Site Plan associated with the subject Conditional Use Permit application submitted to GGHD in an email dated March 20, 2023. The subject parcel is located approximately 0.20 miles north of the Peckham Rd/State Line Rd intersection in the N1/2 of Section 14, T4N, R6W, BM, Canyon County, ID.

The documents submitted for review to GGHD will support the Conditional Use Permit application. The subject property currently contains pens, feed storage, indoor riding arena, and center pivot fields. Additional pens, feed storage, gravel roads to pens, runoff ponds, and access paving are proposed. Proposed access will be at the existing access location on State Line Road, which is under the jurisdiction of GGHD and classified as a Local Road according to the GGHDs 2019 Functional Classification Map.

Based upon the information provided, the following findings and conditions of approval apply:

1. The estimated peak hour and average annual daily traffic (AADT) values of 10 and 25 are below the Traffic Impact Study (TIS) rural thresholds of 50 and 500, respectively, shown in Section 3110.010 of the 2022 Association of Canyon County Highway Districts Highway Standards & Development Procedures (ACCHD Standards).
2. Proposed access on State Line Road to meet the rural roadway driveway spacing requirements of Section 3061.020 and Standard Drawing ACCHD-106 of the ACCHD Standards.
3. A site visit by GGHD is required to address possible site distance issues, if any.

GGHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

GGHD requests Canyon County Development Services incorporate these comments and any subsequent comments into proposed Conditions of Approval for consideration/approval by Canyon County.

Respectfully,

Digitally signed by  
Christopher Pettigrew  
Date: 2023.03.20  
13:52:21-06'00'

Christopher S. Pettigrew, P.E.  
*Project Manager/Engineer, Transportation Services Group  
Technical Resources Team Lead (Central)*

CC: Bob Watkins, GGHD Director of Highways  
Matt Wilke, White Barn Real Estate  
Valene Cauhorn, AgPros

EXHIBIT  
18



# CANYON SOIL CONSERVATION DISTRICT



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

SUPERVISORS: Mike Swartz, Chairman, Rex Runkle, Vice Chairman; Robert McKellip, Secretary/Treasurer;  
Chris Gross, Supervisor, Brad McIntyre, Supervisor & Clay Erskine, Supervisor  
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood

SOIL CONSERVATION DISTRICT STAFF: Lori Kent, Administrative Assistant & Stan Haye, Soil Conservation Technician

October 17, 2023

To: Dan Lister Planner of Record  
Canyon County Development Services

From: Canyon Soil Conservation District (Canyon SCD)

Subject: P & Z Agency Notices

Thank you for sending Canyon Soil Conservation District (SCD) several zoning requests.

They are: CU2023-0008, Quadrant Consulting, CU2023-0014 Penelope Constantikes, CU2022-0036 AK Feeders LLC and CR2022-003 Shawn and Rae Lynn Kelly

Comments from Canyon Soil Conservation District:

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

CU2023-0008, Quadrant Consulting is 23% Class III, 74% Class IV and 3% other. The SCD has no comments.

CU2023-0014 Penelope Constantikes. The SCD has no comments.

CU2022-0036 AK Feeders LLC is 4% Class II, 21% Class III and 75% Class IV. The SCD has no comments related to the Land Class. There is one item we think should be addressed. In the application the applicant stated they have an active nutrient management plan. If the applicant plans to increase the population of cattle, a new nutrient management plan is needed to address the additional animal waste.

CR2022-003 Shawn and Rae Lynn Kelly. The SCD has no comments.

Continued Partnership and Conservation.

Sincerely,

*Rich Sims acting for:*  
Mike Swartz, Canyon SCD Chairman

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.



October 24, 2023

Debbie Root, Planner  
111 North 11<sup>th</sup> Ave.  
Ste. 310  
Caldwell, Idaho, 83605  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)

Subject: CU2022-0036 / AK Feeders LLC

Dear Ms. Root:

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



August 16, 2023

AK FEEDERS LLC  
21696 STATE LINE RD  
WILDER ID 83676-5099

RE: Permit No. 63-35421

### Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov) for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,

*Lynne Evans*  
Lynne Evans

*Doc* Scott Storms  
Water Rights Supervisor

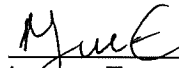
Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2023, I served a true and correct copy of Permit to Appropriate Water No. 63-35421 by U.S. Mail, postage prepaid, to the following:

AK FEEDERS LLC (Current Owner)  
21696 STATE LINE RD  
WILDER ID 83676-5099

LORI GRAVES  
HDR INC (Representative)  
412 E PARKCENTER BLVD STE 100  
BOISE ID 83706-6659



---

Lynne Evans

Administrative Assistant I



**State of Idaho**  
**Department of Water Resources**  
**Permit to Appropriate Water**  
**No. 63-35421**

**Priority:** May 26, 2023

**Maximum Diversion Rate:** 0.81 CFS

This is to certify that

AK FEEDERS LLC 21696 STATE LINE RD WILDER ID 83676-5099

has applied for a permit to appropriate water from:

**Source :** GROUND WATER  
**Source :** GROUND WATER

and a permit is APPROVED for development of water as follows:

<u><b>Beneficial Use</b></u>	<u><b>Period of Use</b></u>	<u><b>Rate of Diversion</b></u>
STOCKWATER	01/01 to 12/31	0.81 CFS

**Location of Point(s) of Diversion**

GROUND WATER L1 ( NW¼ NW¼), Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County  
 GROUND WATER SW¼ NE¼, Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County

**Place of Use:** STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N	06W	14		X	X		X	X	X	X										

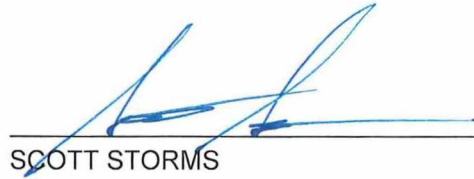
**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2028**.
2. Subject to all prior water rights.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Stockwater use is for 3700 beef cattle.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 63-35421

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 14<sup>th</sup> day of August, 20 23.

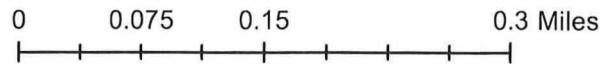


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SCOTT STORMS  
Water Rights Supervisor

State of Idaho  
 Department of Water Resources  
**Attachment to Permit to Appropriate Water**  
 63-35421

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- Taxlots



# MASTER APPLICATION

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633



<b>PROPERTY OWNER</b>	OWNER NAME: AK FEEDERS, LLC - DAVID DEBENEDETTI, MANAGER
	MAILING ADDRESS: 21696 STATELINE RD. WILDER, ID 83676
	PHONE: (208) 573-1041 EMAIL: AKFEEDERS@GMAIL.COM

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

Signature: David DeBenedetti Date: 7/18/22

<b>(AGENT) ARCHITECT ENGINEER BUILDER</b>	CONTACT NAME: MATT WILKE
	COMPANY NAME: WHITE BARN VENTURES, INC.
	MAILING ADDRESS: PO BOX 7 MIDDLETON, ID 83644
	PHONE: (208) 412-9803 EMAIL: MATT@MYWHITEBARN.COM

<b>SITE INFO</b>	STREET ADDRESS: 21696 STATELINE RD. WILDER, ID 83676	
	PARCEL #: <del>R374801000</del> AND R3731501000	LOT SIZE/AREA: 1/4 70 ACRES
	LOT: _____ BLOCK: _____ SUBDIVISION: _____	
	QUARTER: <u>SEE WARRANTY DEED</u> SECTION: 11 & 14 TOWNSHIP: 4N RANGE: 6W	
	ZONING DISTRICT: AG FLOODZONE (YES/NO): NO	

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

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

CASE NUMBER: CU2022-0036	DATE RECEIVED: 7/18/22
RECEIVED BY: Maddy Vander Veen	APPLICATION FEE: \$950 (CK) MO CC CASH

**SCANNED** Revised 1/3/21  
7/20/22



# GRADING PLAN



### LEGEND

(Symbol)	PROJECT PERIMETER
(Symbol)	EXISTING BUILDING
(Symbol)	EXISTING ROADWAY
(Symbol)	EXISTING DRIVEWAY
(Symbol)	EXISTING SIDEWALK
(Symbol)	EXISTING UTILITY
(Symbol)	EXISTING FENCE
(Symbol)	EXISTING CURB
(Symbol)	EXISTING LANDSCAPE
(Symbol)	EXISTING TREE
(Symbol)	EXISTING BUSH
(Symbol)	EXISTING GRASS
(Symbol)	EXISTING SOIL
(Symbol)	EXISTING WATER
(Symbol)	EXISTING AIR
(Symbol)	EXISTING LIGHT
(Symbol)	EXISTING SOUND
(Symbol)	EXISTING VIBRATION
(Symbol)	EXISTING POLLUTION
(Symbol)	EXISTING CLIMATE
(Symbol)	EXISTING BIODIVERSITY
(Symbol)	EXISTING CULTURE
(Symbol)	EXISTING SOCIETY
(Symbol)	EXISTING ECONOMY
(Symbol)	EXISTING POLITICS
(Symbol)	EXISTING LAW
(Symbol)	EXISTING ETHICS
(Symbol)	EXISTING RELIGION
(Symbol)	EXISTING PHILOSOPHY
(Symbol)	EXISTING ARTS
(Symbol)	EXISTING SCIENCE
(Symbol)	EXISTING TECHNOLOGY
(Symbol)	EXISTING INNOVATION
(Symbol)	EXISTING LEADERSHIP
(Symbol)	EXISTING TEAMWORK
(Symbol)	EXISTING COMMUNICATION
(Symbol)	EXISTING COLLABORATION
(Symbol)	EXISTING PARTNERSHIP
(Symbol)	EXISTING ALLIANCE
(Symbol)	EXISTING NETWORK
(Symbol)	EXISTING ECOSYSTEM
(Symbol)	EXISTING BIOME
(Symbol)	EXISTING BIOSPHERE
(Symbol)	EXISTING GLOBE
(Symbol)	EXISTING UNIVERSE

GR-1

AK FEEDERS  
GRADING PLAN

**AGPRO**professionals  
DEVELOPERS OF AGRICULTURE  
213 Canyon Drive Dr. Suite 100  
Timpani, UT 84302  
254.354.4241 • 254.354.4242



# LAND USE WORKSHEET

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: \* 1 Domestic Well is currently on site.  
 How many Individual Domestic Wells are proposed? \* 1 stockwater well is proposed. Additional stockwater shares for additional animals has been applied for with IDWR.
2. SEWER (Wastewater)  Individual Septic  Centralized Sewer system  
 N/A – Explain why this is not applicable: EXISTING SEPTIC FOR EXISTING HOME TO REMAIN.

### 3. IRRIGATION WATER PROVIDED VIA:

- Surface  Irrigation Well  None

### 4. IF IRRIGATED, PROPOSED IRRIGATION:

- Pressurized  Gravity

current center pivot location to stay the same. Back stops to be adjusted accordingly for future site.

### 5. ACCESS:

- Frontage  Easement Easement width \_\_\_\_\_ 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: PIPE & CABLE \_\_\_\_\_ 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)

ALLEN DRAW, ALENA CASE DRAW, SNAKE RIVER

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- Residential \_\_\_\_\_  Commercial \_\_\_\_\_  Industrial \_\_\_\_\_
- Common \_\_\_\_\_  Non-Buildable \_\_\_\_\_

2. FIRE SUPPRESSION:

- Water supply source: \_\_\_\_\_

3. INCLUDED IN YOUR PROPOSED PLAN?

- Sidewalks  Curbs  Gutters  Street Lights  None

NON-RESIDENTIAL USES

1. SPECIFIC USE: CAFO

2. DAYS AND HOURS OF OPERATION: 7 DAYS A WEEK, 24 HRS. A DAY.

- Monday 12 AM to 11:59 PM
- Tuesday 12 AM to 11:59 PM
- Wednesday 12 AM to 11:59 PM
- Thursday 12 AM to 11:59 PM
- Friday 12 AM to 11:59 PM
- Saturday 12 AM to 11:59 PM
- Sunday 12 AM to 11:59 PM

3. WILL YOU HAVE EMPLOYEES?  Yes If so, how many? 8-10  No

4. WILL YOU HAVE A SIGN?  Yes  No  Lighted  Non-Lighted

Height: 3 ft Width: 3 ft. Height above ground: 3-5 ft

What type of sign:  Wall  Freestanding  Other TBD

5. PARKING AND LOADING:

How many parking spaces? RANCH & FEEDLOT VEHICLES WILL BE PARKED ON SITE.

Is there is a loading or unloading area? YES

LOADING AND UNLOADING FACILITIES WILL BE PROVIDED ON SITE.



ANIMAL CARE-RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: 3700

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

Building     Kennel     Individual Housing     Other CORRAL

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: FIELD APPLICATION OVER A BROAD AREA

BENEFITTING NEIGHBORING FIELDS AND FARMS AS OUTLINED IN APPROVED NUTRIENT MANAGEMENT PLAN ISDA HAS ON RECORD.

\*NOTE. NUTRIENT MANAGEMENT PLAN IS DEEMED TO BE A TRADE SECRET CONTAINING PROPRIETARY INFORMATION, AND SHALL BE EXEMPT FROM DISCLOSURE PURSUANT TO SECTION 74-107, IN THE IDAHO CODE.



White Barn Ventures, Inc.

AK Feeders, LLC  
21696 Stateline Road  
Wilder, ID 83676

3/19/2022

Canyon County Development Services  
111 N. 11th Avenue  
Caldwell, ID 83605

Re: Amendment to Application: CAFO Permit CU2022-0036

To whom it may concern,

We are amending our application to adjust the maximum capacity to 3,700 head of cattle with an average weight of 750 lbs, or 2,775 Animal Units.

We were originally requesting a maximum of 6,000 head of cattle with an average weight of 750 lbs, or 4,500 Animal Units. This has changed the layout and reduced the overall size of the site, so we are attaching the latest site plan that includes updated setback changes. The attached EMP/NMP approval letter from the ISDA and all future letters of comment will be based on this new site plan and maximum head capacity.

Thank you,

Matt Wilke

White Barn Ventures Inc.~ Applicant Representative for AK Feeders, LLC

RECEIVED  
▶ MAR 20 2023 ◀  
RECEIVED



White Barn Ventures, Inc.

AK Feeders, LLC  
21696 Stateline Road  
Wilder, ID 83676

Canyon County Development Services  
111 N. 11th Avenue  
Caldwell, ID 83605

7/18/2022

To whom it may concern,

We are requesting a CUP for a CAFO with a maximum of 6,000 head of cattle with an average weight of 750 lbs, or 4,500 Animal Units. Accesses will be on Stateline Road and are shown on the attached conceptual site layout. We believe this CAFO would conform to the area well as the Property is in an AG zone and has a long history of feeding cattle up to 1000 head, and the applicant currently feeds and grazes Cattle on site. Furthermore, there are no nearby Residential, Commercial, or Industrial zones. When looking at the County zoning map, this is one of the best areas remaining for a CUP of this type.

The site will encompass a portion of Parcel # R3734801000, & R3731501000, containing approximately 70 acres.

The applicant will have all CAFO storage and containment facilities designed and constructed with engineering criteria approved by the ISDA to prevent unauthorized discharges, unauthorized releases, violations of state water quality standards, contamination of ground water and surface water, and endangerment to human health and the environment.

All standards required of the applicant shall be adhered to by the applicant and any potential future operators, and shall be enforced by the ISDA as part of its inspection program. Animals confined in the CAFO will not have direct contact with canals, streams, ponds, or other surface waters.

We feel that this operation will benefit the local AG community by providing many local jobs, not only on-site, but off-site as well such as but not limited to: laborers, mechanics, truck drivers, veterinarians, equipment sales, and farmers, and create a local market for cattle feed and supplies.



Cattle Feeding operations are a vital part of the sustainability of local farm producers who produce forage crops such as hay and corn. Hay in this area is difficult to dry along the Snake River, and chopping and hauling to local cattle feeding operations is a great way to harvest the crop and get water back on the field much sooner than fighting the weather and waiting for the hay to dry and bale. The chopped hay is of better quality than it would be if it had sat in the field after being rained on and raked multiple times, shattering nutrient rich leaves onto the ground. Hay regrowth is also much faster behind a chopping operation. Every year there are producers in first and last cut hay that would benefit from being able to chop instead of bale due to very slow drying conditions that are typical in that time of year.

The manure produced is an excellent fertilizer containing nitrogen, phosphorus, potassium and other nutrients. Manure is a valuable resource and creates much needed nutrients and organic matter for field applications thus offsetting the high cost of chemical fertilizers which have a higher chance of field runoff and water pollution. The manure produced on site will be utilized in neighboring fields, and not just land owned by the applicant. The organic matter applied to the soil may improve soil structure, aeration, soil moisture-holding capacity, and water infiltration.

Research has shown that dry manure typically releases its nitrogen over a longer 5+ year period of time once applied to the soil. This slow release is much safer than chemical fertilizers, and typically does not leach into aquifers and is actually the fertilizer of choice, especially in sandy soils where chemical fertilizers can leach the worst. Dry manure typically only releases 35% of its available nitrogen into the soil during its first year of application. For these reasons, we believe ground water, and surface water pollution is an extremely low risk for a CAFO.

We will be submitting a Comp Plan Analysis soon.

Please let me know if you have any questions. Thank you for considering our application, and working with us to achieve a successful approval of this permit to further enhance Canyon Counties Agricultural based businesses. We look forward to working with you.

Regards,

Matt Wilke

White Barn Ventures Inc.~ Applicant Representative for AK Feeders, LLC

State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-33779

Priority: May 17, 2013

Maximum Diversion Rate: 1.28 CFS

This is to certify, that DEL MONTE MEAT CO INC  
 1743 STATELINE RD  
 ADRIAN OR 97901

has applied for a permit to appropriate water from:

**Source:** ALLEN DRAIN

**Tributary:** SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	1.04 CFS
STOCKWATER	01/01 to 12/31	0.24 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

ALLEN DRAIN L1 (NW1/4NW1/4) Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County

**PLACE OF USE:** IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 06W 14					9.0	6.0	7.0	30.0									52.0
						L 1	L 2										

Total Acres: 52

**PLACE OF USE:** STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 06W 14					X	X	X	X									
						L 1	L 2										

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2019**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. This right does not grant any right-of-way or easement across the land of another.

State of Idaho  
Department of Water Resources

# Permit to Appropriate Water

NO. 63-33779

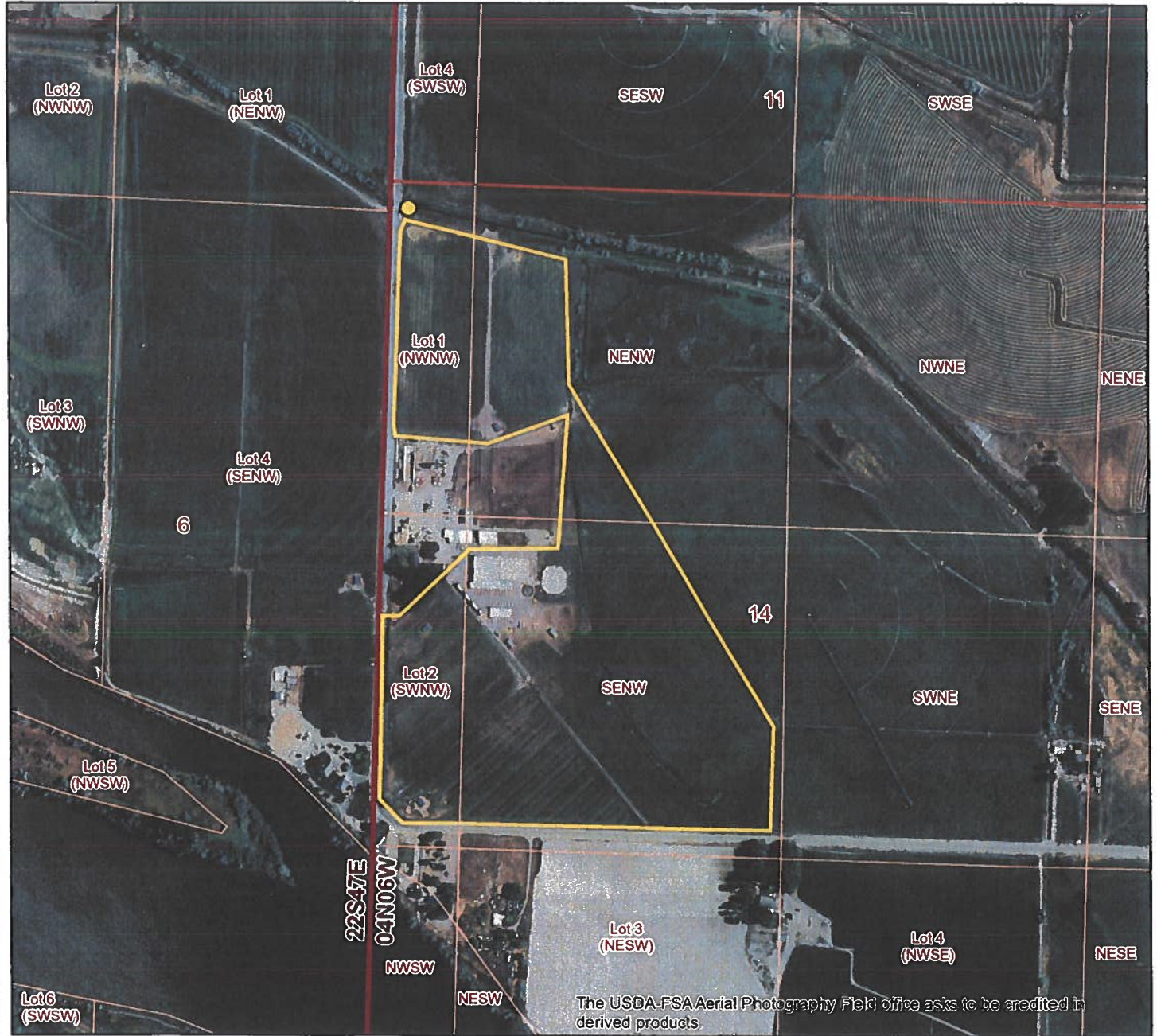
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
8. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water right(s) appurtenant to all or part of the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used for irrigation purposes on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 234.0 af at the field headgate for the place of use.
13. Stockwater use is for 1,000 range cattle and 100 horses.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17<sup>th</sup> day of June, 2014.

  
\_\_\_\_\_  
for JOHN WESTRA, Western Regional Manager

State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**  
 63-33779  
 IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



**Legend**

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

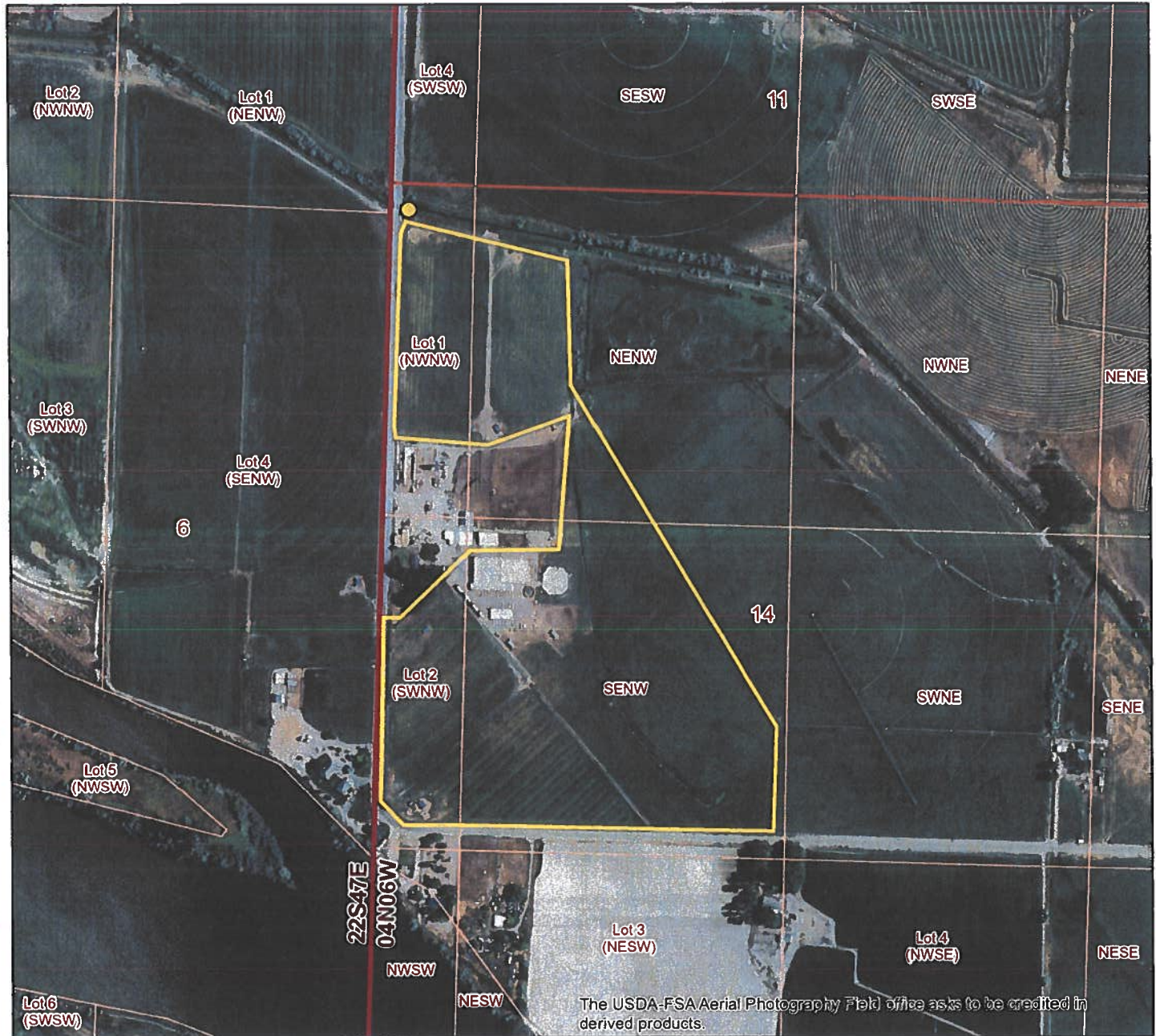


State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**

63-33779

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



**Legend**

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters





State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-34093

Priority: June 01, 2015

Maximum Diversion Rate: 1.70 CFS

This is to certify, that **DAVID DE BENEDETTI**  
 1743 STATELINE RD  
 ADRIAN OR 97901

has applied for a permit to appropriate water from:

**Source:** ARENA LAKE DRAIN      **Tributary:** SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u><b>BENEFICIAL USE</b></u>	<u><b>PERIOD OF USE</b></u>	<u><b>RATE OF DIVERSION</b></u>
IRRIGATION	03/01 to 11/15	1.70 CFS

**LOCATION OF POINT OF DIVERSION:**

ARENA LAKE DRAIN      SE1/4SW1/4      Sec. 11, Twp 04N, Rge 06W, B.M., CANYON County

**PLACE OF USE:**      IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 06W 11									6.0		24.0				11.0	1.0	42.0
04N 06W 14	13.0	23.0			6.0	1.0			L 4								43.0

Total Acres: 85

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2020**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

State of Idaho  
Department of Water Resources

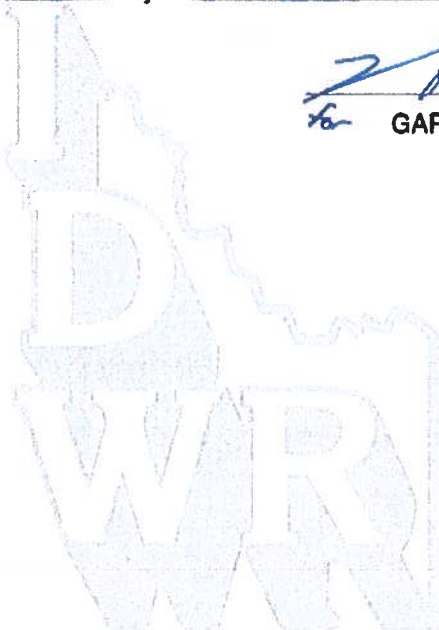
**Permit to Appropriate Water**

NO. 63-34093

6. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19<sup>th</sup> day of November, 2015.

  
for GARY SPACKMAN, Director

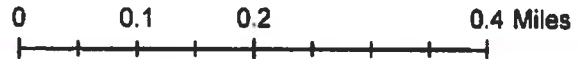


State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

63-34093

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes



- Point of Diversion
- ▭ Place Of Use Boundary
- ▭ Townships
- ▭ PLS Sections



# NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633



## NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

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

### SITE INFORMATION

Site Address: 21696 STATE LINE RD. Parcel Number: A PORTION OF 2 PARCELS R3731501 AND R3734801  
 City: WILDER State: IDAHO ZIP Code: 83676  
 Notices Mailed Date: 6/28/2022 Number of Acres: 1.70 Current Zoning: AG  
 Description of the Request: CAFO PERMIT

### APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: MATT WILKE - REPRESENTATIVE FOR AK FEEDERS, LLC  
 Company Name: WHITE BARN VENTURES INC.  
 Current address: PO Box 7  
 City: MIDDLETON State: IDAHO ZIP Code: 83644  
 Phone: (208) 412-9803 Cell: — Fax: —  
 Email: MATT@MYWHITEBARN.COM

### MEETING INFORMATION

DATE OF MEETING: ~~7/11~~ 7/11/2022 MEETING LOCATION: ON SITE  
 MEETING START TIME: 5:55 PM MEETING END TIME: 6:57 PM

ATTENDEES: MATT & APRIL WILKE

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. TIM ALDERSON	<i>Tim Alderson</i>	22440 State Line Rd.
2. DANNY CARDOZA	<i>Danny Cardoza</i>	31252 Peckham Rd.
3. DEBBIE CARDOZA	<i>Debbie Cardoza</i>	" " "
4. DAVE MASHAM	<i>Dave Masham</i>	31396 Redtop Rd
5. DEIDRE BROWN	<i>Deidre Brown</i>	22470 State Line Rd Paimon ID
6. JOHN + SUSAN ISSAK	Representative by Deidre	83640
7. RANDY BROWN	<i>Randy Brown</i>	22470 STATE LINE RD
8. ANDY BISHOP	<i>Andy Bishop</i>	Redtop Rd
9. HAWNA ROCHESTER	<i>Hawna Rochester</i>	State Line Rd

10.	BRAD & JECKI CASE 30769 REDTOP RD. 83676
11.	DANNEN & ANGIE LAHART 22894 AGENA VALLEY RD WILDER 83676
12.	Conrado Yarnaud 22460 State Line Road Parma 83662
13.	Jeff Bellefleurville 31741 PECKHAM RD
14.	Raleigh & Dee Howe 31453 Peckham Rd. Wilder, ID.
15.	Dee Dee Alderson 22440 State Line
16.	
17.	
18.	
19.	
20.	

**NEIGHBORHOOD MEETING CERTIFICATION:**

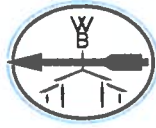
I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

MATT WILKE \_\_\_\_\_

APPLICANT/REPRESENTATIVE (Signature):  \_\_\_\_\_

DATE: 7 / 11 / 2022



White Barn Ventures, Inc.

6/28/2022

Dear Neighbor,

We are in the process of submitting an application for a CAFO Permit (Confined Animal Feeding Operation) to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a “neighborhood meeting” and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

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

**The Neighborhood Meeting details are as follows:**

**Date:** Monday July, 11th

**Time:** 6 PM

**Location:** On Site @ 21696 State Line Rd Wilder ID 83676

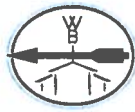
**The project is summarized below:**

- Site Location: 21696 State Line Rd., Wilder, ID 83676
- Proposed access: Approximately 435 ft north of the Allen Drain on the east side of State Line Road. (Current field access.)
- Site will encompass a portion of Parcel # R3734801000, & R3731501000.
- Approximate Acreage: 70 Acres
- Maximum Number Of Cattle: 6000 Head sizes 500-1000 lbs. or 4500 AU.

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

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

Matt Wilke | PO Box 7, Middleton, Idaho 83644 | 208.412.9803 | matt@mywhitebarn.com



If you have any questions prior to the meeting, please contact me at 208.412.9803, [matt@mywhitebarn.com](mailto:matt@mywhitebarn.com), or write me @ PO BOX 7, Middleton, ID 83644.

Thank you,

A handwritten signature in black ink, appearing to read "Matt Wilke".

Matt Wilke

White Barn Ventures Inc.~ Applicant Representative for AK Feeders, LLC

### Proposed Site



CORRECTIVE DEED AS TO LEGAL DESCRIPTION ON

2017-005628

RECORDED

02/14/2017 09:24 AM



00281396201700066280040043

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 MBROWN

\$19.00

DEED

WAGNER KIRKMAN BLAINE

Recording requested by:

WAGNER KIRKMAN BLAINE  
KLOMPARENS & YOUMANS LLP

When recorded mail to:

AK FEEDERS, LLC  
c/o Belan K. Wagner, Esq.  
Wagner Kirkman Blaine  
Klomprens & Youmans LLP  
10640 Mather Boulevard, Suite 200  
Mather, CA 95655

Space above this line for recorder's use

**WARRANTY DEED**

FOR VALUE RECEIVED, **David and Victoria DeBenedetti, husband and wife**, the Grantors, do hereby grant, bargain sell and convey unto **AK FEEDERS, LLC, a California limited liability company**, the Grantee, whose current address is P.O. Box 920, Kenwood, CA 95452, the following described premises, in Canyon County, Idaho, TO WIT:

See Exhibit "A" attached hereto

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that they are the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

*Victoria DeBenedetti*  
Victoria DeBenedetti

*David DeBenedetti*  
David DeBenedetti

Dated: 1/13, 2016  
2017

**MAIL TAX STATEMENTS TO:** Victoria DeBenedetti. P.O. Box 920, Kenwood, CA 95452



**CORRECTIVE DEED AND LEGAL DESCRIPTION ONLY**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

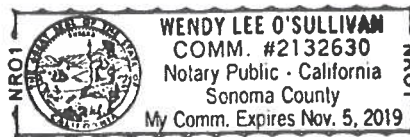
County of Sonoma

On 01-13-2017, before me, Wendy Lee O'Sullivan, a notary public, personally appeared Victoria DeBenedetti, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Wendy Lee O'Sullivan



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

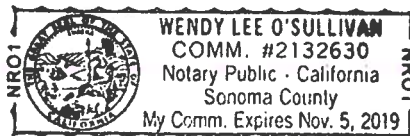
County of Sonoma

On 01-13-2017, before me, Wendy Lee O'Sullivan, a notary public, personally appeared David DeBenedetti, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Wendy Lee O'Sullivan



**EXHIBIT A**  
**LEGAL DESCRIPTION**

R37345:

The Northwest Quarter of the Northwest Quarter of Section 13, Township 4 North, Range 6 West, Boise Meridian, Canyon County, Idaho, EXCEPTING THEREFROM that portion lying North and East of the Riverside Canal.

R37346:

The Northeast Quarter of the Northeast Quarter of Section 14, Township 4 North, Range 6 West, Boise Meridian, Canyon County, Idaho.

R37348-010:

The Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter, and Lots 1 & 2, all being in Section 14, Township 4 North, Range 6 West, Boise Meridian, Canyon County, Idaho.

R37315-010:

The Southeast Quarter of the Southwest Quarter; Lot 4; and the Southwest Quarter of the Southeast Quarter, all in Section 11, Township 4 North, Range 6 West, Boise Meridian, Canyon County, Idaho, Excepting Therefrom the following described parcel:  
COMMENCING at a point which is 487 feet South of the Northeast corner of the said Southwest Quarter of the Southeast Quarter of Section 11, Township 4 North, Range 6 West, Boise Meridian, Canyon County, Idaho; thence  
North 487 feet; thence  
West 663 feet; thence in a Southeasterly direction approximately 843 feet to the POINT OF BEGINNING.

Excepting therefrom:

A parcel of land being a portion of Government Lot 4, the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 11, Township 4 North, Range 6 West of the Boise Meridian, Canyon County, Idaho more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 4, said point bears

South  $00^{\circ} 52' 43''$  West a distance of 1,334.62 feet from the West Quarter corner of said Section 11; thence along the Northerly line of Government Lot 4, the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 11

South  $89^{\circ} 10' 53''$  East a distance of 2,748.95 feet to the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section 11; thence along the Easterly line of the Southwest Quarter of the Southeast Quarter of said Section 11

South  $00^{\circ} 36' 19''$  West a distance of 1,191.98 feet to a point of intersection with the Southeasterly extension of the centerline of the Arena Drain; thence along said extension and the centerline of the Arena Drain through the following courses and distances:

North  $65^{\circ} 23' 16''$  West a distance of 1,210.87 feet to a point of curve; thence 102.01 feet along the arc of a 235.00-foot-radius curve to the left (through a central angle of  $24^{\circ} 52' 19''$ , the chord which bears North  $77^{\circ} 49' 25''$  West a distance of 101.21 feet);

thence

South  $89^{\circ} 44' 25''$  West a distance of 569.77 feet to a point of curve; thence 107.67 feet along the arc of a 165.00-foot-radius curve to the right (through a central angle of  $37^{\circ} 23' 15''$ , the chord which bears North  $71^{\circ} 33' 57''$  West a distance of 105.77 feet);

thence

North  $52^{\circ} 52' 19''$  West a distance of 519.42 feet; thence

North  $62^{\circ} 41' 38''$  West a distance of 156.73 feet to a point of curve; thence 115.50 feet along the arc of a 235.00-foot-radius curve to the left (through a central angle of  $28^{\circ} 09' 38''$ , the chord of which bears North  $76^{\circ} 46' 27''$  West a distance of 114.34 feet);

thence

South  $89^{\circ} 08' 45''$  West a distance of 205.58 feet to a point on the Westerly line of said Government Lot 4; thence along said Westerly line

North  $00^{\circ} 52' 43''$  East a distance of 266.19 feet to the POINT OF BEGINNING.



**Secretary of State**  
**Statement of Information**  
 (Limited Liability Company)

17

LLC-12

22-301716

**FILED**  
 Secretary of State  
 State of California

FEB 24 2022

**IMPORTANT** — This form can be filed online at [bizfile.sos.ca.gov](http://bizfile.sos.ca.gov).

Read instructions before completing this form.

Filing Fee - \$20.00

Copy Fees - First page \$1.00; each attachment page \$0.50;  
 Certification Fee - \$5.00 plus copy fees

This Space For Office Use Only

**1. Limited Liability Company Name** (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)

A K FEEDERS, LLC

**2. 12-Digit Secretary of State Entity Number**

2	0	1	6	0	7	5	1	0	0	5	0
---	---	---	---	---	---	---	---	---	---	---	---

**3. State, Foreign Country or Place of Organization**  
 (only if formed outside of California)

**4. Business Addresses**

a. Street Address of Principal Office - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
21696 Stateline Road	Wilder	Id	83676
b. Mailing Address of LLC, if different than Item 4a	City (no abbreviations)	State	Zip Code
P.O. Box 920	Kenwood	Ca	95452
c. Street Address of California Office, if Item 4a is not in California Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
8005 Sonoma Highway	Santa Rosa	CA	95409

**5. Manager(s) or Member(s)**

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an additional managers/members, enter the names(s) and address(es) on Form LLC-12A.

a. First Name, if an individual - Do not complete Item 5b	Middle Name	Last Name	Suffix
David	Lester	De Benedetti	
b. Entity Name - Do not complete Item 5a			
c. Address	City (no abbreviations)	State	Zip Code
21696 Stateline Road	Wilder	Id	83676

1/2

6. Service of Process (Must provide either Individual OR Corporation.)

**INDIVIDUAL** – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) <b>Victoria</b>	Middle Name <b>Ann</b>	Last Name <b>De Benedetti</b>	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box <b>8005 Sonoma Highway</b>	City (no abbreviations) <b>Santa Rosa</b>	State <b>CA</b>	Zip Code <b>95409</b>

**CORPORATION** – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

Describe the type of business or services of the Limited Liability Company

**Cattle Ranch**

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix
b. Address	City (no abbreviations)	State	Zip Code

9. Labor Judgment

Does any Manager or Member have an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code?

Yes  No

10. By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized by California law to sign.

2/20/2022 Victoria Ann De Benedetti Manager

*Victoria Ann De Benedetti*  
Signature

2/2

# **CONDITIONAL USE PERMIT CHECKLIST**

## **CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605

[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov) Phone: 208-454-7458 Fax: 208-454-6633



### **THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST:**

<input checked="" type="checkbox"/> Master Application completed and signed
<input checked="" type="checkbox"/> Detailed letter fully describing the request and addressing any applicable Comprehensive Plan policies and ordinance requirements outlined below
<input checked="" type="checkbox"/> Neighborhood meeting sign-up sheet and copy of neighborhood notification letter
<input checked="" type="checkbox"/> Land Use Worksheet
<input checked="" type="checkbox"/> Site Plan showing existing and proposed site features
<input checked="" type="checkbox"/> Deed or evidence of property interest to all subject properties.
<input checked="" type="checkbox"/> \$950 non-refundable fee, \$600 for a modification

### **NOTE:**

#### **The following criteria are outlined in ordinance 07-07-05: HEARING CRITERIA:**

Please provide a response to each of the criteria in the letter of intent.

- (1) Is the proposed use permitted in the zone by conditional use permit;
- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

### **PROCESS: 1 PUBLIC HEARING (APPROVED BY PLANNING & ZONING COMMISSION)**

\*\*Additional studies and information may be required to understand the impact to traffic, the environment, economics and surrounding properties.

**Canyon County Development Services**

111 N. 11th Ave. Room 140, Caldwell, ID 83605  
(208) 454-7458

**Building Division Email:** buildinginfo@canyonco.org

**Planning Division Email:** zoninginfo@canyonco.org

**Receipt Number:** 75435

**Date:** 7/20/2022

**Date Created:** 7/20/2022

**Receipt Type:** Normal Receipt

**Status:** Active

**Customer's Name:** David Debenedetti

**Comments:**

**CHARGES**

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Conditional Use Permit - CAFO CU2022-0036		\$950.00	\$0.00	\$0.00

**Sub Total:** \$950.00

**Sales Tax:** \$0.00

**Total Charges:** \$950.00

**PAYMENTS**

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Check	5069	\$950.00

**Total Payments:** \$950.00

**ADJUSTMENTS**

**Receipt Balance:** \$0.00



0004841544



**STATE OF IDAHO**  
*Office of the secretary of state, Lawrence Denney*  
**FOREIGN REGISTRATION STATEMENT (LIMITED LIABILITY COMPANY)**

Idaho Secretary of State  
PO Box 83720  
Boise, ID 83720-0080  
(208) 334-2301  
Filing Fee: \$100.00

For Office Use Only

**-FILED-**

File #: 0004841544

Date Filed: 8/3/2022 1:24:49 PM

B0728-8596 08/03/2022 1:26 PM Received by ID Secretary of State Lawrence Denney

Foreign Registration Statement (Limited Liability Company)  
Select one: Standard, Expedited or Same Day Service (see descriptions below) Expedited (+\$40; filing fee \$140)

1. The name this limited liability company will use in Idaho is:  
Type of Limited Liability Company Foreign Limited Liability Company  
Entity name AK Feeders, LLC  
AK Feeders, LLC

2. Home Jurisdiction  
The jurisdiction of formation is: CALIFORNIA

3. The street address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:  
Street Address VICTORIA ANN DEBENEDETTI  
8005 SONOMA HIGHWAY  
SANTA ROSA, CA 95409

4. The mailing address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:  
Mailing Address VICTORIA ANN DEBENEDETTI  
PO BOX 920  
KENWOOD, CA 95452

5. The complete street address of the principal office is:  
Principal Office Address DAVID DEBENEDETTI  
21696 STATE LINE ROAD  
WILDER, ID 83676

6. The mailing address of the principal office is:  
Mailing Address VICTORIA ANN DEBENEDETTI  
PO BOX 920  
KENWOOD, CA 95452-0920

7. Registered Agent Name and Address  
Registered Agent  
Registered Agent  
David DeBenedetti  
Physical Address:  
DAVID DEBENEDETTI  
21696 STATE LINE RD  
WILDER, ID 83676-5099  
Mailing Address:  
DAVID DEBENEDETTI  
21696 STATE LINE RD  
WILDER, ID 83676-5099

I affirm that the registered agent appointed has consented to serve as registered agent for this entity.

8. Governors

Name	Title	Address
David DeBenedetti	Manager	DAVID DEBENEDETTI 21696 STATE LINE RD WILDER, ID 83676-5099





Victoria Ann DeBenedetti	Manager	VICTORIA ANN DEBENEDETTI PO BOX 920 KENWOOD, CA 95452-0920
Signature of individual authorized by the entity to sign:		
<i>Tara Weston</i>		<i>08/03/2022</i>
Sign Here		Date
Job Title: Paralegal		

B0728-8597 08/03/2022 1:26 PM Received by ID Secretary of State Lawrence Denney



# Secretary of State Certificate of Status

I, SHIRLEY N. WEBER, PH.D., California Secretary of State, hereby certify:

<b>Entity Name:</b>	AK FEEDERS, LLC
<b>Entity No.:</b>	201607510050
<b>Registration Date:</b>	03/10/2016
<b>Entity Type:</b>	Limited Liability Company - CA
<b>Formed In:</b>	CALIFORNIA
<b>Status:</b>	Active

The above referenced entity is active on the Secretary of State's records and is authorized to exercise all its powers, rights and privileges in California.

This certificate relates to the status of the entity on the Secretary of State's records as of the date of this certificate and does not reflect documents that are pending review or other events that may impact status.

No information is available from this office regarding the financial condition, status of licenses, if any, business activities or practices of the entity.



**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of August 01, 2022.

**SHIRLEY N. WEBER, PH.D.**  
Secretary of State

**Certificate No.:** 033904531

To verify the issuance of this Certificate, use the Certificate No. above with the Secretary of State Certification Verification Search available at [bizfileOnline.sos.ca.gov](http://bizfileOnline.sos.ca.gov).

Monday, Tuesday, Thursday and Friday  
8am – 5pm  
Wednesday  
1pm – 5pm  
\*\*We will not be closed during lunch hour \*\*

**From:** Matt Wilke <[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)>  
**Sent:** Wednesday, April 26, 2023 5:27 PM  
**To:** Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>  
**Subject:** Re: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

Hi Debbie,

I dropped by our latest site plan and grading plans yesterday. I dated the back of each so we don't get them mixed up on you.

We realized we were able to make one feed lane instead of 2 and also adjust the pens a little further north and split the settling ponds to be able to keep the pivot center point south of the pens in the same location so David wouldn't incur a higher than necessary development cost to move the pivot and build extra road. The proposed maximum capacity is still 3700 animals. This should be our last update needed prior to the site visit.

Thank you,

Matt Wilke



Owner | Broker

White Barn Real Estate

White Barn Ventures

208.412.9803

[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)

[www.mywhitebarn.com](http://www.mywhitebarn.com)

**From:** Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>  
**Sent:** Monday, April 10, 2023 12:30 PM  
**To:** Matt Wilke <[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)>  
**Subject:** RE: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

Matt,

I received your latest submissions but have not had an opportunity to review. Thank you for sending over the hard copy prints.

Deb Root, MBA  
Canyon County Development Services  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)

## Debbie Root

---

**From:** Valene Cauhorn <vcauhorn@agpros.com>  
**Sent:** Thursday, May 25, 2023 3:27 PM  
**To:** Debbie Root; Matt Wilke  
**Cc:** Hannah Dutrow  
**Subject:** RE: [External] RE: Site plan- AK Feeders

Correct. Nothing north of the Allen Drain.

### *Valene Lickley Cauhorn, PE*

Agricultural Engineer/Idaho Office Manager

#### **AGPRO**professionals

213 Canyon Crest Dr, Suite 100

Twin Falls, ID 83301

970-571-9086 cell

208-595-5301 office

HQ/Mailing:

3050 67th Avenue, Suite 200

Greeley, CO 80634

970-535-9318 office

970-535-9854 fax

[www.agpros.com](http://www.agpros.com)



**From:** Debbie Root <Debbie.Root@canyoncounty.id.gov>  
**Sent:** Thursday, May 25, 2023 3:25 PM  
**To:** Valene Cauhorn <vcauhorn@agpros.com>; Matt Wilke <matt@mywhitebarn.com>  
**Cc:** Hannah Dutrow <hdutrow@agpros.com>  
**Subject:** RE: [External] RE: Site plan- AK Feeders

Valene,

Thank you. Just for confirmation--Is the 79.6 acres specifically the current CAFO Facility proposal? It is not inclusive of the proposed/shown future expansion area?

Deb Root, MBA  
Canyon County Development Services  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)  
208-455-6034

Development Services Department (DSD)  
NEW public office hours  
Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday  
8am - 5pm  
Wednesday  
1pm - 5pm  
\*\*We will not be closed during lunch hour \*\*

**From:** Valene Cauhorn <[vcauhorn@agpros.com](mailto:vcauhorn@agpros.com)>  
**Sent:** Thursday, May 25, 2023 9:00 AM  
**To:** Matt Wilke <[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)>; Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>  
**Cc:** Hannah Dutrow <[hdutrow@agpros.com](mailto:hdutrow@agpros.com)>  
**Subject:** [External] RE: Site plan- AK Feeders

Good Morning Debbie and Matt,

The site is approximately 79.6 acres.

I have attached the map with the acres for your reference.

Thanks!

*Valene Lickley Cauhorn, PE*

Agricultural Engineer/Idaho Office Manager

**AGPRO**professionals

213 Canyon Crest Dr, Suite 100

Twin Falls, ID 83301

970-571-9086 cell

208-595-5301 office

HQ/Mailing:

3050 67th Avenue, Suite 200

Greeley, CO 80634

970-535-9318 office

970-535-9854 fax

[www.agpros.com](http://www.agpros.com)



**From:** Matt Wilke <[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)>  
**Sent:** Wednesday, May 24, 2023 9:04 PM  
**To:** Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>; Valene Cauhorn <[vcauhorn@agpros.com](mailto:vcauhorn@agpros.com)>  
**Subject:** Re: Site plan

Hi Debbie,

100% of the defined CAFO area lies within R3734801000 on the latest site plan.



# Development Services Department



Canyon County, 111 North 11<sup>th</sup> Avenue, Suite 310, Caldwell, ID 83605

(208) 454 7458 • (208) 454 6633 Fax • [www.canyoncounty.org](http://www.canyoncounty.org)

## Courtesy Notice

October 17, 2022

AK Feeders, LLC  
21696 Stateline Rd.  
Wilder, Idaho 83676

Agent :  
White Barn Ventures, Inc.  
Attn : Matt Wilke  
PO BOX 7  
Middleton, Idaho 83644

Re : Case CU2022-0036

Dear AK Feeders, LLC,

Canyon County Planning and Zoning has recieved numerous complaints via email and calls regarding construction improvements taking place on parcel R37348010 at proposed location of your current CAFO Conditional Use Permit Application that has yet to go through the public hearing process.

Site Visist with code enforcement 10/05/2022 :



*Email  
MATT @ MywhiteBarn.com*



Per Canyon County Ordinance section **08-01-11, Criteria for approval and development standards for new facilities**

A. General Requirements :

3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit.

Staff recommends all construction improvements taking place be put on hold until receiving proper approval. Please note that improvements can be made to the property with the current number of animals, however, due to the number of complaints, staff recommends that construction is ceased until the application process is complete. Per the site plan submitted with the application to Canyon County Development Services, the proposed location of certain operation facilities may not meet the setback requirements of the Canyon County Zoning Ordinance. Canyon County Planning and Zoning is waiting for a complete application to move forward with the application, once additional information is received, a CAFO Siting Advisory Team can be put together.

Please see the attached Canyon County Zoning Ordinance, Chapter 8, regarding CAFO Regulations.

Thank you,

Cassie Lamb, Planner I

Canyon County Planning & Zoning

(208)-454-6627

[Cassie.Lamb@canyoncounty.id.gov](mailto:Cassie.Lamb@canyoncounty.id.gov)

## Cassie Lamb

---

**From:** Cassie Lamb  
**Sent:** Friday, October 21, 2022 2:11 PM  
**To:** Dan Lister  
**Subject:** FW: [External] AK Feeders / Courtesy Notice  
**Attachments:** DOC102122-001.pdf

**From:** Matt Wilke <matt@mywhitebarn.com>  
**Sent:** Friday, October 21, 2022 1:44 PM  
**To:** Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>  
**Subject:** [External] AK Feeders / Courtesy Notice

Hi Cassie,

I wanted to let you know that I received this letter from AK feeders today, and I spoke to David DeBenedetti. He said they are not making anymore improvements than what was seen, and that these improvements are on an old corral site that has been used in the past and are in need of updating, which is about complete. It is not an expansion of the herd.

This update to the corral is going to be used this fall as a short-term holding pen for the cow-calf pairs coming off the range, and is not an expansion over the 1000 cows he is currently allowed historically in the Ag zone. Furthermore, they are planning on having the calves that are going to be held there shipped out by January; shipping weather permitting.

We are working on finalizing the missing pieces for the CAFO application and should have an update soon for application.

Thank you for the courtesy notice, and sorry for the confusion. Please let me know if you have any questions, and have a great weekend.

Thank you,

*Matt Wilke*

**Farm and Land Specialist**  
White Barn Real Estate  
Mills & Co. Realty Inc.  
208.412.9803  
Matt@MyWhiteBarn.com  
[www.mywhitebarn.com](http://www.mywhitebarn.com)



## Debbie Root

---

**From:** Matt Wilke <matt@mywhitebarn.com>  
**Sent:** Tuesday, May 30, 2023 1:28 PM  
**To:** Cassie Lamb; Debbie Root  
**Subject:** [External] AK Feeders Potato Cake Slab Pour  
**Attachments:** DOC102122-001 (1).pdf

Hi Cassie and Debbie,

I met with David Debenedetti last Thursday and he wants to pour some more concrete at his current feed yard for potato cake that is an ingredient in his ration. The potato cake is a heavy wet material that needs to ideally be on concrete.

He is not expanding the herd size, and his animal count will stay under the 1000 cow maximum until approved.

We wanted to notify you that this concrete slab is not being poured for the proposed CAFO expansion but is a much-needed improvement for his current feed ration and feeding operation today. Although, if the CAFO is approved, this improvement will also benefit the future use.

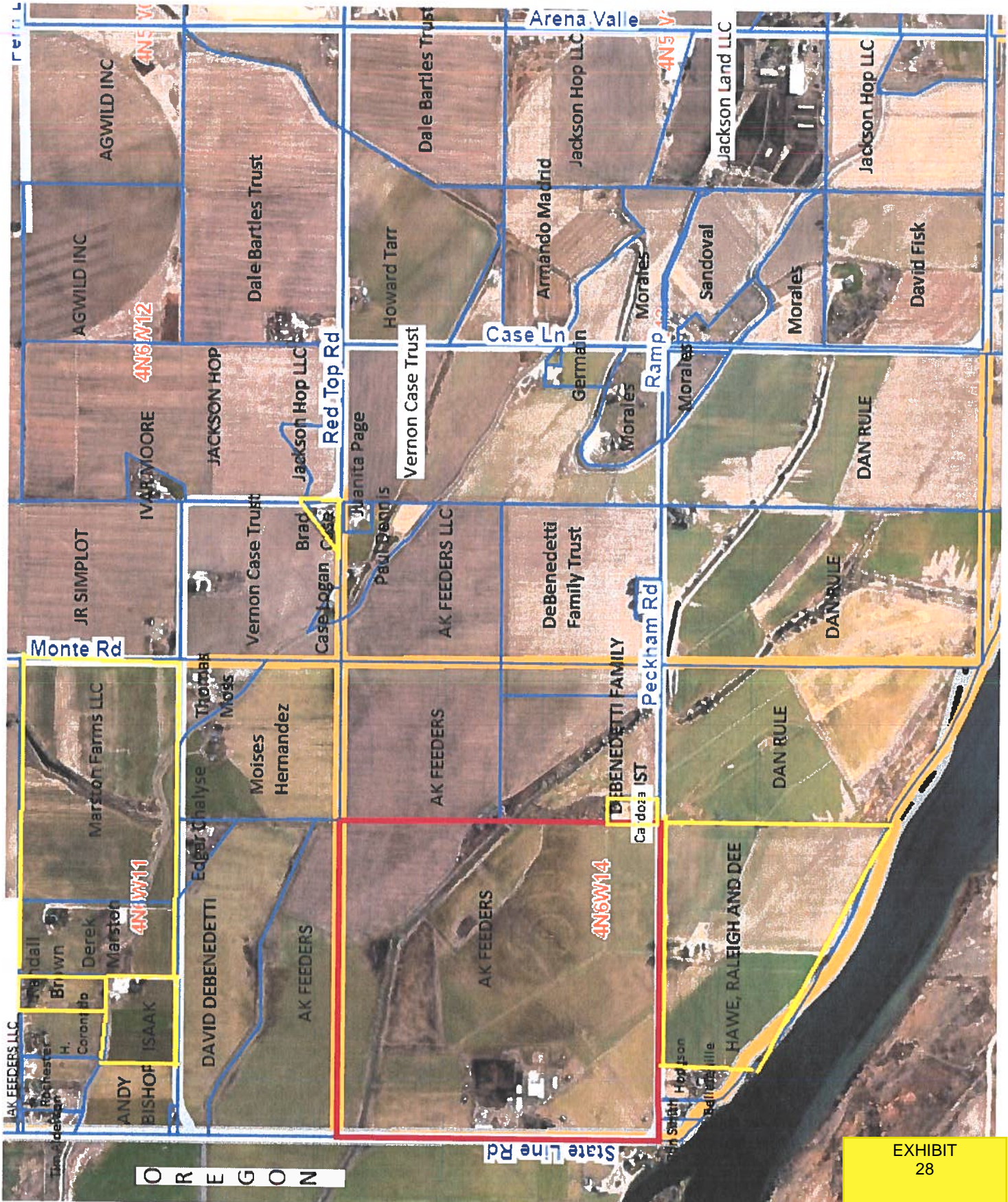
Will this notice be sufficient for the County? David did not want to start any improvements without notifying you first after receiving the courtesy notice last October.

Please advise.

Thank you,



Matt Wilke  
Owner | Broker  
White Barn Real Estate  
White Barn Ventures  
208.412.9803  
[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)  
[www.mywhitebarn.com](http://www.mywhitebarn.com)



Records Search Results

New Search Previous Next

Return All

legal parties as of

11/30/2023 12:59:44 PM

and sorted by

Legal Party

Search Results

<input type="checkbox"/>	Name	Address	Owner of	Located	Alternate Communication Identification Number
<input type="checkbox"/>	AK FEEDERS LLC	1201 S KIMBALL AVE CALDWELL ID 83605	37318012 0 37318013 0 37318014 0	STATE LINE RD STATE LINE RD STATE LINE RD	<i>41.94 ac 2.23 ac 8.55 ac</i>
<input type="checkbox"/>	<del>AK FEEDERS LLC</del>	<del>1201 S KIMBALL AVE CALDWELL ID 83605</del>	<del>37318012 0 37318013 0 37318014 0</del>	<del>STATE LINE RD STATE LINE RD STATE LINE RD</del>	<i>NA to this analysis - not in scope of proposed CAFO</i>
<input type="checkbox"/>	AK FEEDERS LLC	1201 S KIMBALL AVE CALDWELL ID 83605	37315010 0 37345000 0 37346000 0 37348010 0	STATE LINE RD 0 RED TOP RD 31301 RED TOP RD 21696 STATE LINE RD	<i>39.95 ac 31.71 ac 40.79 ac 163.23 (subject property)</i>
<input type="checkbox"/>	AK FEEDERS LLC	21696 STATELINE RD WILDER ID 83676	37318000 0 37318011 0	22704 STATE LINE RD STATE LINE RD	<i>6.18 ac 11.56 ac 346.14 acres</i>

*For  
Analysis of Animal Unit  
provisions of CAFO  
AK Feeders*

# AK Feeders LLC Notification Map

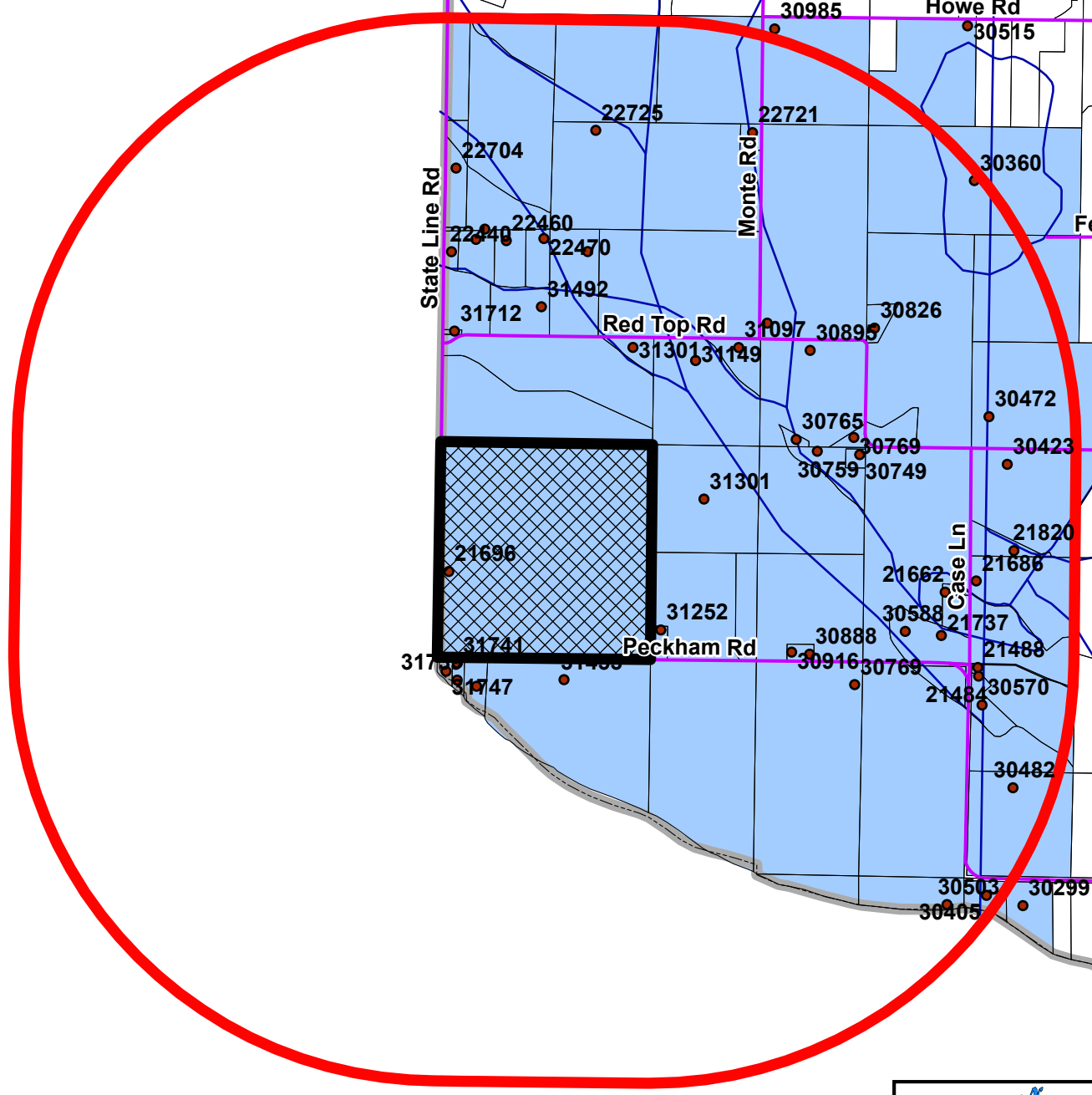
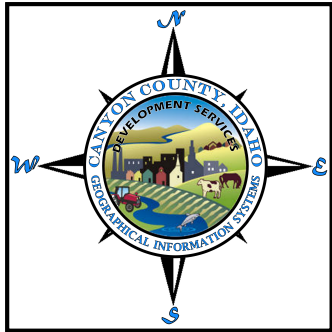
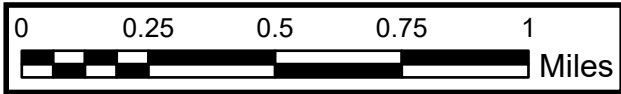


EXHIBIT  
30



DISTANCE	PARCELS
1 MILE	72



SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
72	25.92	11.29	0.32	163.23
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM

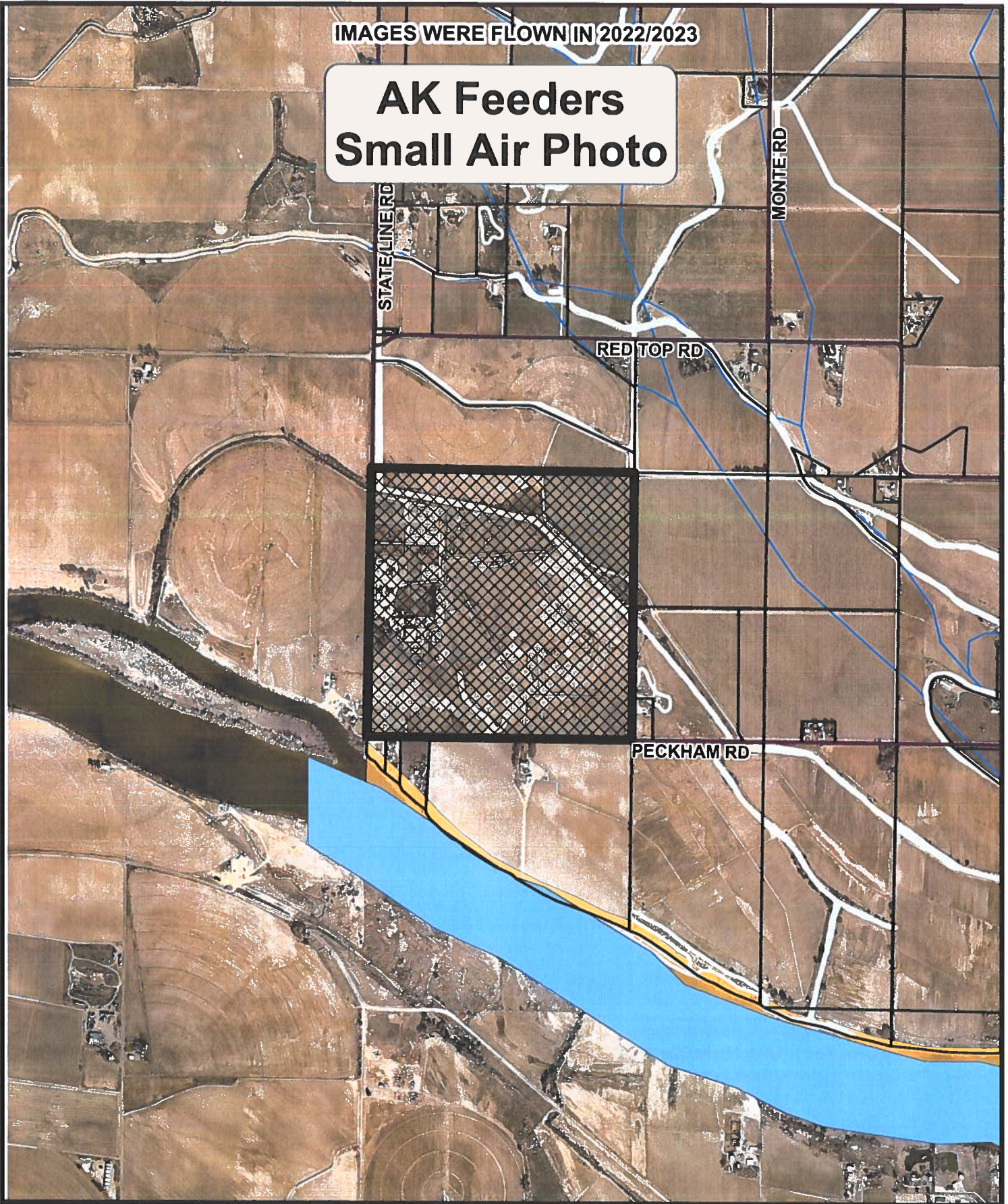
PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year

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...
15881 Purple Sage Road	13	#REF!	#REF!	#REF!	Purple Sage MHP

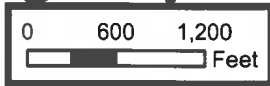
IMAGES WERE FLOWN IN 2022/2023

# AK Feeders Small Air Photo



Legend	
	SUBJECT_PROPERTY
	TAXLOTS
	WETLANDS
	A
	AE
	X

Flood(SFHA) layer on



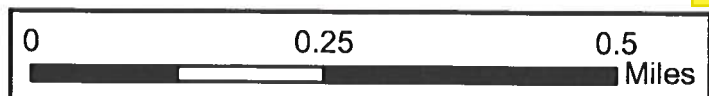
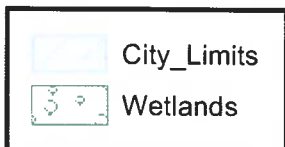
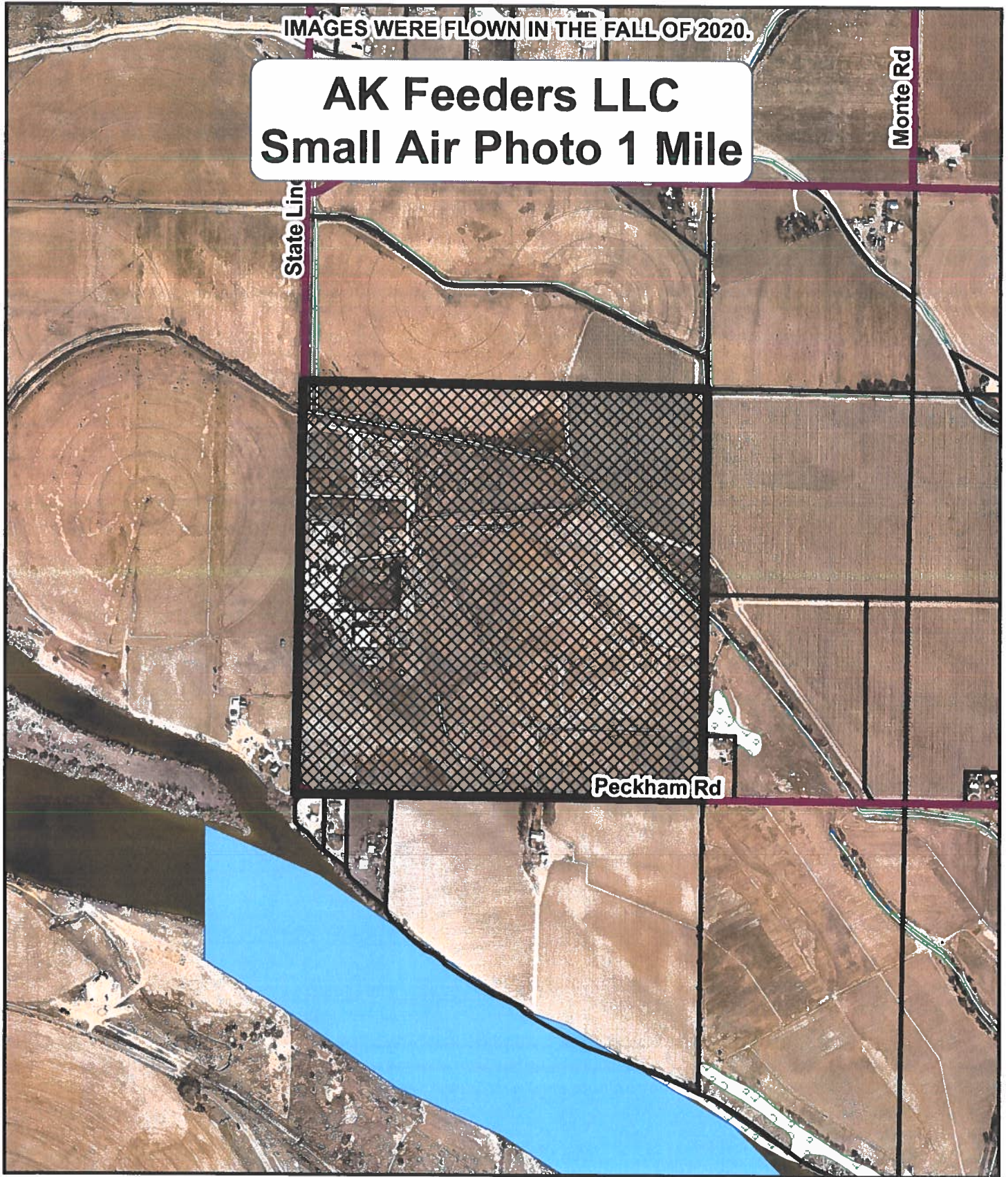
IMAGES WERE FLOWN IN THE FALL OF 2020.

# AK Feeders LLC Small Air Photo 1 Mile

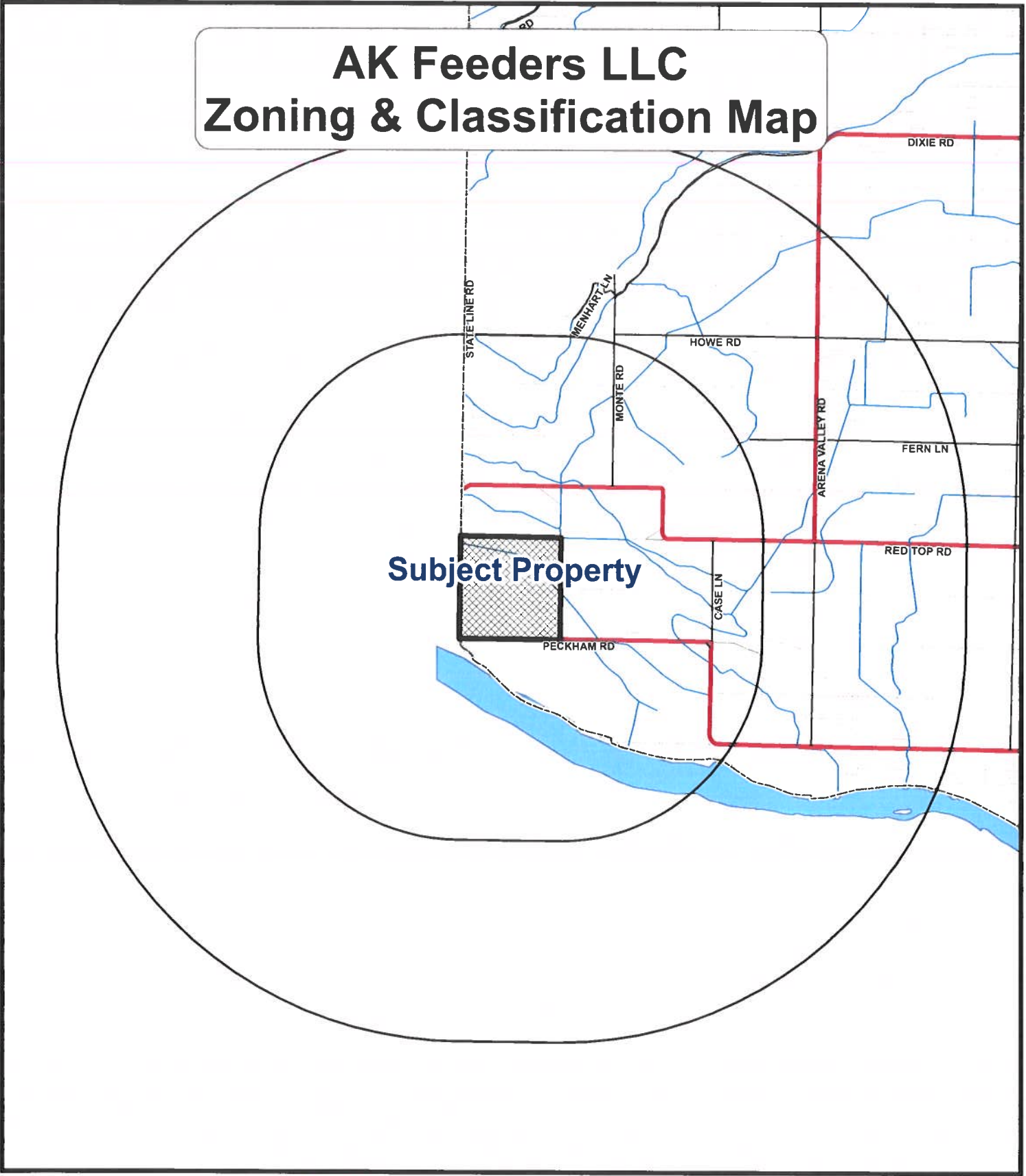
Monte Rd

State Line

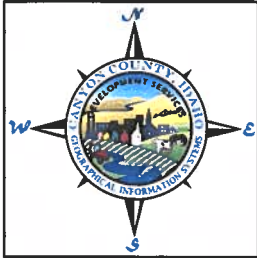
Peckham Rd



# AK Feeders LLC Zoning & Classification Map

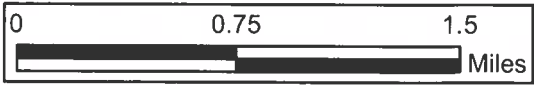


**Subject Property**



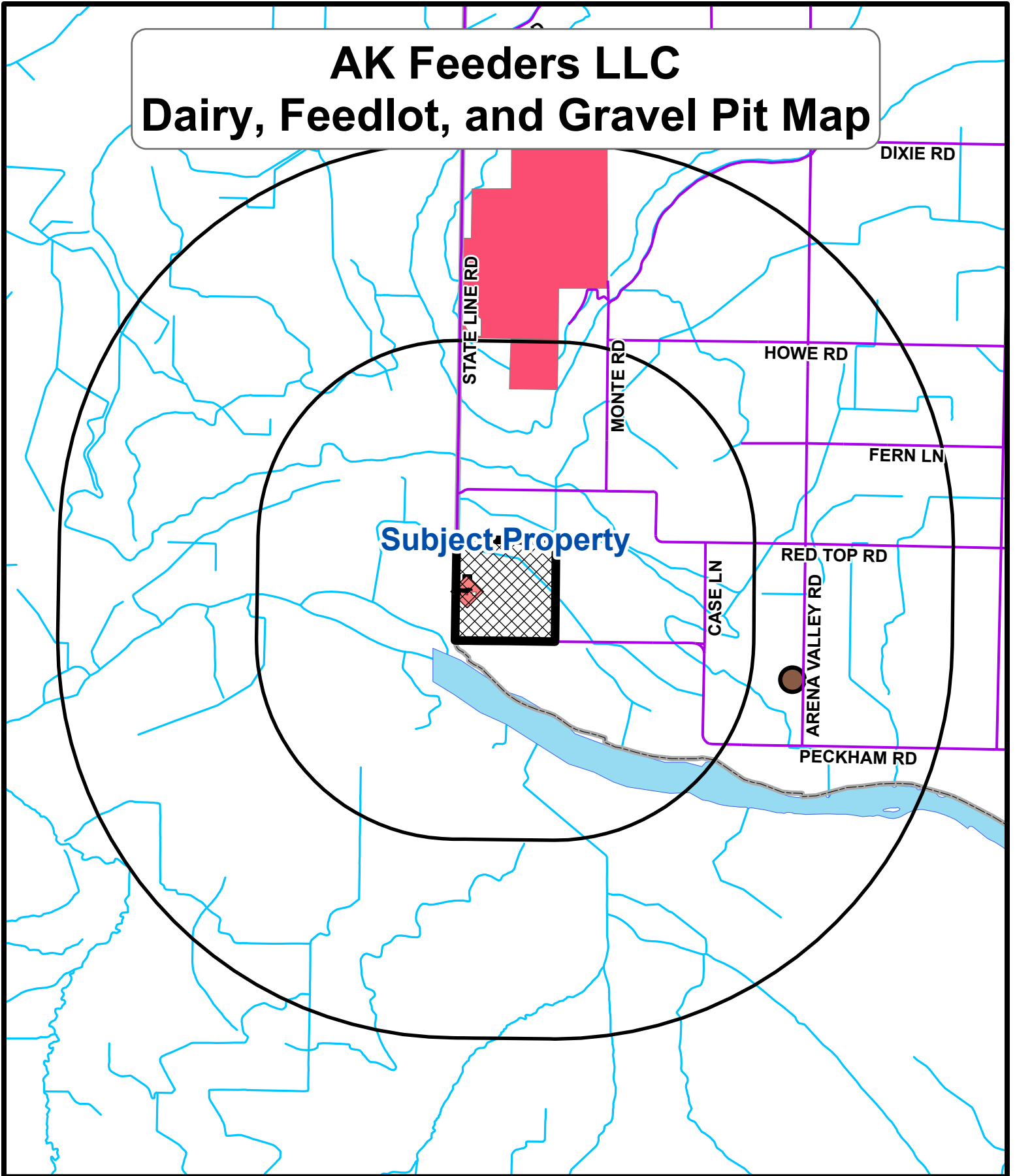
Current Zoning		ITD Functional Classification	
	RR		C1
	CR-RR		CR-C1
	R1		C2
	CR-R1		CR-C2
	R2		M1
	C		CR-M1
			M2
			AG
			Interstate
			Major Collector
			Minor Arterial
			Minor Collector
			Other Principal Arterials

EXHIBIT  
34





# AK Feeders LLC Dairy, Feedlot, and Gravel Pit Map



	FEEDLOTS
	DAIRIES
	GRAVELPITS

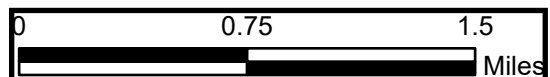
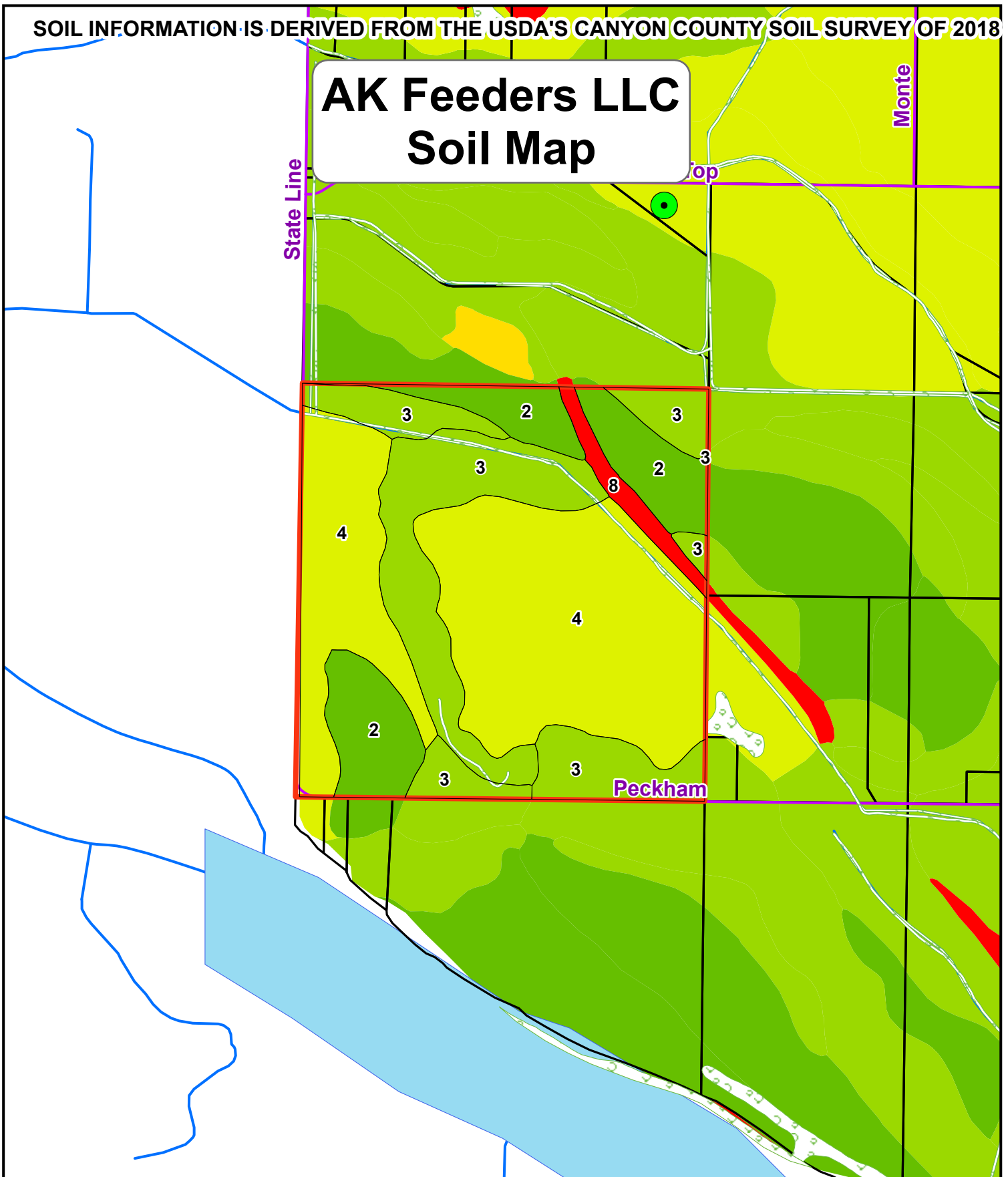


EXHIBIT  
35

# AK Feeders LLC Soil Map



**Nitrate Priority Wells**

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

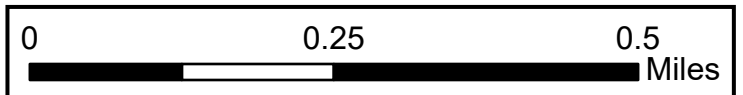


IDWR\_2C\_Geothermal\_



Wetlands

EXHIBIT  
36



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

# AK Feeders LLC Prime Farm Lands

MONTE R

STATE LI

RD

Subject Property

PECKHAM RD



- TAXLOTS
- City\_Limits
- WETLANDS
- 2C\_Hydro

### 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

EXHIBIT  
37



# SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	157077.36	3.61	2.22%
3	MODERATELY SUITED SOIL	1829.52	0.04	0.03%
4	MODERATELY SUITED SOIL	1126374.48	25.86	15.92%
2	BEST SUITED SOIL	453982.32	10.42	6.42%
3	MODERATELY SUITED SOIL	409507.56	9.40	5.79%
3	MODERATELY SUITED SOIL	1109691.00	25.48	15.69%
4	MODERATELY SUITED SOIL	2483704.08	57.02	35.11%
2	BEST SUITED SOIL	279524.52	6.42	3.95%
2	BEST SUITED SOIL	390079.80	8.96	5.51%
3	MODERATELY SUITED SOIL	184171.68	4.23	2.60%
3	MODERATELY SUITED SOIL	262666.80	6.03	3.71%
8	LEAST SUITED SOIL	175982.40	4.04	2.49%
3	MODERATELY SUITED SOIL	39683.16	0.91	0.56%
		7074274.68	162.40	100%

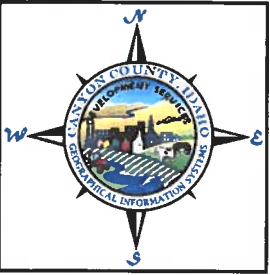
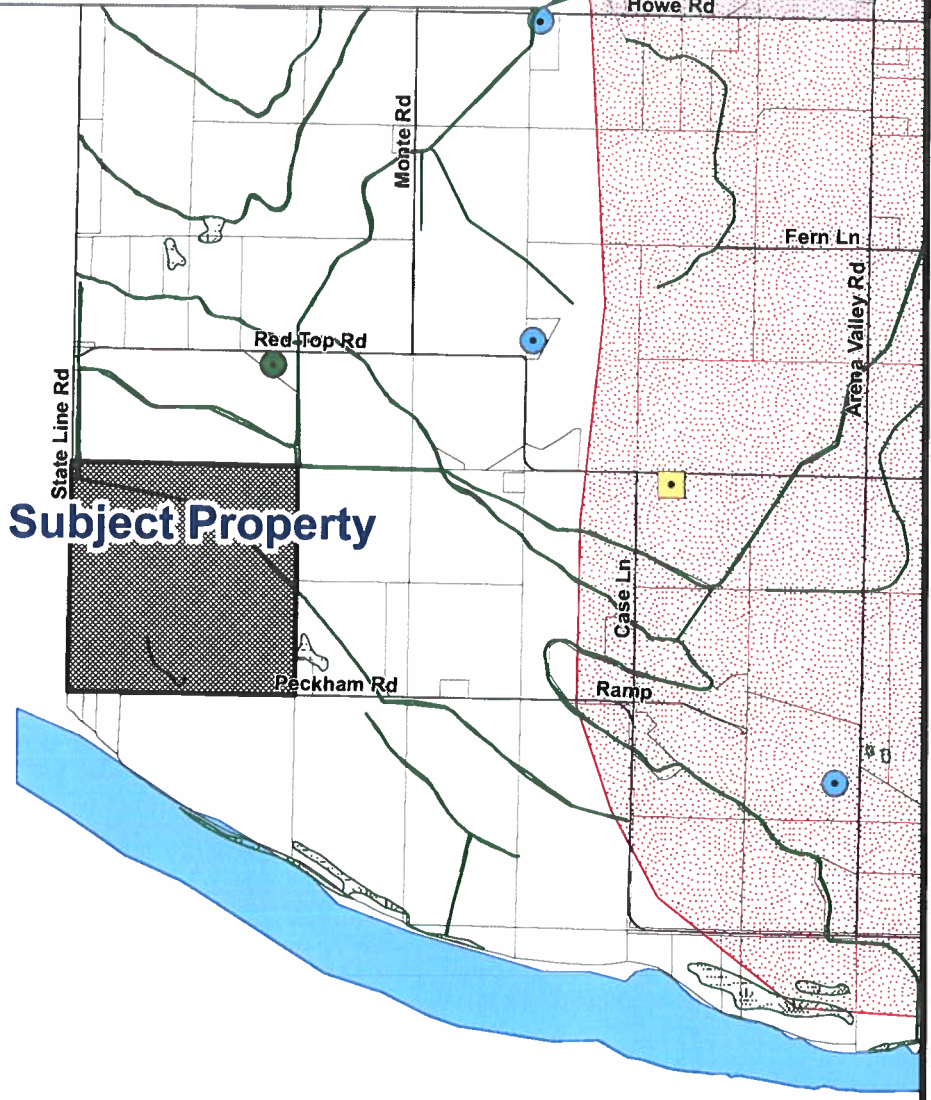
# FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
TuA	Prime farmland if irrigated	157077.36	3.61	2.22%
TuC	Prime farmland if irrigated	1829.52	0.04	0.03%
Cu	Prime farmland if irrigated and drained	1126374.48	25.86	15.92%
MgA	Prime farmland if irrigated	453982.32	10.42	6.42%
CcA	Prime farmland if irrigated	409507.56	9.40	5.79%
LsA	Not prime farmland	1109691.00	25.48	15.69%
Cu	Prime farmland if irrigated and drained	2483704.08	57.02	35.11%
MgB	Prime farmland if irrigated	279524.52	6.42	3.95%
MgA	Prime farmland if irrigated	390079.80	8.96	5.51%
TuB	Prime farmland if irrigated	184171.68	4.23	2.60%
CcA	Prime farmland if irrigated	262666.80	6.03	3.71%
TuE	Not prime farmland	175982.40	4.04	2.49%
CcB	Prime farmland if irrigated	39683.16	0.91	0.56%
		7074274.68	162.40	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.

# AK Feeders LLC Nitrate Priority & Wells










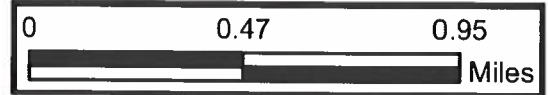
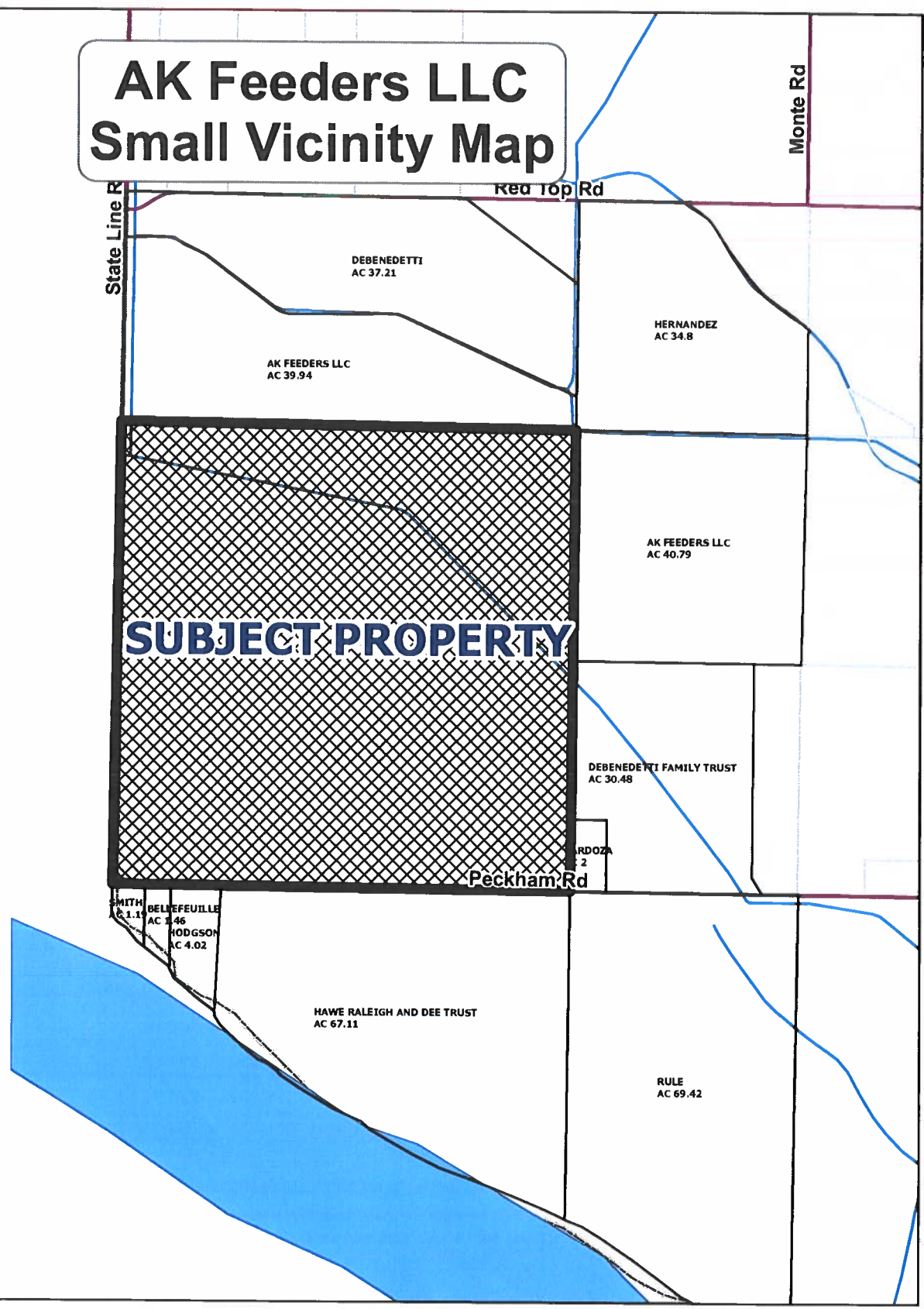
-  GEO-THERMAL LOCATIONS
-  WETLANDS
-  NITRATE\_PRIORITY
- DEQ WELLS  
N03\_MGL**
-  0.005 - 2.00
-  2.000001 - 5.00
-  5.0000001 - 10.00
-  10.000001 - 49.80

EXHIBIT  
39



# AK Feeders LLC Small Vicinity Map



**SUBJECT PROPERTY**

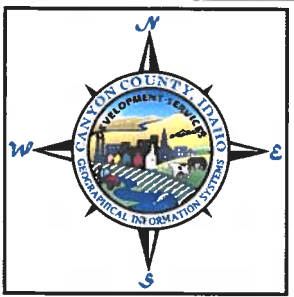
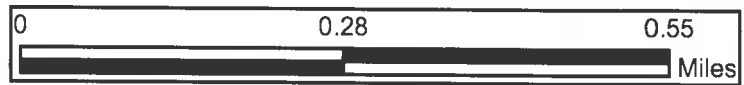
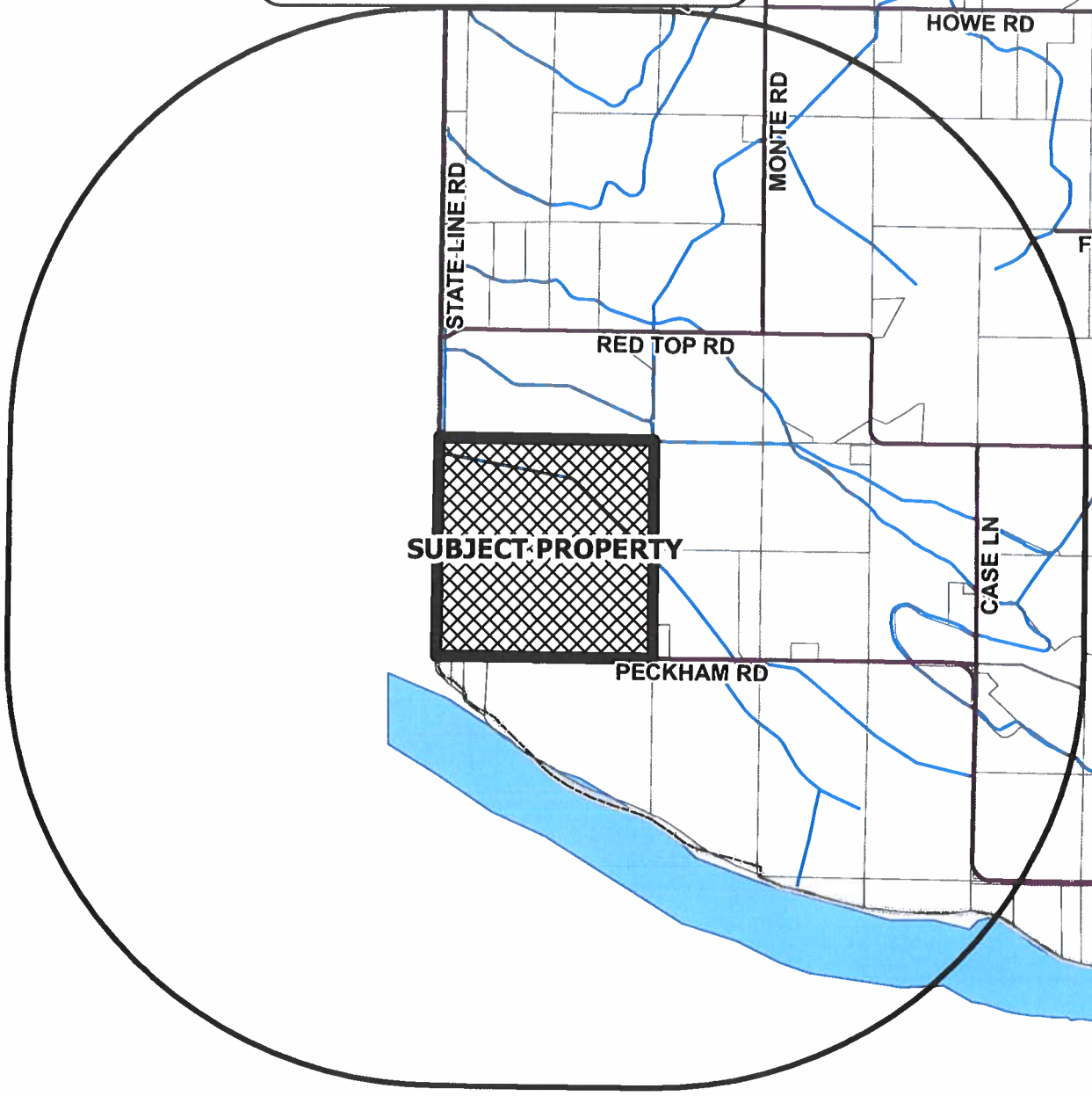


EXHIBIT  
40



# AK Feeders LLC Subdivision Map



**SUBJECT PROPERTY**





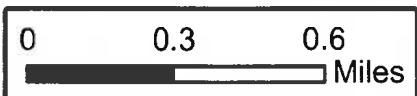
	SUBDIVISIONS
	PrelimSubs

EXHIBIT  
41



SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
0	0	0	0	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
0	0	0	0	
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
13	38.10	34.80	1.19	163.23
0	0	0	0	0

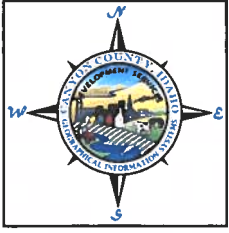
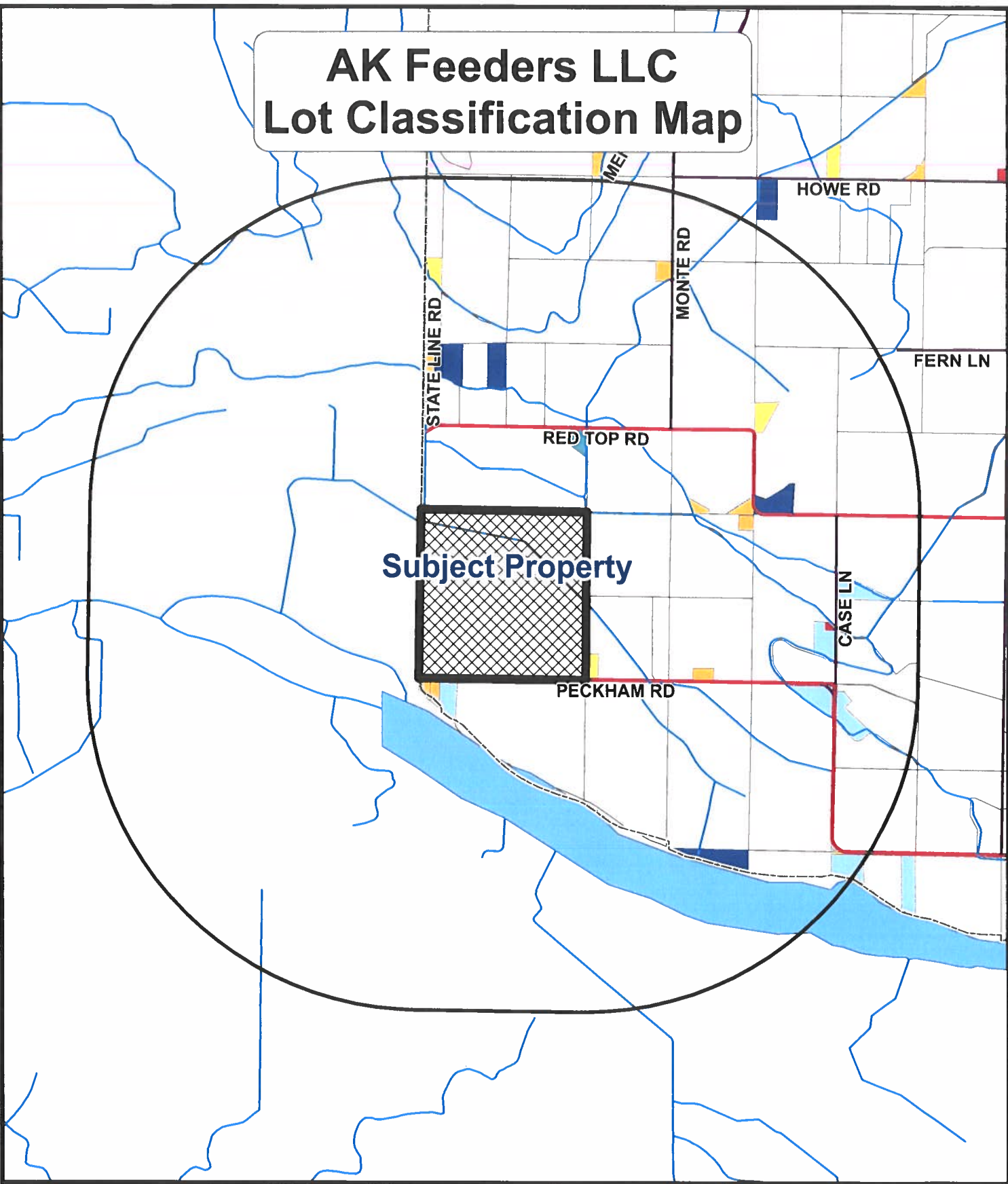
PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF ...	Year

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 ...



# AK Feeders LLC Lot Classification Map



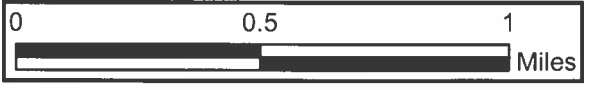
**Legend**

0.0 - 1.0
1.1 - 2.0
2.1 - 3.0
3.1 - 4.0
4.1 - 5.0
5.1 - 6.0

**ITD Functional Classification**

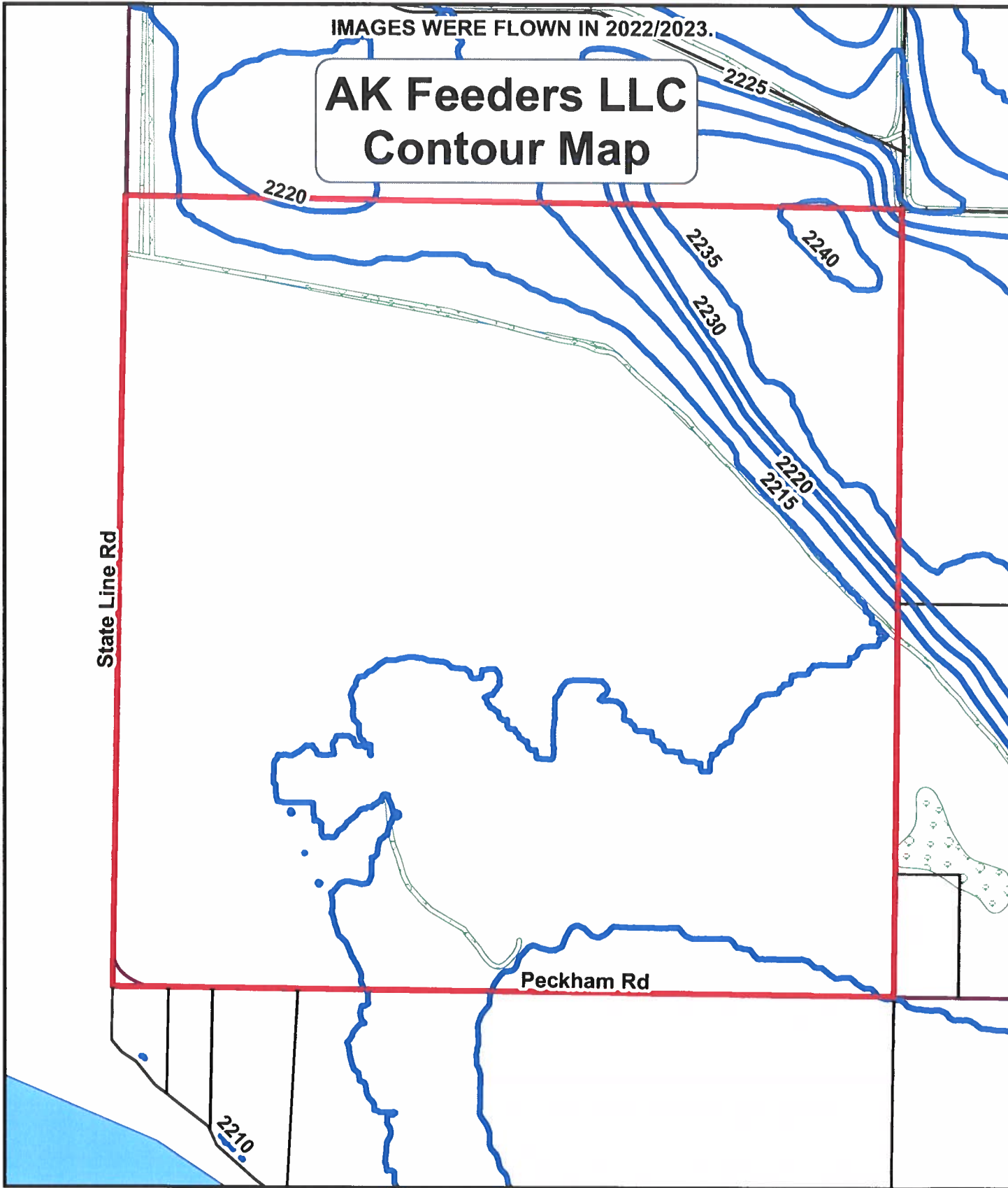
Interstate
Minor Arterial
Major Collector
Minor Collector
Other Principal Arterials

EXHIBIT  
43







IMAGES WERE FLOWN IN 2022/2023.

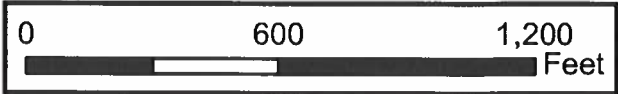
# AK Feeders LLC Contour Map



### Legend

-  SUBJECT\_PROPERTY
-  TaxParcels
-  SectionContours
-  Wetlands

EXHIBI  
44



**AK FEEDERS, LLC CAFO CUP CU2022-0036  
LETTERS OF SUPPORT LISTING**

count	Last	first	Business if identified
1	Allen	Jake	
2	Allen, DVM	Travis	
3	Anderson	Zach	
4	Androlewicz	Justin	
5	Arthur	Cassandra	
6	Babcock	LeRoy	
7	Barnett	Ty	
8	Bate??	Tom?	
9	Bateman	William	
10	Bates	Ther i	
11	Bayes	Seth	
12	Bayes	Justin	
13	Bayes	Wayne	
14	Beagley	Tom	
15	Beahm	Jacob	
16	Beahm	Katelyn	
17	Bennett	Jareldette	
18	Bideganeta	Joe	
19	Blake	Jayce	
20	Bottoms	kendra J	
21	Brasher	Craig	
22	Brazdzionis	Justina	
23	Breach	Colton	
24	Broker	Julie	
25	Burks	Chris	Burks Tractor
26	Burton	Brent	
27	Chadwell	Daniel	
28	Cheney	Todd	Cheney Transport
29	Clepier?	J. David	
30	Clepier?	Steve	
31	Collard	Cody	
32	Cook	Lacee D	
33	Cooper	Larry L	
34	Cornwell	Travis	
35	Cornwell	Kristina	
36	Day	Gina?	
37	DeMond	Brandon	
38	DeRoad	Kathryn	
39	Dikeman	Tom	
40	Dikeman	Sharon	
41	Duff? (D or W)	J	
42	Dulany	Tate	

43	Dyas	Abby	
44	Dyers?	Bill	
45	Earle	Jeff	
46	Ecco Equipment Co	brittany	Ecco Equipment Co.
47	Edgar	Chalipe	
48	Flores	Patricia	
49	Florez	Jose C	
50	Freeman	G??	
51	Garland	Steve	West Way Feed
52	Gooding	Diane	
53	Graham	Nikki	
54	Greening	Arlene	
55	H???	JC	
56	Hackney	Wendy	
57	Hackney	Cheyenne	
58	Hart	Trey	
59	heckathorn	Darrell	
60	Hen???	Clem	
61	Henandez	Moises	
62	Hensley	Tayler	
63	Hoyle	Chelse	
64	Hulett	Rachel	
65	Hummel	Andrew	Owyhee Vet Clinic
66	Hummel	JaBeth	
67	Irish	Michelle	
68	Irish	Maggie	
69	Jackson	Nathan	
70	Jackson	Jerry	
71	Johnson	Norm	
72	Johnson	Jason	
73	Jolley	Shane	Big Valley Supply, INC
74	Jones	Ty	
75	Kasper/Kesper?	tom	
76	Loucks	Levi	
77	Marquez	Zane	
78	Maxwell	Jared	
79	McMahon	Dakota	
80	McMahon	Kinsee	
81	Medicus	Jessica	
82	Mendoza	Ruben	
83	Mikelson	Paul	
84	Miranda	Angelica	
85	Miranda	Fabion	
86	Miranda	maria	
87	Miranda	Emily	
88	Miranda	Elena	
89	Montes	Ashlee	

90	Mountain View Eq.	(tgeorge@mtvieweq.co	Mountain View Equip.
91	Nicholes	Tyrel	
92	Noe?	Helm	Wilder Building Center
93	Obendorf	Brock	Obendorf hops
94	Orris	Keyana	
95	Palmbach	Megan	
96	Patrick	Alisa	Mike's Metal
97	Patrick	Dennis	Mike's Metal
98	Payne	Ron	
99	Payne	Christine	
100	Pegram	Donnie	
101	Petty	Michelle	
102	Pickett	Rich	
103	Ponce	Alejandro	
104	Prather	Jesse	Interwest Supply
105	Quezada	Catalina	
106	Raymond	Tyler	
107	Raymond	Robert	
108	Renteria	Cesar	Wilder Feeders
109	Roadife?	Michael	
110	Robinson-Hopson	AJ	
111	Roche	LaMar	Roche Livestock
112	Rochester	Charles	
113	Rochester	Josh	
114	Roe	Lilianne	
115	Rolerle???	E?	
116	Rose	Kathleen	
117	Rose	Kenny	
118	Rueth	Carlie Jae	
119	Rule	Dan	
120	Rule	Marjorie	
121	Russell	Jeff	
122	Sambosky	Tony	
123	Scott	Mark	
124	Scott	Ron	
125	Sevy	Chad	
126	Sevy	Lyle	
127	Shira	Karen	
128	Stauffer	Guy	
129	Steinhaus	Shane	
130	Stuppy	Richard	
131	Swall	Lori	
132	Swall	Mark	
133	Thomas	Curtis	Obendorf farms
134	Thurman	Janice	Treasure Valley Livestock
135	Townsend	Jeremy	
136	Tveidt	Dusty	

137	Tveidt	Keri	
138	Van Lith	Joel	VL Livestock
139	wade	Travis	
140	Walrath	George	
141	Weekes	Ronnie	Weekes Land & Livestock
142	Weilmunster	Jon K.	Weilmunster Farms inc
143	Weitz	Dan	
144	Weitz	Cheryl	
145	Weitz	Kurt	Western Aution Co.
146	Whitener	BJ	
147	Whitener	Bailey	
148	wigly?	John	
149	Wilson	Joel	
150	Witty	Joseph	
151	Wolsborn	Kurt	Simplot Western Stockmens
152	Yerrington	Rich	
153	Zumstein	Brie	
154	Zumstein	Zack	Auctioneer
155	Zumstein	linda	

Note: The ?? Marks are names that were not quite legible (signatures)

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16<sup>th</sup>, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28<sup>th</sup>.

We thank you for your support.

---

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Jake Allen, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

23576 Homedale RD

Address

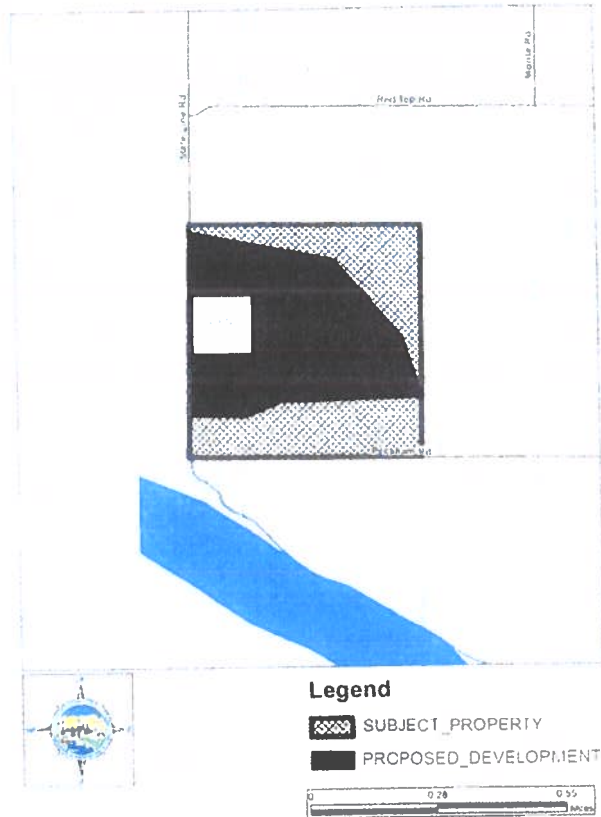
208-202-0709

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Justin Androlawicz  
Name

208-794-0289  
Phone

justinandrolawicz@hotmail.com  
Email

We thank you for your consideration and support.



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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I, Cassandra Arthur, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1364 Maahs Ln Homedale,  
ID 83628

Address

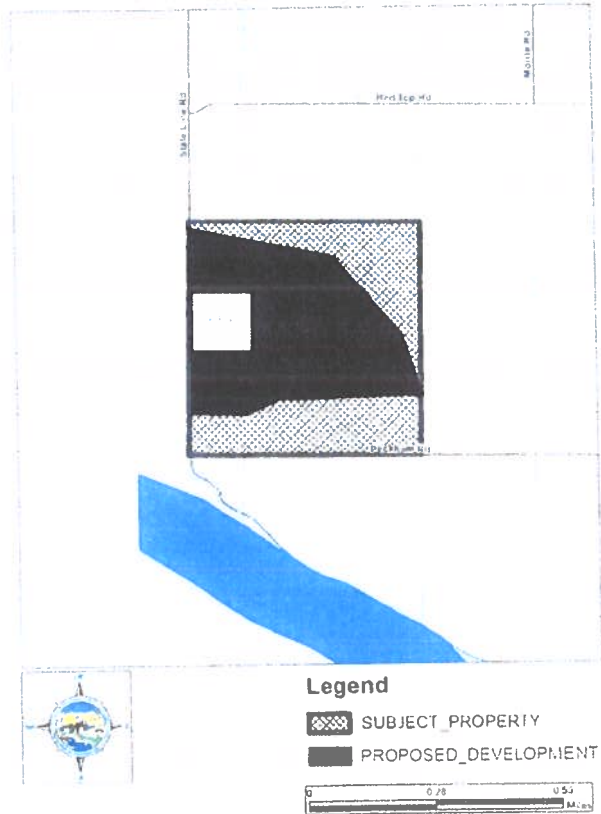
csarthur216@gmail.com  
541-709-8170

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*LeRoy Babcock*      LeRoy Babcock  
Name

208/484/3309  
Phone

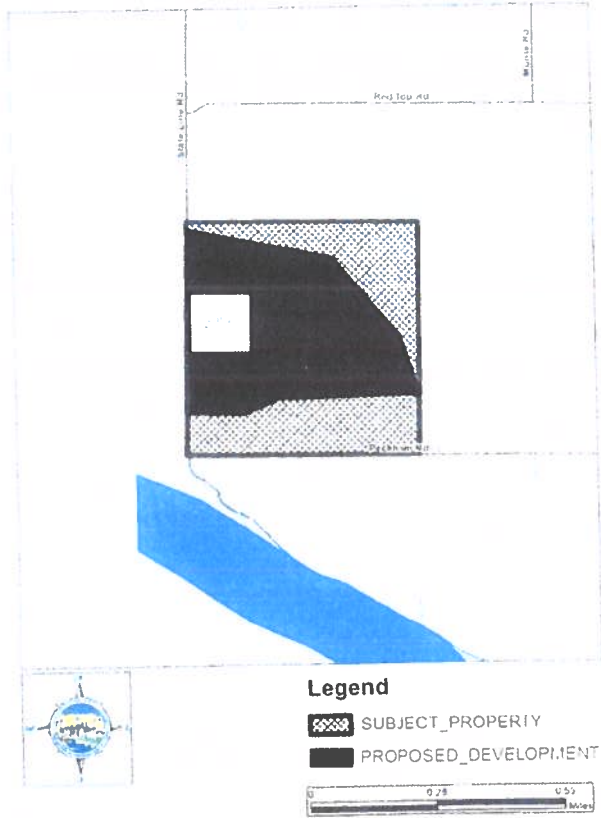
\_\_\_\_\_  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.



Name

208-250-4485

Phone

\_\_\_\_\_  
Email

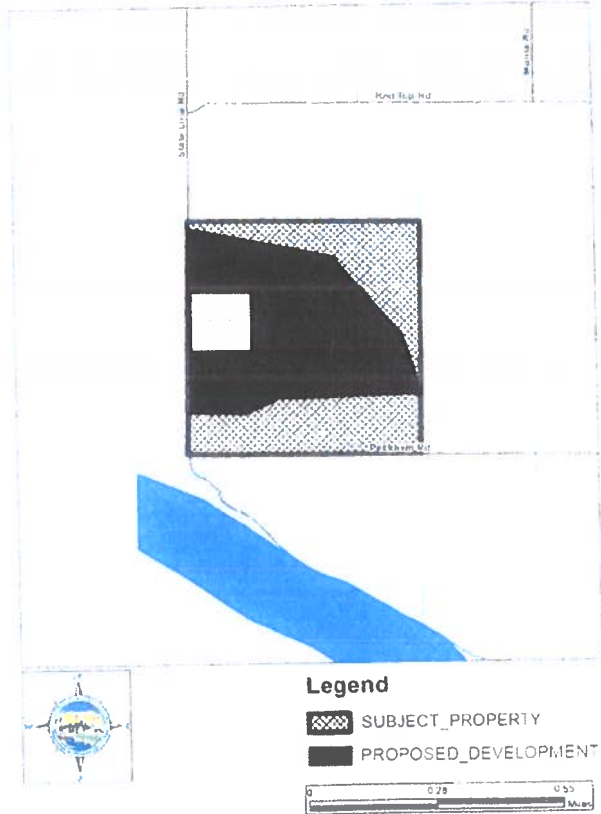
We thank you for your consideration and support.

*632 Not Nampa Idaho*

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Ty Barnett  
Name

208-899-9663  
Phone

Tbarnett@Fiberspice.net  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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We thank you for your support.

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I Theri Bates, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2133 6<sup>th</sup> Ave W  
Vale, OR 97918  
Address

541-823-3076  
rtbates@ymail.com  
Email/Phone Number

Theri Bates

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, William Bateman, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18862 Hwy 95 Wilder, ID  
83676

Address

bbateman22@gmail

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, JUSTIN T BAYES, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1364 MAAHS LN HOMEDALE

JBAYES15@GMAIL.COM 208-971-2487

Address

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Seth Bayes am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1798 Cassia Rd Adrian, OR.

208-615-0321 Bayeseth@yorker.com

Address

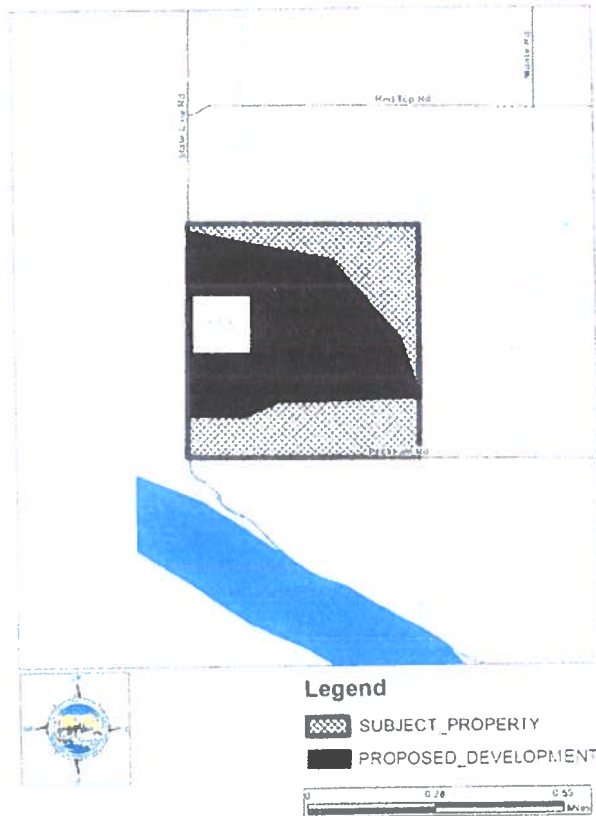
Email/Phone Number



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**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*Wayne Bayes*  
Name

*208 - 880 - 4256*  
Phone

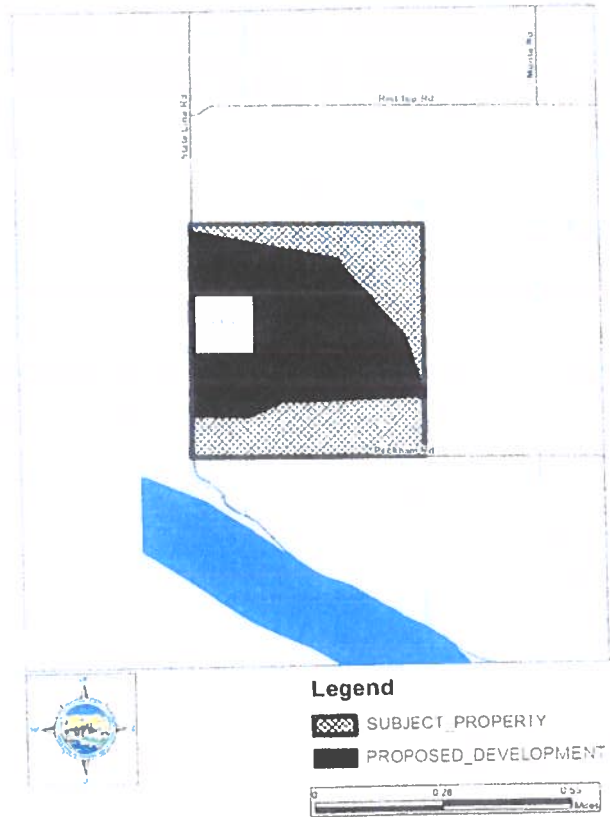
\_\_\_\_\_  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Tom Beagley  
Name

208-965-5014  
Phone

\_\_\_\_\_  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Katelyn Beahm, am in favor of this development and application.

208-922-4852  
Phone

16639 N. Abby Ln  
Wampa ID 83687  
Date

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Jacob Beahn, am in favor of this development and application.

208-473-1731  
Phone

waterfowl208@gmail.com  
Email

16639 N Abby Ln. Nampa ID 83687

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16<sup>th</sup>, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28<sup>th</sup>.

We thank you for your support.

---

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Jarellette Bennett, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

820 Hawk Rd P.O. Box 93  
Vale OR 97918  
Address

208-369-1394  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Joe Bideganeta, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

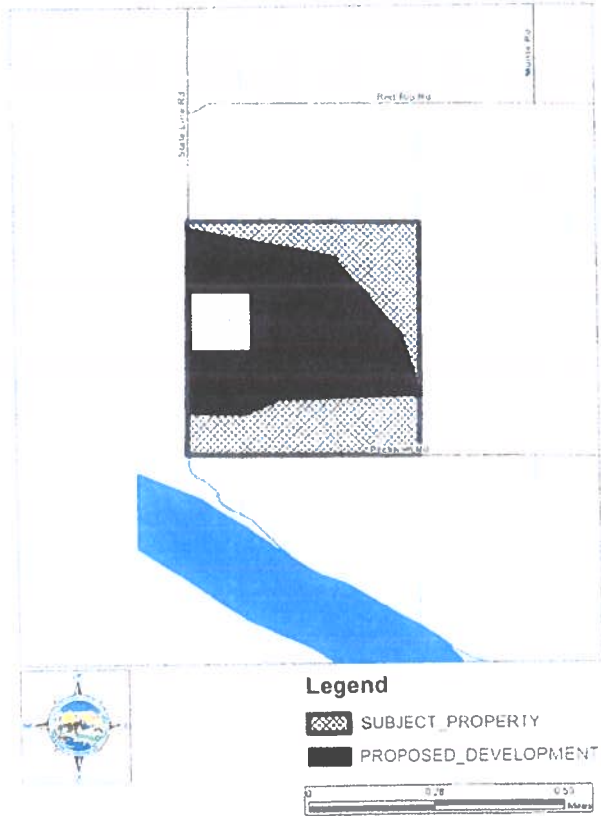
18851 Fish Rd.  
Wilder Id.  
Address

208-250-8332  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Kendra J Bottoms  
Name

(208) 246-9627  
Phone

KendraBottoms12@gmail.com  
Email

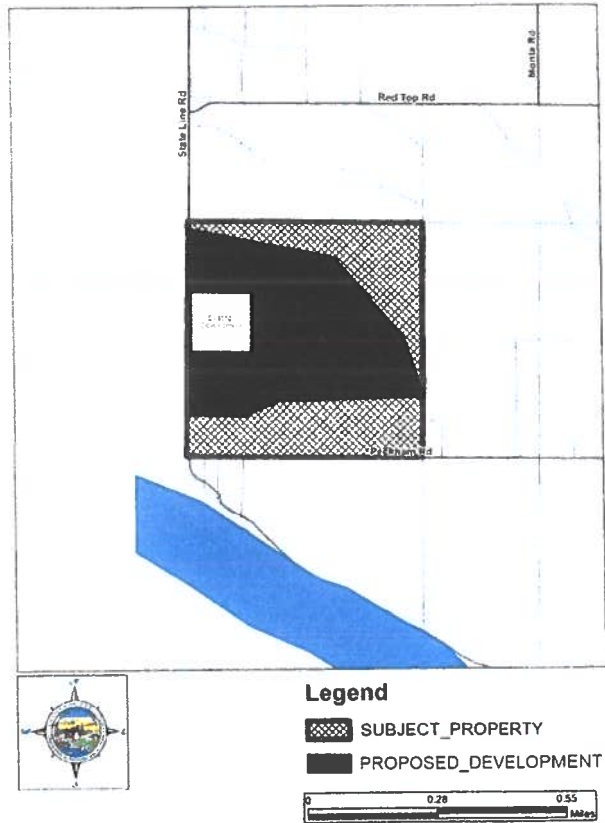
We thank you for your consideration and support.

Postmarked Oct 26, 2023  
dr  
RECEIVED  
OCT 30 2023  
RECEIVED

AK Feeders LLC  
21696 State Line Road,  
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Jayne Blake  
Name

775 741 2728  
Phone

jdblake02.jb@gmail.com  
Email

We thank you for your consideration and support.



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, *Craig Brasher*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

*4401 Edison Rd Marske, ID*

Address

*208 896 4153*

Email/Phone Number

*brasherccraig@gmail.com*  
*Craig Brasher*

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Justina Brazdzionis, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

605 Golden Gate Ave,  
Wilder, ID 83676

Address

323-702-4337

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Colton Breach, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1364 motts Ln

Address

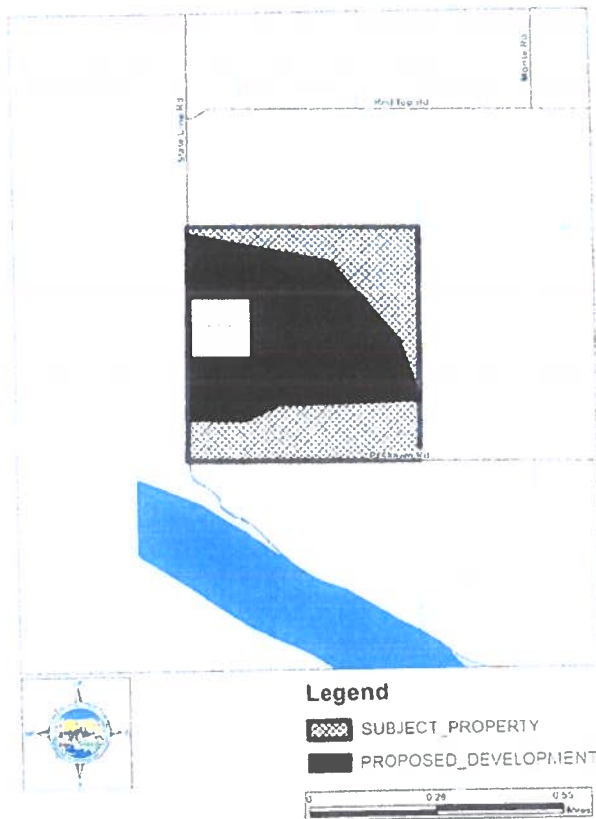
208-919-8859

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*Chris Burks*  
Name \_\_\_\_\_

*208-488-0836*  
Phone \_\_\_\_\_

*Chris.Burks@burkstractor.com*  
Email \_\_\_\_\_

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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I Brent Burton, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1364 Maahs Ln Homedale ID  
836 28

Address

(417) 712-1932

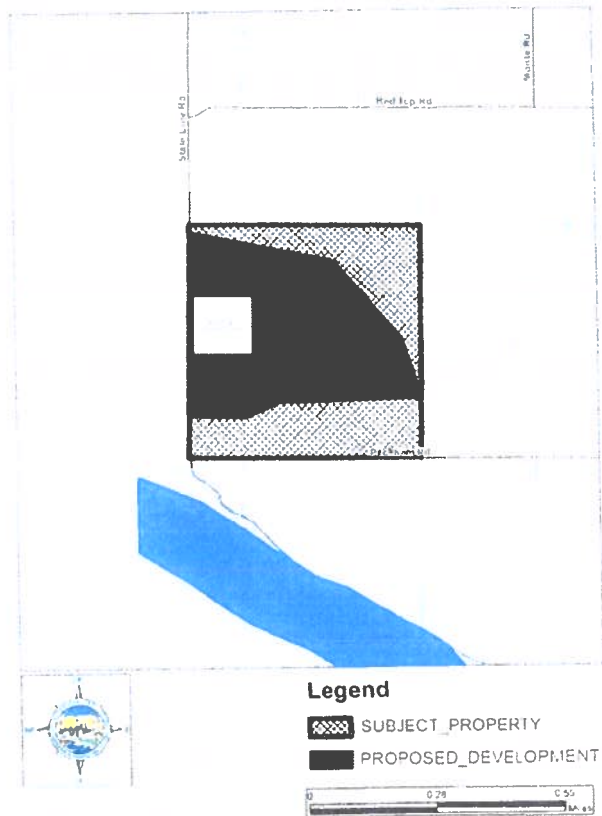
Email/Phone Number

*Brent Burton*

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

David Chadwell  
Name

208-284-7588  
Phone

abigyan@msn.com  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Todd Cheney, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

21396 Home Road Caldwell

Address

208-573-0366

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Steve P. Oberer, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

5113 Edison Rd  
Marsing  
Address

208-249-1372  
Email/Phone Number



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, J. David Copin, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

5719 Manhat Rd  
Marsing Id.

Address

208-576-5077

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Lacey D. Cook, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18862111/95 Wilder, id 83676 208-519-2288

Address

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Larry L Cooper, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

19987 Warren Lane Wilder, ID  
83676

Address

lucky.larry.cooper69@gmail.com

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Travis Cornell, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1316 Maahs Ln Homedale, ID

986-895-9717

Address

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Kristina Cornwell, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1316 Maahs Ln Horedale, ID

Address

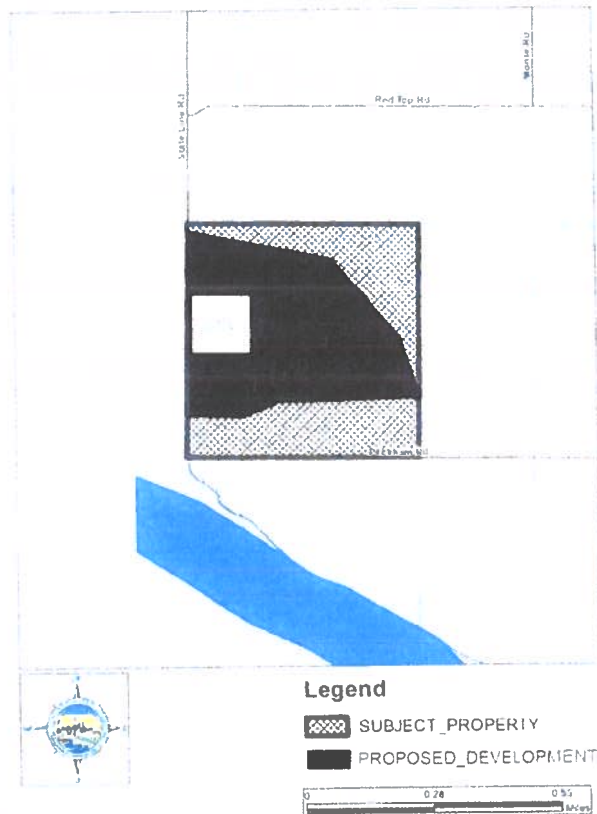
986-895-7885

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*Jana Klary*  
Name

208 250 9856  
Phone

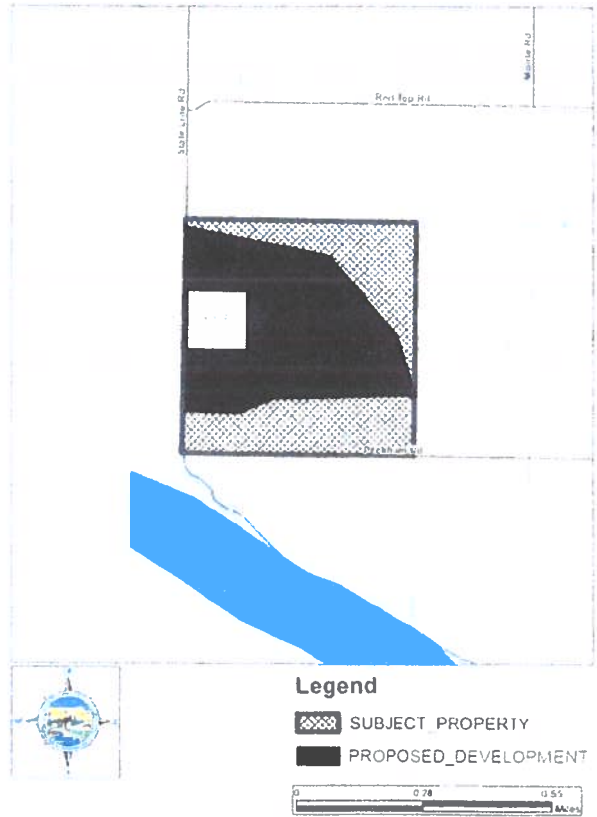
vadranehe@yahoo.com  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Brandon DeMond  
Name

208 337 8317  
Phone

baddemond@hotmail.com  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Kathryn DeRoos, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

609 S. Diamond St. Nampa, ID

Address

559-381-6588

Email/Phone Number



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16<sup>th</sup>, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28<sup>th</sup>.

We thank you for your support.

---

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Steven Dikeman, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

S52-Reddy Rd  
Adrian

Address

360-229-1418

Email/Phone Number

Dikeman

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Tom Dikeman, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

852 Restop Rd.  
Adrian, OR 97901  
Address

540/927-9270  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, TATE DULANY, am in favor of this development and application.

703 618 2625  
Phone

TATEMDULANY@GMAIL.COM  
Email

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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I, JEFF EARLE, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18335 River Canyon Rd  
WILDER, ID 83676

Address

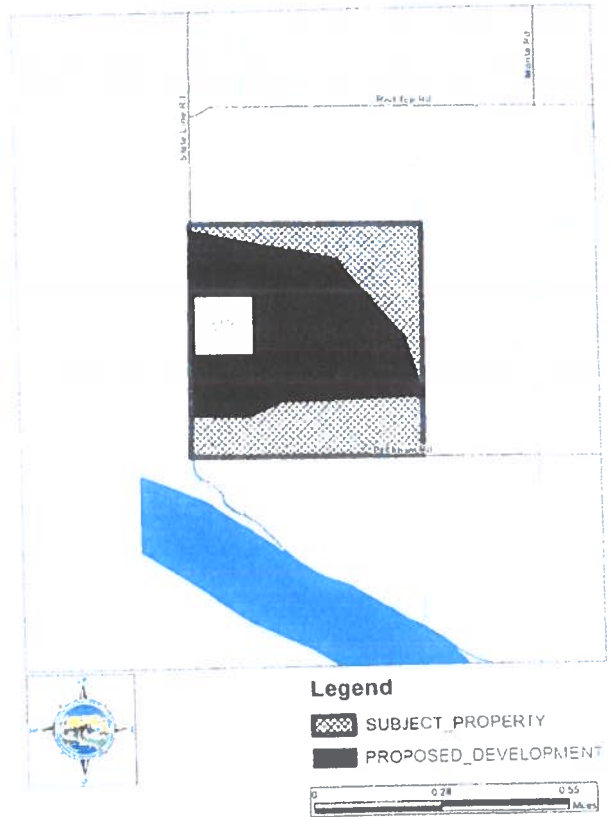
Jeffearle04@gmail.com

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Jose C Flores

Name

(208) 919-2542

Phone

JosecesarFlo30@gmail.com

Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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I, Patricia Flores, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

307 W. Montana Ave  
Homedale ID 83628

862 317 9124

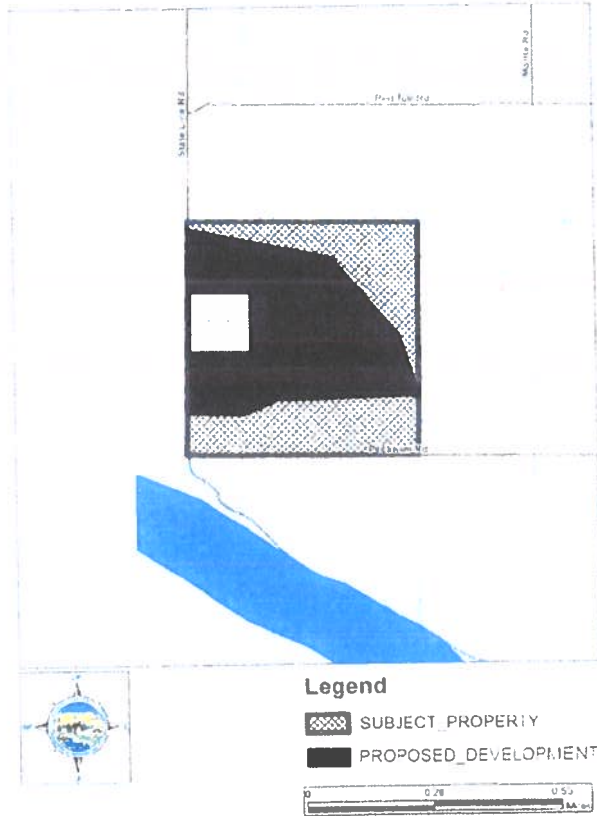
Address

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*Andy Johnson*

Name

208-899-1283

Phone

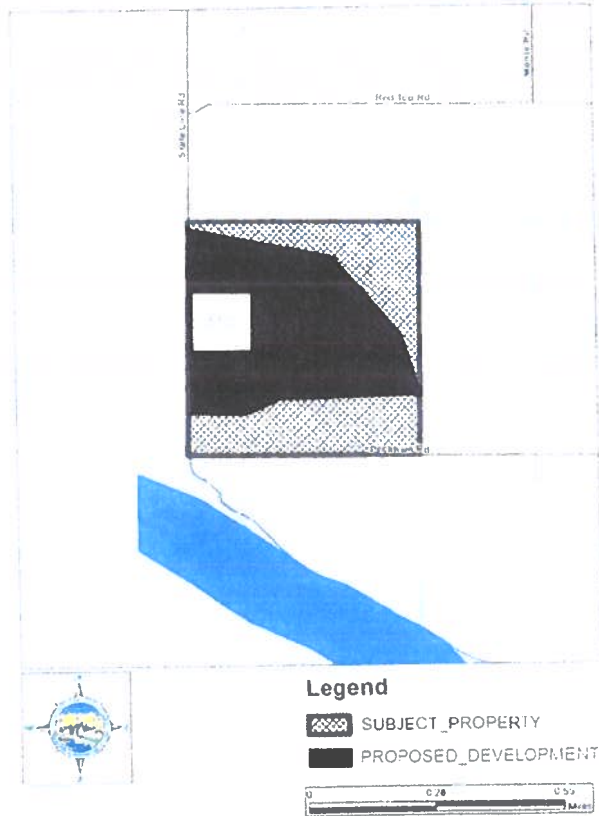
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

STEVE GARLAND  
Name

208-867-4934  
Phone

STEVE@WESTWAYFEED.COM  
Email

We thank you for your consideration and support.



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Nikk Graham, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

19305 Batt Corner Rd.

Address

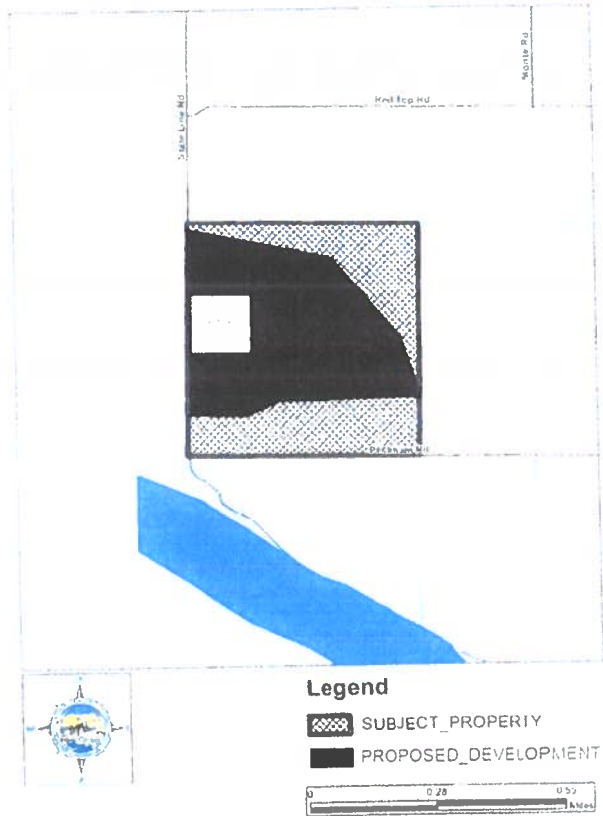
208-207-4669

Email/Phone Number

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**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Diane Gooding  
Name

208-573-0347  
Phone

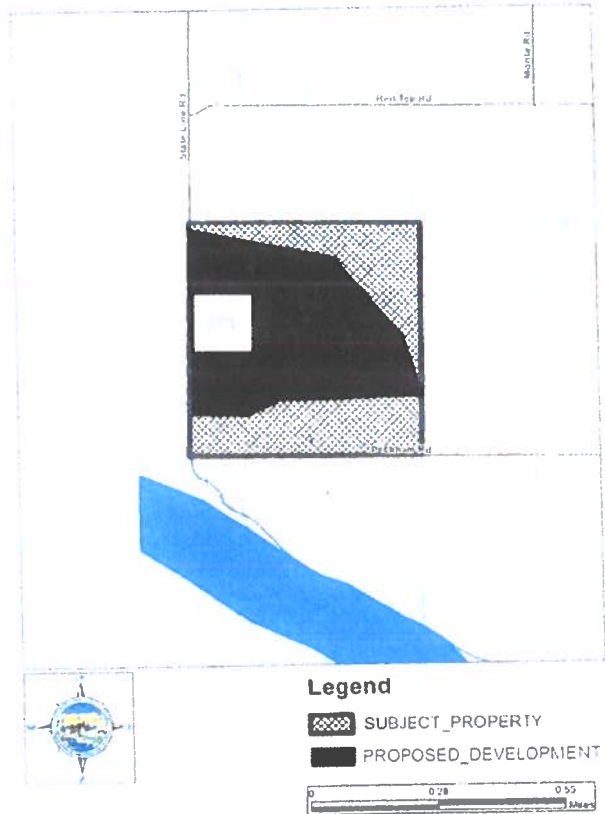
diane@goodingfarms.com  
Email

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**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Arline Greening  
Name

208-695-8813  
Phone

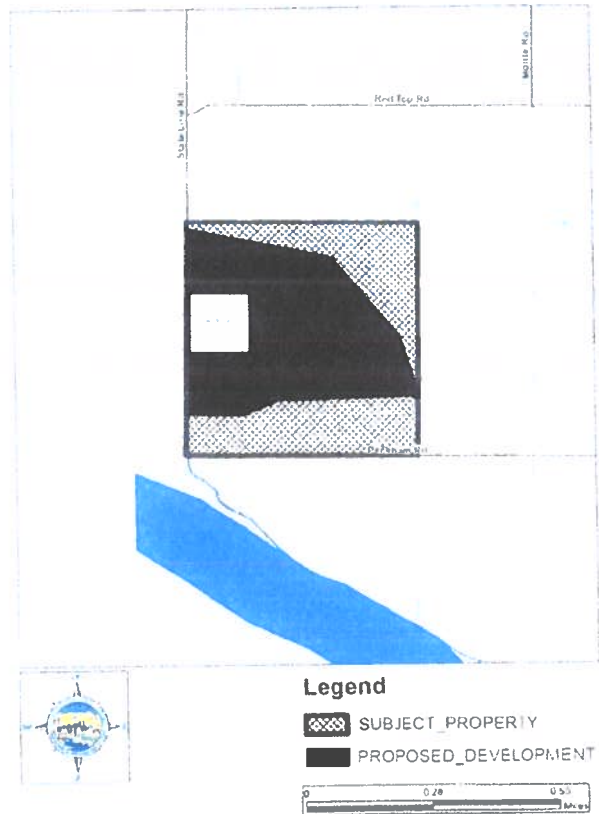
dagreening43@gmail.com  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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*JCH*  
Name \_\_\_\_\_

*208-739-3110*  
Phone \_\_\_\_\_

*JC cattle 64 @ Gmail .com*  
Email \_\_\_\_\_

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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We thank you for your support.

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I, Cheyenne Hackney, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2802 Peckham Rd  
Wilder,

Address

ckhackney@live.com  
(208) 740-4160

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Wendy Hackney, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

29256 Parkham Rd Wilder, ID  
83676

Address

wendy.hackney@live.com  
740-2467

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

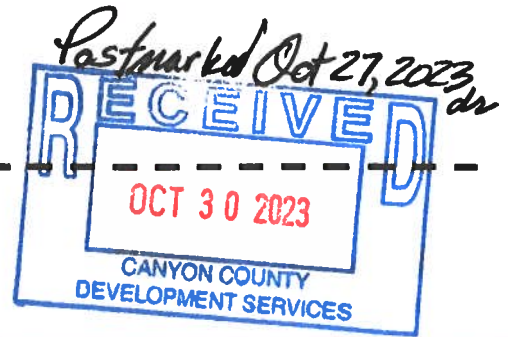
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I, Trey Hart, am in favor of this development and application.

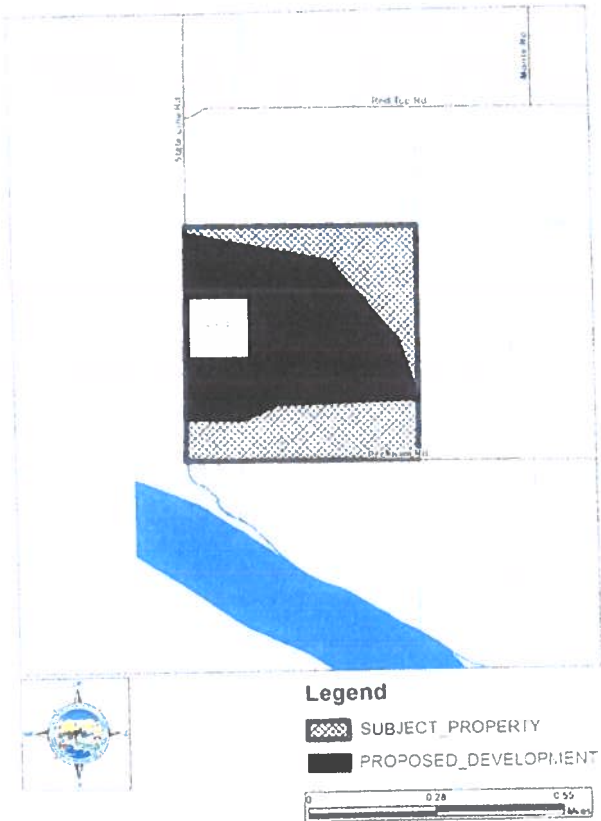
208-812-2984  
Phone

hartsai@yahoo.com  
Email

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Darrell Heckathorn

Name

520-585-3848

Phone

D.W.Heckathorn@gmail.com

Email

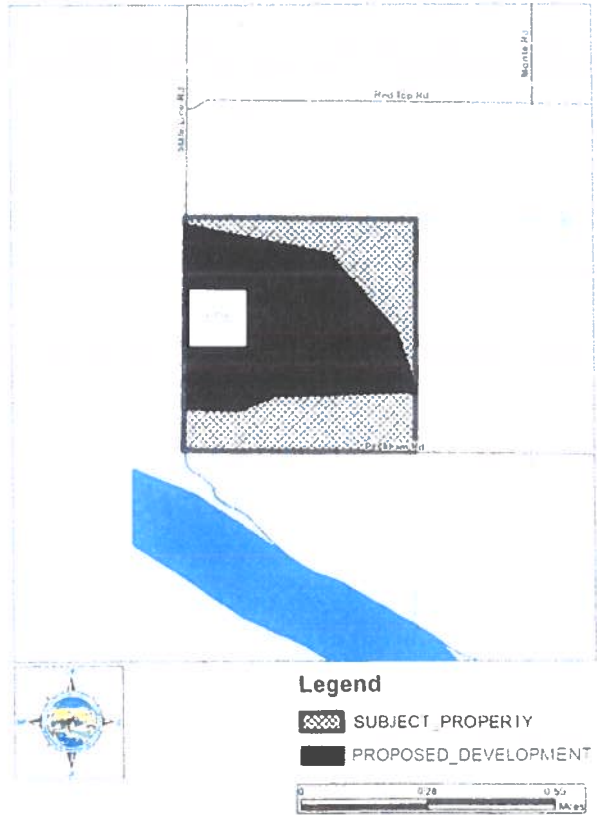
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**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*Taylor Hensley*

Name

*208-337-1656*

Phone

Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, AJ Robinson - Hapson, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

5282 Sage Rd Homedale  
ID 83628

Address

hapsonaj9@gmail.com / 208-286-8588

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Chelse Hoyle, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

23576 Homedale rd

Address

chelsehoyle@gmail.com

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Rachel Hulet, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

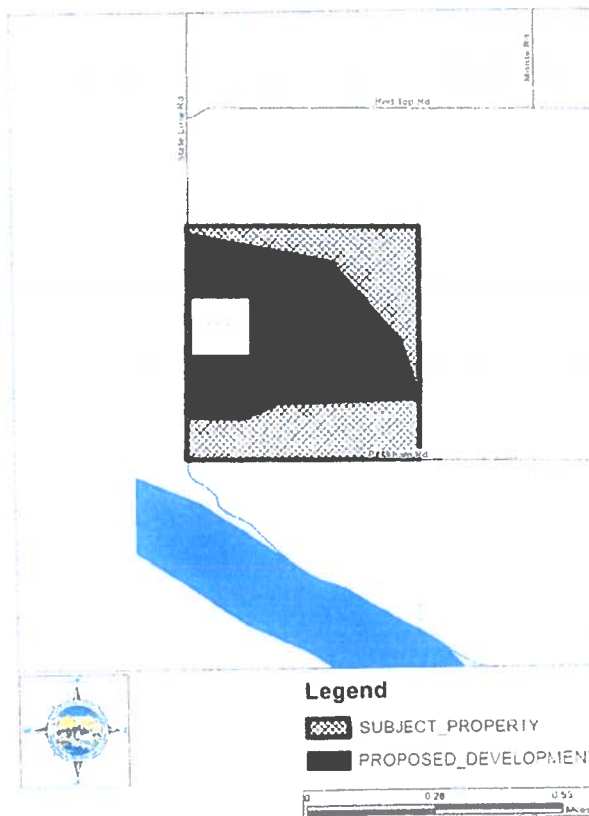
2434 Heritage Dr.  
Nyssa, OR 97913  
Address

541-379-0247  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Michelle Irish  
Name

208.358.5292  
Phone

rodkeydirish@yahoo.com  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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We thank you for your support.

---

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I, JERRY JACKSON, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

3407 SUNSET AVE  
CALDWELL ID 83605  
Address



208 4596021  
Email/Phone Number

RECEIVED  
▶ OCT 23 2023 ◀  
RECEIVED

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, NATHAN JACKSON, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

23094 ALLENDALE RD WILDER 83676      idahohops@gmail.com      (208) 880-4037

Address

RECEIVED

Email/Phone Number

▶ OCT 23 2023 ◀

RECEIVED

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Jason Johnson, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1821 Sandhollo. Rd  
Valle, OR 97918

Address

jasonjeproducerslivestock.com  
341-212-1587

Email/Phone Number



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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I, Norm Johnson, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

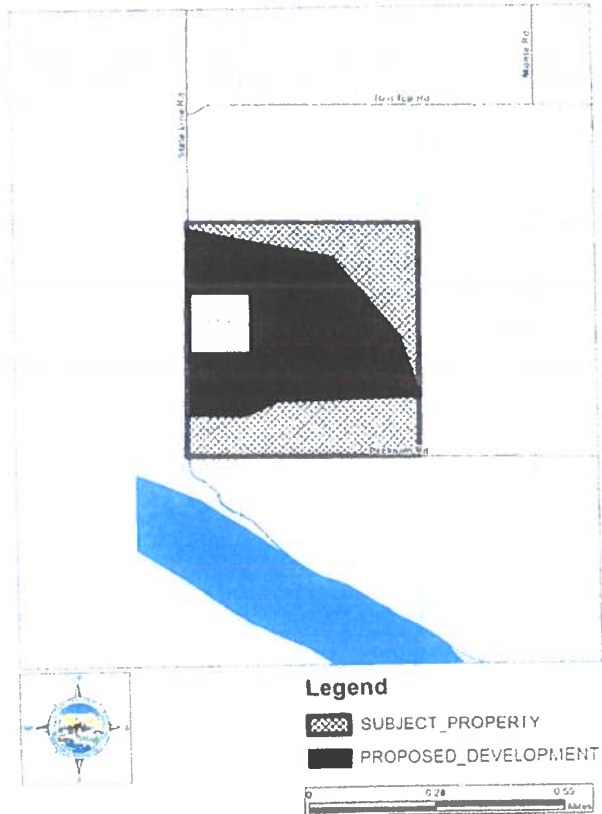
427 Foxtail Rd  
Adrian, OR 97901  
Address

Normj@gmail.com  
208-250-9137  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Big Valley Supply, Inc.  
Name

208-459-9213  
Phone

bvsupply@fiberpipe.net  
Email

We thank you for your consideration and support.

Shane Jolley

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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We thank you for your support.

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I, Ty JONES, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

20201 Simplot Blvd  
Wilder, ID 83676

Address

TYRONE JONES 1968@GMAIL.COM

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, *Jim Kay*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

*188662 Wilder ID*

Address

*188662 Wilder ID*

\_\_\_\_\_  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Luvi Louues, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

  
\_\_\_\_\_ 208 - 941 - 3541

Address  
8507 US Hwy 95  
Mansy, Id 83639

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Ruben Mendoza, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

6306 SE. 4th Ave New Plymouth (541) 314-2805

Address

83655

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Paul Mikelson, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

3240 Purdom Ln  
Homedale, ID

Address

Paul mklsn@yahoo.com

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Zane Meyer, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1996 Boise ave Letha ID

Address

208 901 2254

Email/Phone Number



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

31402 Hwy 18 parcel ID

208-577-8851

Address

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Dakota McMahon, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

29510 Shelter Rd Parma, ID 83660    dakota@bvaidev.com 208-573-1009

Address

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Kinsee S. Mcmahon, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

28570 Shelton Rd Parma, ID  
83660

Address

kinseeburke@gmail.com | 208-739-2060

Email/Phone Number

90	Mountain View Eq.	(tgeorge@mtvieweq.co	Mountain View Equip.
91	Nicholes	Tyrel	
92	Noe?	Helm	Wilder Building Center
93	Obendorf	Brock	Obendorf hops
94	Orris	Keyana	
95	Palmbach	Megan	
96	Patrick	Alisa	Mike's Metal
97	Patrick	Dennis	Mike's Metal
98	Payne	Ron	
99	Payne	Christine	
100	Pegram	Donnie	
101	Petty	Michelle	
102	Pickett	Rich	
103	Ponce	Alejandro	
104	Prather	Jesse	Interwest Supply
105	Quezada	Catalina	
106	Raymond	Tyler	
107	Raymond	Robert	
108	Renteria	Cesar	Wilder Feeders
109	Roadife?	Michael	
110	Robinson-Hopson	AJ	
111	Roche	LaMar	Roche Livestock
112	Rochester	Charles	
113	Rochester	Josh	
114	Roe	Lilianne	
115	Rolerle???	E?	
116	Rose	Kathleen	
117	Rose	Kenny	
118	Rueth	Carlie Jae	
119	Rule	Dan	
120	Rule	Marjorie	
121	Russell	Jeff	
122	Sambosky	Tony	
123	Scott	Mark	
124	Scott	Ron	
125	Sevy	Chad	
126	Sevy	Lyle	
127	Shira	Karen	
128	Stauffer	Guy	
129	Steinhaus	Shane	
130	Stuppy	Richard	
131	Swall	Lori	
132	Swall	Mark	
133	Thomas	Curtis	Obendorf farms
134	Thurman	Janice	Treasure Valley Livestock
135	Townsend	Jeremy	
136	Tveidt	Dusty	

137	Tveidt	Keri	
138	Van Lith	Joel	VL Livestock
139	wade	Travis	
140	Walrath	George	
141	Weekes	Ronnie	Weekes Land & Livestock
142	Weilmunster	Jon K.	Weilmunster Farms inc
143	Weitz	Dan	
144	Weitz	Cheryl	
145	Weitz	Kurt	Western Aution Co.
146	Whitener	BJ	
147	Whitener	Bailey	
148	wigly?	John	
149	Wilson	Joel	
150	Witty	Joseph	
151	Wolsborn	Kurt	Simplot Western Stockmens
152	Yerrington	Rich	
153	Zumstein	Brie	
154	Zumstein	Zack	Auctioneer
155	Zumstein	linda	

Note: The ?? Marks are names that were not quite legible (signatures)

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Tyrel nicholes, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

28602 peckham Rd  
Address wilder Id.

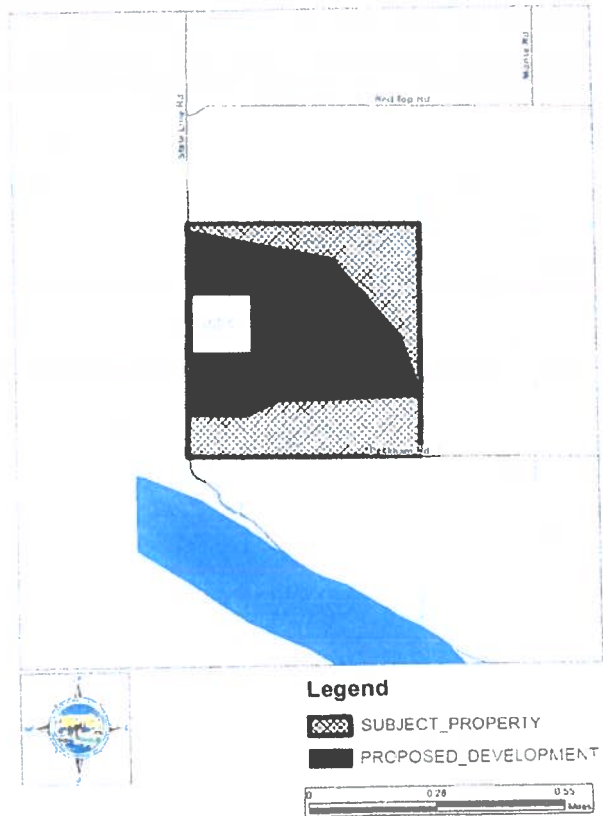
541-212-1455

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*William E. Mc - Wilder Blg. Co. Inc*

Name

*201-472-7282*

Phone

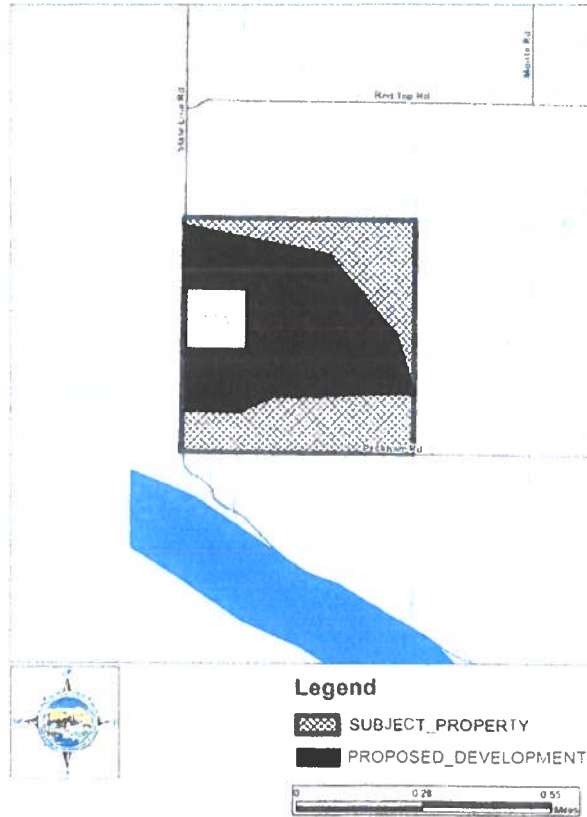
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*Brock Oberdorf*  
Name Brock Oberdorf

208-380-6895  
Phone

Brock@oberdorffarm.com  
Email

We thank you for your consideration and support.



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16<sup>th</sup>, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.


If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28<sup>th</sup>.

We thank you for your support.

---

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1364 Maubs Ln Nomedale, ID  
83628

Address

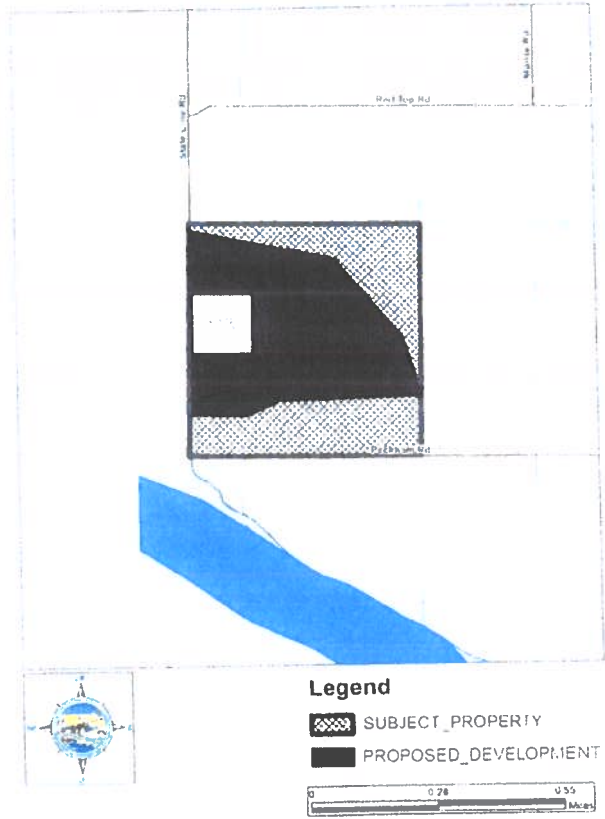
keyana.orris@gmail.com  
(208) 919-8952

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Megan Palmbach  
Name

208-405-9534  
Phone

Megpalmbach92@gmail.com  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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I, Alisa Petrot, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

21048 Hwy 19  
Address Greenleaf ID  
83626

MikesMetal83626@gmail.com

Email/Phone Number

RECEIVED

▶ OCT 23 2023 ◀

RECEIVED

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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*Dannia Patrick* am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

20148 Hwy 19 Greenleaf ID. Mike Metal 83626  
@gmail.com

Address

Email/Phone Number

RECEIVED

▶ OCT 23 2023 ◀

RECEIVED

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Ron & Christine Payne, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

31301 Boulder Rd  
Parma Id 83660  
Address

RJPAYNE71@GMAIL.COM  
Cjpayne69@hotmail.com

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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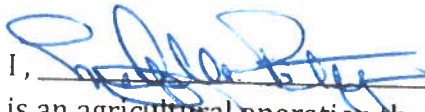
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I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

4220 E. Pioneer Rd  
Hamdale, id 83628  
Address

Mrbigwolf19@gmail.com

Email/Phone Number

208-695-4847

Michelle Petty

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Alejandro Ponce, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

110 covered wagon ct  
Wilder, ID 83676

Address

208.402-3469

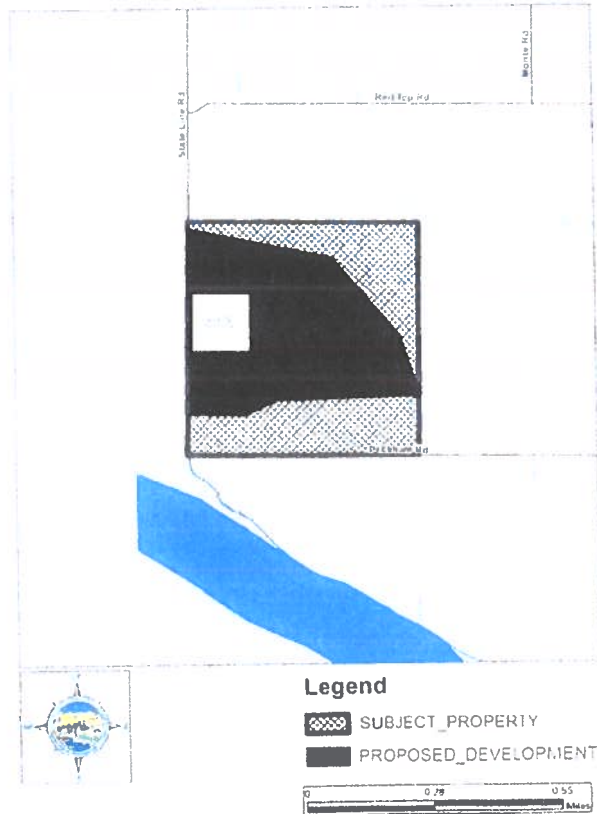
Email/Phone Number

Alejandro Ponce

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Jesse Prather Interwest Supply  
Name

208-880-1460  
Phone

Jesse@interwestsupply.com  
Email

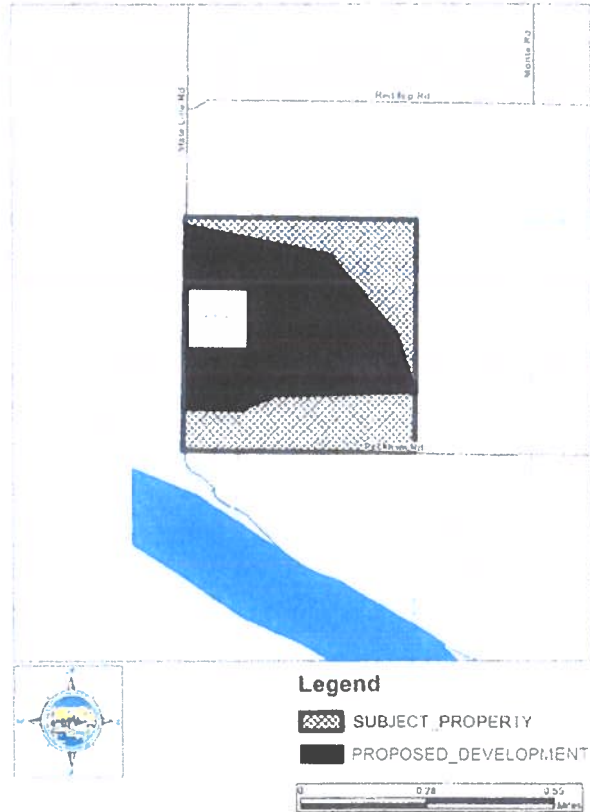
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**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Catalina Quezada

Name

208 447-0416

Phone

Catmommy2girls@yahoo.com

Email

We thank you for your consideration and support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, *J. Raymond*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

*28433 SCOTT PIT RD, Parma, ID,*  
*83660*

Address

*2089139488*  
Email/Phone Number

*Address is for: Robert Raymond  
R39242010*



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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We thank you for your support.

---

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I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

28433 SCOTT PIT RD, PARMA, ID,  
83660

Address

2089139488

Email/Phone Number

Tyler Raymond

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Cesar Renteria, am in favor of this development and application.

(208) 919-6260  
Phone

Cesar@WilderFeeders.com  
Email

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, *Talmer Roche*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

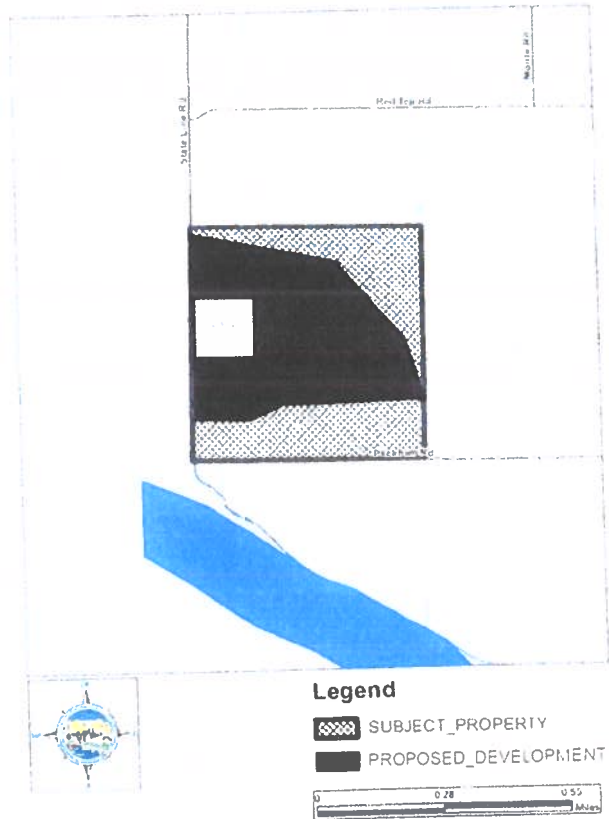
*23019 Hwy 20/26 Perma*  
Address

*2082505575*  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*Charles Recheist*

Name

*208-250-2966*

Phone

*charles@sober-pipe.net*

Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Lilianne Roe, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

~~0000~~ 4320 John Day HWY  
Wilder, OR 97118

Address

541-216-1454

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Kathleen O. Rose, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1834 Hill Rd, Homedale ID

208-921-0904

Address

Email/Phone Number



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, *Lenny Fox*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

*1834 Hill Rd Homedale ID*

Address

*83676*

*208-571-7706*

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Michael Crowder, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

P.O. Box 1075 E Manette

Address

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Elmer Roberts, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18862 hwy 95  
Wilder ID  
Address

ESfudd18@gmail.com  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Carl Joe Kuehn, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

22704 Stateline RD, Parma ID  
83660

Address

208-697-4837

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Dan Rule <sup>DAN Rule</sup> am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

29111 Rockingham Rd  
Wilder  
Address

208-759-3469  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16<sup>th</sup>, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28<sup>th</sup>.

We thank you for your support.

---

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Marjorie Duff, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

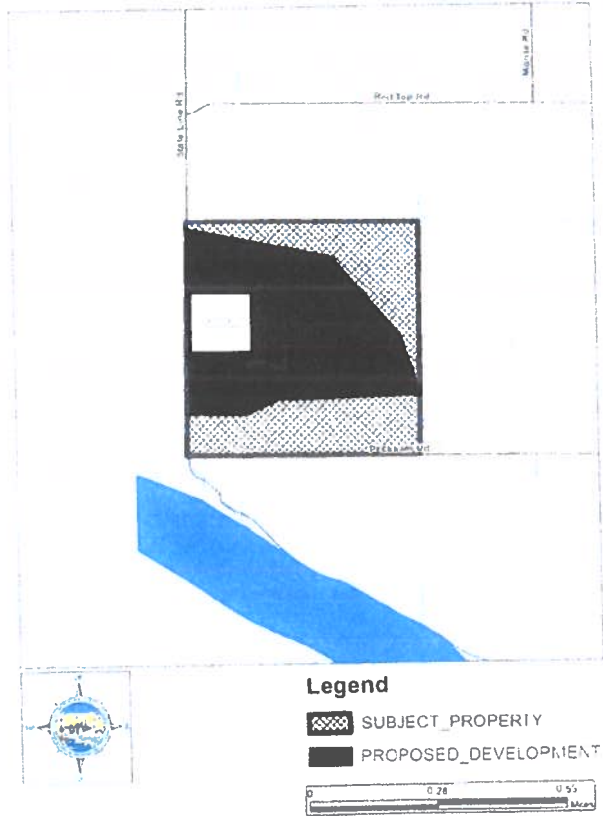
29117 Beckham Rd  
Wilder, Idaho  
Address

205-984-3472  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Jeff Russell  
Name

208-880-3591  
Phone

J Russell @ Campbell Tractor.com  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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I, Tony Sambo, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18862 Hwy 95 Wilder

Address

JASSAM7@yahoo.com  
208-871-8237

Email/Phone Number



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Mark Scott, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

204 5<sup>th</sup> St WILDER

Address

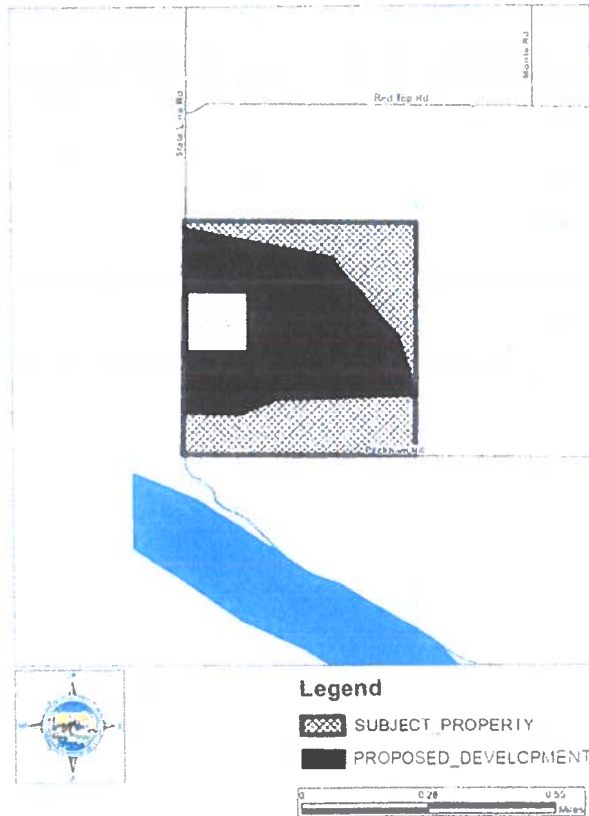
208 880 6568

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Roy Scott  
Name

208-850-4817  
Phone

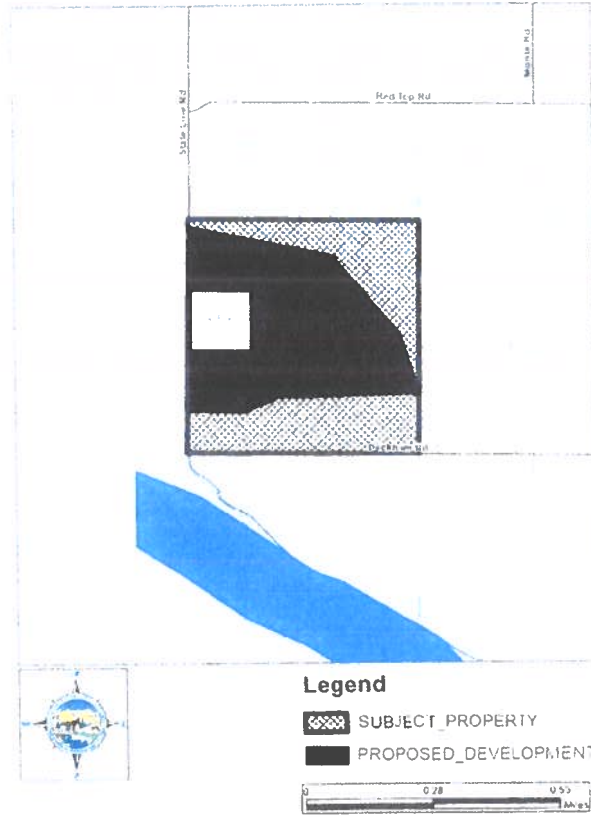
\_\_\_\_\_  
Email

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**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*Chad Sevoy*  
\_\_\_\_\_  
Name

*870-4518*  
\_\_\_\_\_  
Phone

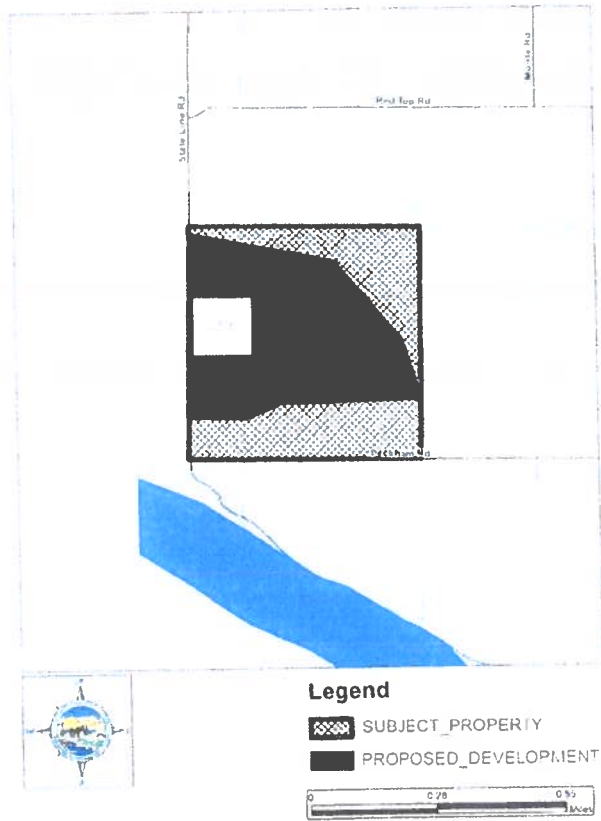
*—*  
\_\_\_\_\_  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*[Handwritten Signature]*  
Name \_\_\_\_\_

*208-880-7849*  
Phone \_\_\_\_\_

\_\_\_\_\_  
Email \_\_\_\_\_

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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We thank you for your support.

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I, Karen Shira, am in favor of this development and application.

541-358-2191  
Phone

\_\_\_\_\_  
Email

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Guy Stauffer, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

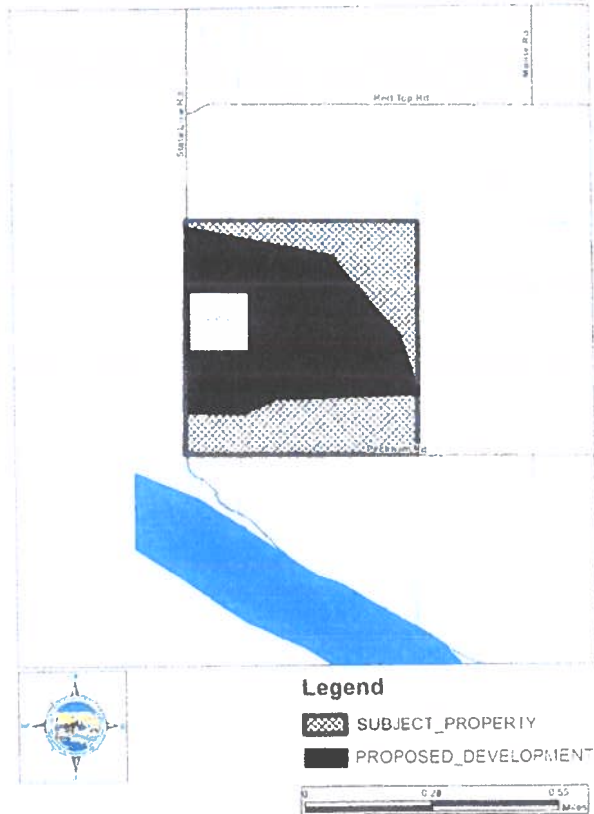
631 Pheasant Rd  
ADRIAN OR  
Address

gmsstauffer@msw.com  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*Richard Stupper*  
Name

*708 286 7248*

Phone

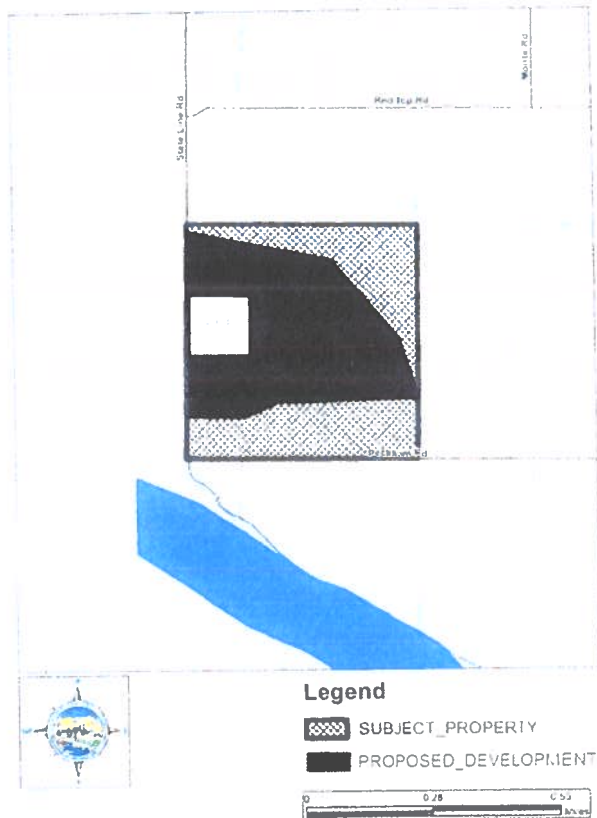
Email

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**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Lois SWAIN  
Name

208 454 9940  
Phone

MRSfarmwife@gmail.com  
Email

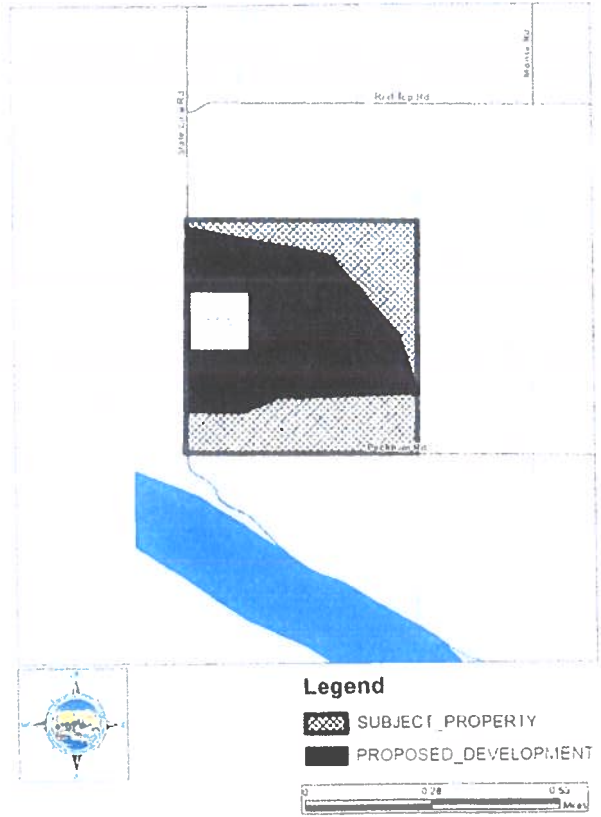
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**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

*Mark Swall*

Name

*208 454 9940*

Phone

*MSFarming@msn.com*

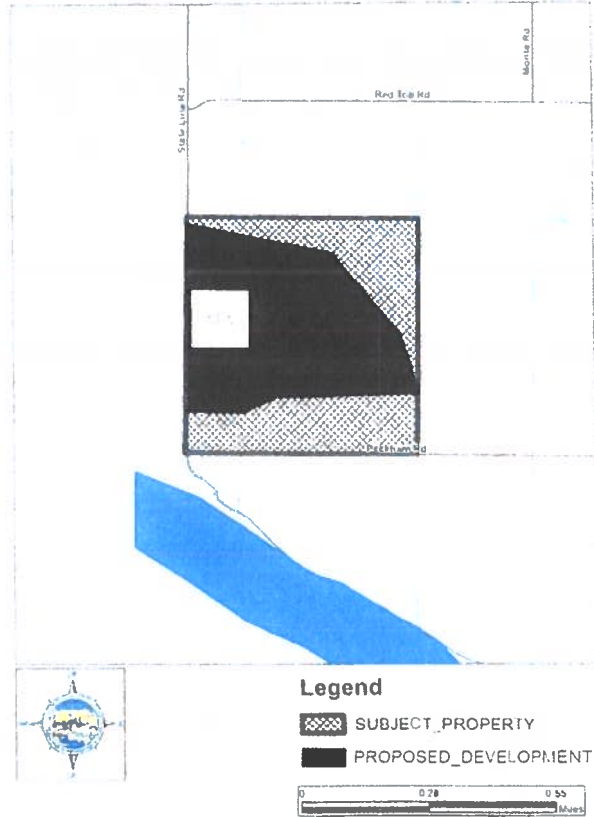
Email

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**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Curtis Thomas  
Name

916-206-7275  
Phone

Curtis@chambert farms . com  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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We thank you for your support.

---

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I, Treasure Valley Livestock, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

Janelle Newman

1901 E Chicago St  
Caldwell ID 83605  
Address

208-459-7475

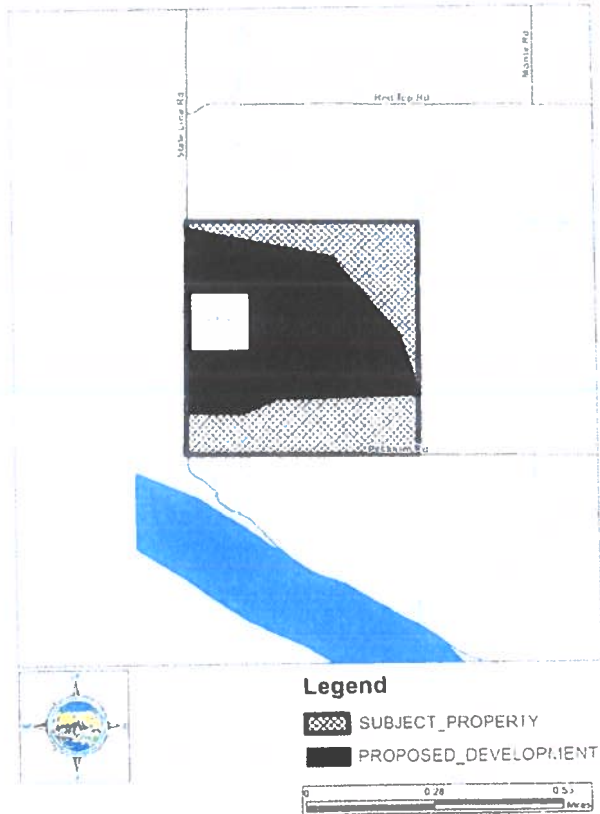
Email/Phone Number

AK Feeders LLC  
21696 State Line Road,  
Wilder, ID 83676

MAP A

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Name

Jeremy Townsend

Phone

208-573-1350

Email

gear-head-jt@hotmail.com

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Keri Weidt, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

30550 Boulder Rd  
Parma, Id 83660  
Address

208-899-5679  
keritweidt@gmail.com  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Dusty Mc. It, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

30550 Boulder Rd Palmdale     dmc:dt@cityofwilder.org 203-573-6231

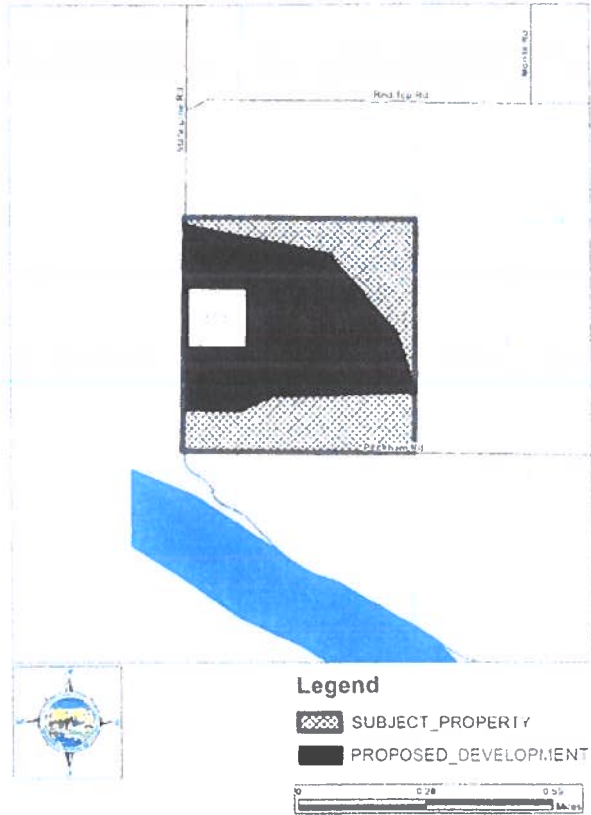
Address

Email/Phone Number

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Joel Van Gort - Joel Van Gort  
Name  
208-850-5751  
Phone  
  
Email

We thank you for your consideration and support.

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, James H Wade, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

28095 Middle Rd

Wilder ID 83676-5323

918-816-0796

Address

Email/Phone Number



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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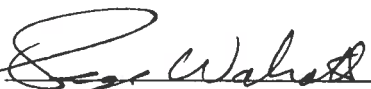
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We thank you for your support.

---

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

5957 Whispering Hills Dr.  
MORSing, Id. 83639  
Address

george.walcott@outlook.com  
208 867 3161  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, *Ronnie Weeks* *Weeks Land & Livestock*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

*1996 Boise Ave Letha Id*  
*83636*

Address

*raweekes3@hotmail.com 208-365-9033*

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

20740 Tucker Rd Greenleaf, Idaho 83626  
Address Email/Phone Number

Jon Weilmunster

Weilmunster farms inc@  
hotmail.com  
dr

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Cheryl Weitz, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18714 Fargo Rd Wilder, Id  
83676

Kaerbyup@gmail.com  
541-403-2100

Address

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Dan Weitz, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18714 Fargo Rd.  
Wilder, Id 83676  
Address

541-403-2160  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Kurt Wood, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1214 Sinyot Blvd.  
Caldwell, Idaho  
Address

208-250-2020  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Bailey Whitener, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2143 bonner rd midvale  
ID 83645  
Address

208-550-9428  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, BJ Whitener, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2143 Bonner rd  
Midvale ID 83645  
Address

208-550-0409  
Email/Phone Number



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**21696 State Line Road,**  
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I, Joel Wilson, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

204<sup>5th</sup> St Wilder

Address

208 482 7565

Email/Phone Number

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I, Joseph Witty, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2019 Miller Rd  
Address Adrian, OR 97901

541-216-3657  
Email/Phone Number joeliz.witty@gmail.com

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, *John Hyl*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

*2149 Market Rd.*  
*Homedale ID*  
*83678*

Address

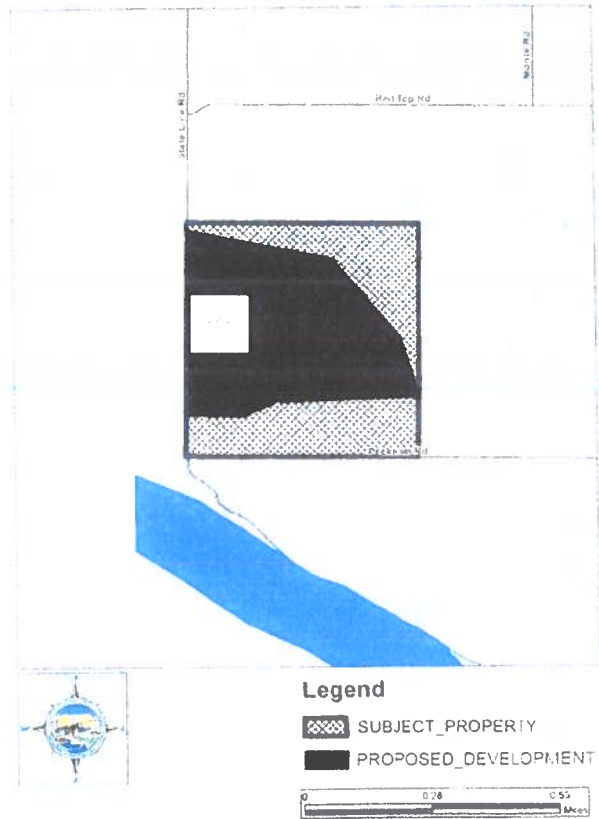
*208-337-1656*

Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

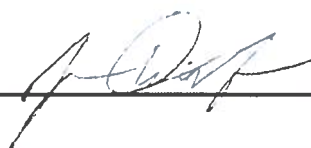
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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Name 

Phone 541-403-4056 Email \_\_\_\_\_

We thank you for your consideration and support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, Kurt Wolsborn (Simplet Western Stockmen's), am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

223 Rodeo Avenue, Caldwell, ID  
83605

Address

Kurt.Wolsborn@Simplet.com  
208-780-4806

Email/Phone Number

RECEIVED

▶ OCT 23 2023 ◀

RECEIVED

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**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Rich Verrington, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2550 MESA WAY

MERIDIAN, IDAHO 83642

Address

N/A  
Email/Phone Number

**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Brie Zumstien, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1887 Springa Rd

Address

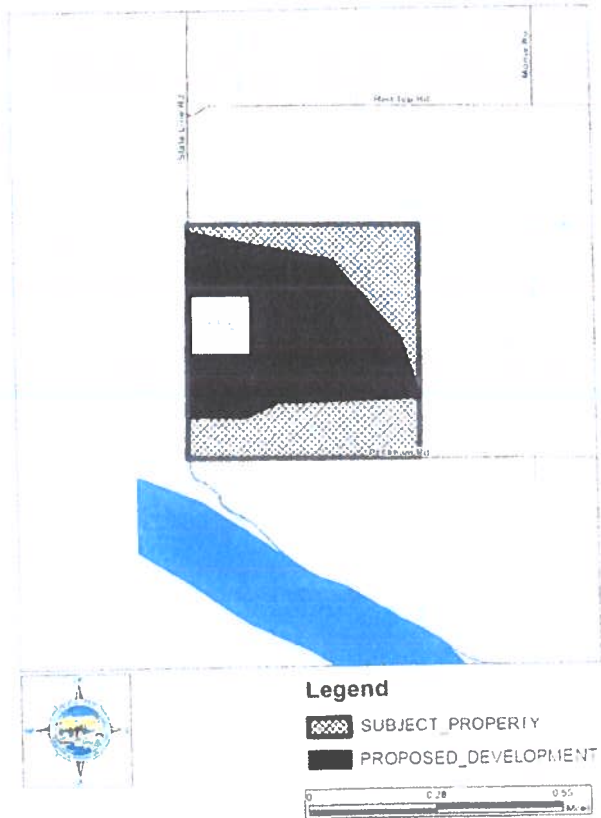
ADRIAN

\_\_\_\_\_  
Email/Phone Number

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**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Jenida Zumstein  
Name

208-880-7255

Phone

bl\_cowz@hotmail.com

Email

We thank you for your consideration and support.



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

Dear cattle producers, farmers, family, and friends,

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If you are in support of this project, please sign number, and email.

Zack Zumstein

Name

208-880-6807

Phone

We thank you for your consideration and support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, [Signature], am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

6107 Horry Rd Marsing

Address

Email/Phone Number

RECEIVED  
OCT 23 2023  
RECEIVED

-----

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I, Donnie Pegan, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

20488 Pinto Lane  
Caldwell, Id.

Address

208-453-9155

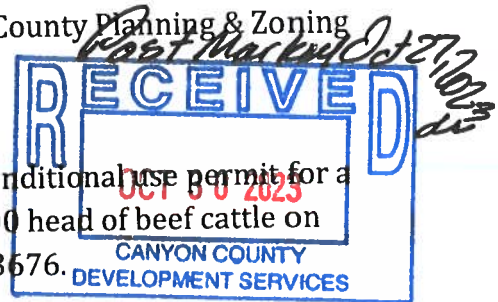
Email/Phone Number

RECEIVED

▶ OCT 25 2023 ◀

RECEIVED

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I, John Hummel, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

19161 Travis Rd  
Address Wilder ID  
83676

jhummel@yahoo.com  
Email/Phone Number

this is where meat comes from!

Postmarked Oct 27, 2023



Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Andrew Hummel, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

Owyhee Vet Clinic  
1 W. Kansas Ave  
Address Homedale ID  
83628

owyheevet@gmail.com  
Email/Phone Number  
208-337-4677

the small producer needs a place to take feeder cattle.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, Chalege Edgar, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

31301 Redtop Rd  
Wilder, Id 83676

Address

208-880-1879

Email/Phone Number

I am in favor of this small expansion. The area of AK Feeders has already been a feedlot and has been well maintained with virtually no issue. I am strongly in favor of keeping this area agriculture. Thank You

RECEIVED

OCT 27 2023

RECEIVED

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I, Mountain View Eq., am in favor of this development and application.

208. 703. 0867  
Phone

+george@mtvreeq.com  
Email

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, ECCO EQUIPMENT COMPANY, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18490 SIMPLOT BLVD  
Caldwell, ID 83605  
Address

208-459-3800  
brithanye@eccoequipment.com  
Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, Rich Pickett, am in favor of this development and application.  
PICKETT AUCTION SERVICE LLC

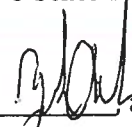
808-250-4767  
Phone

Rich@pickettauctions.com  
Email

RECEIVED  
OCT 27 2023  
RECEIVED  
OCT 27 2023  
RECEIVED  
OCT 27 2023  
RECEIVED

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Zach Anderson , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

609 E. Selway Dr.

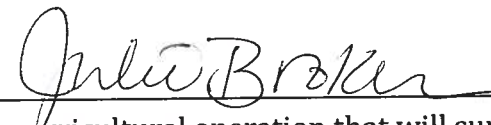
Address

anderzaco00@gmail.com  
(208)-204-9579

Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Julio Broker , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

207 Quail Dr. Melba ID 83641

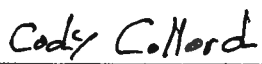
Address

208-250-8137

Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Cody Collord , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

501 Golden Gate

Address

codycollord@gmail.com

Email/Phone Number

RECEIVED  
OCT 27 2022  
RECEIVED  
OCT 27 2022  
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OCT 28 2022  
RECEIVED  
OCT 27 2022

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Abby Dyas, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

207 Quail Dr. Melba, ID

Address

\_\_\_\_\_  
Email/Phone Number

RECEIVED  
OCT 27 2023  
RECEIVED

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Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Bill Dyas, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

3200 Southside Blvd. Melba, ID 83641

Address

\_\_\_\_\_  
Email/Phone Number

RECEIVED  
OCT 27 2023  
RECEIVED



Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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[Signature], am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

11492 Percin rd  
Caldwell, ID 83607  
Address

(208) 350-0350  
Email/Phone Number

RECEIVED  
OCT 27 2023

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, [Signature], am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

31157 Red Top Rd  
Wilder ID 83676  
Address

[Signature]  
Email/Phone Number

RECEIVED  
OCT 27 2023

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Maggie Irish, am in favor of this development and application.

(208) 546-8705  
Phone

maggieirish@gmail.com  
Email

RECEIVED  
OCT 27 2023

Moises Hernandez

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Jessica Medicus, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

22704 Stateline RD Parma  
ID, 83660

Spicedupginger@outlook.com  
575-494-5859

-----  
Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Angelica Miranda, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2986 Sagebrush Ln  
Honeoide ID  
Address

208-989-0972  
Email/Phone Number

RECEIVED  
OCT 27 2023  
RECEIVED

RECEIVED  
OCT 27 2023  
RECEIVED

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I, Elena Miranda, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

11492 Perch rd.  
Caldwell, ID 83607  
Address

elena-miranda@outlook.com  
(208) 779-6357  
Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Emily Miranda, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

207 Quail Dr. Melba, ID 83641  
Address

emilydys@gmail.com  
Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, \_\_\_\_\_, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

Fabian Miranda  
2086 Sage Brush Ln  
Homedale ID

Address

208 880 9113

Email/Phone Number

RECEIVED

OCT 27 2023

RECEIVED

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, Marisa Miranda, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2896 Sagebrush Ln  
Homedale ID 83628

Address

208-919-8612

Email/Phone Number

RECEIVED

OCT 27 2023

RECEIVED

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Ashlee Montes, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

22704 State Line Rd  
Parma, ID 83660  
Address

ashleeyd.montes@gmail.com  
208-514-8129  
Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Josh Rochester, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

22450 State Line rd  
Address

208-250-4384  
Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Shane Steinhaus, am in favor of this development and application.

208-724-9682  
Phone

Countrymouse83@gmail.com  
Email

RECEIVED  
OCT 27 2023  
RECEIVED  
OCT 27 2023  
RECEIVED  
OCT 27 2023  
RECEIVED

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, Travis Allen, DVM TL aka DVM, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

16915 Agate Ln Wilder ID  
83676

Address

cattledvm@gmail.com  
208 989 7830

Email/Phone Number

RECEIVED

OCT 30 2023

RECEIVED

Postmarked Oct 28, 2023

RECEIVED

OCT 16 2023

RECEIVED

1

Glenis Christopherson  
31641 Peckham Road  
Wilder, Idaho 83676

Canyon County Development Services

RE: CASE CU2022-0036, proposed AK Feeders CAFO on State Line Road

Oct 10, 2023

Dear Planners,

I am 83 years old, and I live in a log cabin along the Snake River near AK Feeders' proposed CAFO. As a retiree, I have engaged in outdoor activities on my property for many years. I do not want to lose the enjoyment of my property due to poor controls on the near presence of nearly 4,000 head of cattle confined in dense conditions. Before approving the development, I ask the commissioners to impose good abatements – such as a berm or a line of thick trees along the perimeter of the Feeders land. This could help to screen my place (as well as my neighbors) from noise, smells, dust, and viewing a wasteland of manure just across the road. I hope the commissioners require frequent removal of waste to reduce smells, dust, and flies.

If the CAFO is asked to de-water its manure and haul the solids away, please impose a schedule that will minimize house-fly production. As for retaining ponds to hold contaminated water for evaporation, I ask that the ponds be lined appropriately to prevent seepage into our local ground water. My property is served by a well exclusively, so I want to be sure that chemicals and bacteria will never find their way into my tap water. Because stored livestock wastewater can go rancid/septic and stink to high heaven, I request inspections -- and aeration as needed -- as part of the County's conditions for approving the proposed CAFO.

I would expect Planning & Zoning to specify steps for the CAFO to take so as not to breed up mosquitoes. West Nile Virus host mosquitoes can exploit water collections in hoofprints and puddles to lay their eggs. P&Z can require the use of Bti mosquito dunks and granules property-wide to keep down mosquito larvae in season. I am curious whether the mosquito abatement district has been informed and plans to place one or more mosquito traps (at the CAFO and also nearby) for close monitoring to determine when West Nile Virus appears among local mosquitoes. Our neighborhood has been an area of concern due to West Nile transmission in the past. The raw number of mosquitoes and their rate of infection could go through the roof if the CAFO is not managed correctly, due to the insects' ability to get blood from huge numbers of cattle. We certainly do not want to see human or horse encephalitis cases (especially fatal ones) in our area!

Light pollution is a big issue for me. Mass livestock businesses sometimes house cattle in open pavilions or corrals, with intense spotlights that light up the night sky for miles around. If the CAFO plans to employ such lighting, please require them to direct all lights downward – not up into the night sky, or laterally so that area residents are hit with glaring beams of light. Personally, I enjoy seeing the stars in a dark night sky. Do not give all the rural land in this area an industrial appearance by allowing a big boost in light pollution at night.

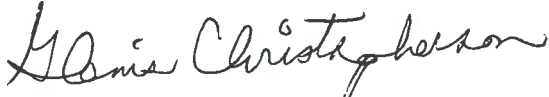
EXHIBIT  
47

Additionally, I would like to point out that hundreds of thousands, possibly millions, of Snow Geese migrate down and up the nearby Snake River each year, and these impressive birds rely on the land along the Snake for rest and food during their migration. The cultivated field east of my place at 31641 Peckham typically is blanketed in resting birds throughout both directions of migration. As soon as one mass of hundreds of geese launches into the sky to fly onward, another flight of geese comes in for a landing. In Oregon, just west of State Line, the pastures likewise are an important stop off for the migrating Snow Geese. These pastures typically are blanketed in hungry, tired geese, including the young who are flying with their parents. I oppose CAFO lighting if it is apt to confuse the geese, interrupt their sleep or feeding, or deter them from stopping at all in their traditional resting spots such as the farm field east of my property. I wonder: can there be a "lights out" policy during goose migrations, so that even downward directed lighting is cut off at critical times of the year? I also value the existence of a big colony of dozens of Great Blue Herons (sometimes egrets too) nesting each spring in a large tree along the river (on an island?) west of State Line Road, within sight of my cabin. Please make P&Z rulings that will preserve these birds' ability to engage in the daily activities necessary for them to thrive. Bright lights and the constant bellowing of cattle, if unabated, could negatively affect the wellbeing of wildlife as well as humans, all around the proposed CAFO site.

A major concern connected with the CAFO proposal is vehicular safety. It is obvious that an operation involving nearly 4,000 cattle will cause a steep increase in truck traffic. If AK Feeders is required to send ALL trucking to and from its main gate along State Line Road (with a ban on using Peckham), then a very hazardous right-angle turn -- one uncontrolled by stop signs or traffic lights -- can be avoided. The junction where State Line Road meets Peckham Road is already a safety concern for locals; now imagine adding in truckers from other areas who are unfamiliar with the turn. If AK Feeders does anticipate that any of its hay and cattle trucks will arrive or depart along Peckham Road, then I believe the commissioners should ensure that a new Peckham Road gate be created on AK Feeders property, as far from the right-angle turn as possible. Local traffic will be much less imperiled by the presence of semi-trucks (perhaps pulling double or triple trailers), if AK Feeders traffic gets shunted away from the sharp turn where Peckham and State Line meet.

If AK Feeders wants to maintain a fueling station on site, I assume the commissioners will require that appropriate spill-containment and fire-suppression structures and equipment will be incorporated. If truckers arrive late in the day and must wait until morning to load or unload, I hope there will be a parking lot for truckers on AK Feeders property. The gravel shoulders along State Line Road and Peckham Road are far too narrow to accommodate a parked semi-truck without its crowding into the lane of travel.

Thank you for imposing rules that will prevent AK Feeders' proposed CAFO from becoming a hated burden: a trial for its neighbors, a safety hazard, and a blight on the natural environment.

Glenis Christopherson 



RECEIVED  
▶ OCT 16 2023 ◀  
RECEIVED

October 12, 2023

Canyon County Development Services Department  
111 North 11<sup>th</sup> Avenue, Suite 310  
Caldwell, Idaho 83605

Re: Case No. CU2022-0036-  
AK FEEDERS

To Whom it May Concern:

The enclosed is a list of concerns we have regarding AK Feeders application for a CAFO in Wilder, Idaho which is set for hearing on November 16, 2023 at 6:30 P.M.

Thank you,

  
Raleigh and Dee Hawe

The following are some concerns we have regarding AK Feeders application for a C.A.F.O. in Wilder, Idaho:

When we bought our property at 31453 Peckham Road, Wilder, Idaho, the property owned by A.K. Feeders at the present time was owned by Darwin Switzer who raised and sold bulls. It certainly has never been a feed lot for the past 30 years.

Increased traffic/congestion/insufficient road width.

Aquifer pollution.

Three water system drains negatively impacted (all three on the Wilder Irrigation District maps) Arena Lake Drain, Case Drain, Allen Drain.

Dust pollution in our valley.

Property values.

Peace/tranquility in our valley.

Waste water runoff (inevitably into the Snake River).

Well water-how many wells will be needed to water 3,700 cattle?

Current residential wells being contaminated as the waste water gets into the ground.

Dust abatement.

Inaccessibility for large cattle and feed trucks on and off Stateline Road (which is very narrow with a canal on one side).

Is this California corporation authorized to do business in Idaho?

How many tons of cow manure will be created from 3,700 head of cattle and what happens to it?

7.7 million gallons of urine annually goes into the ground and eventually into the aquifer or drains.

Adverse effects on the aquifer from medications and growth hormones from urine. 3,700 head of cattle on 80 acres seems preposterous.

How do they keep the cattle out of the open ditches that drain into the Snake River?

High water table.

We live on the South side of Peckham Road and on occasion have had some of these cows in our fields and no doubt will again with this increase.

Road repair from heavy truck traffic.

We would like a response to this email to:

Raleigh and Dee Hawe

31453 Peckham Road

Wilder, ID 83676

Phone: (208) 482-7182

[deeandral@gmail.com](mailto:deeandral@gmail.com)

Thank you, Raleigh and Dee Hawe

## Debbie Root

---

**From:** Deidre Brown <38351042db@gmail.com>  
**Sent:** Thursday, October 26, 2023 3:50 PM  
**To:** ZoningInfo; Debbie Root  
**Cc:** rbrown6464@yahoo.com  
**Subject:** [External] In Regards to #CU2022-0036  
**Attachments:** Page 19.pdf

From:  
Deidre and Randy Brown  
22470 State Line Road  
Parma, Id. 83660

To:  
Canyon County Development Services Department  
111 North 11th Avenue, #310  
Caldwell, Id. 83605  
[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov)

In regards to #CU2022-0036

My husband and I moved to our property in August 2001. The area of our home is located close to the Idaho/Oregon border and the Snake River. When we moved to our property there was a small cattle grazing operation located at 21696 State Line Road Wilder Idaho 83676. The area was quiet and peaceful and the perfect place for us to raise our children. At NO time was a feedlot functioning or in operation before, or even after, we moved to the property until recently (the last year without approval). We would not have purchased land for our home by an operating feedlot due to the noise, pollution, smell, and damage to property values. I am attaching Google Earth maps to reference the period from when we moved to our property to the current year.

In the Master Application, there is a Conditional Use Permit Checklist (page 19 original, page 56 amended copy). On that checklist, the following items have not been addressed by the AK Feeders in the application.

- Item # 4, will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- Item #5, will adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- Item #7, Will there be undue interference with existing or future traffic patterns; and
- Item #8, Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency services, and irrigation facilities, and will the services be negatively impacted by such use or require additional public funding to meet the needs created by the requested use?

I would like to address item #4 first. In the Canyon County Comprehensive Plan for 2030, on page 10, property rights, "the right to enjoy", it states, the right to enjoy the property for its intended use without creating nuisances. Zoning categorizes land uses based on compatibility, such as agriculture, residential, commercial, and industrial.

The area we are in is considered agricultural. However, due diligence should be given in approving businesses or structures that have changed in their nature from the time private property has been granted to homeowners. Numerous homes have been built and bought in the 20-plus years when we moved to the area. To allow the homes to be built, collect property taxes on those properties, assess the value of those properties, and then allow a feedlot/CAFO to form is negligence on the part of the county. This NEW feedlot will absolutely change the quality of life we have enjoyed for over 20 plus years.

Item #5, according to the application by AK Feeders, they plan to pull water from wells. Have they applied for new permits? How will this affect the homeowners that live next to AK Feeders wells? How will they maintain runoff (are new storm drains being installed)? I could go on and on over this item. AK Feeders has patched together an application without getting proper permits or planning. They reference a permit dated May 17th, 2013 but no current permit for the allotted increase in cattle.

Item #7, according to the application the hours of operation will be consistent with the school bus hours of operation and the commute by individuals to their jobs. The AK Feeders mention one small road section (State Line) in front of their property but no other access roads. To get to the access point for AK Feeders, Semis, tractors, feed trucks, etc. must use other roads, Red Top and Peckham. Both of these roads have very sharp corners on them that have multiple accidents due to various reasons. I see no permit or plan to address the access roads to State Line road by AK Feeders or the effect of the increase in large transporting semis will have. The site advisory team did not assess the roads per their report.

Item #8, when we moved to our property we had to have a permit from the Wilder Fire Department for insurance purposes. What will the new facilities require for our already overburdened public services?

In the Canyon County Comprehensive Plan for 2030, there are numerous conditions that will either not be met, have not been met, or violate the land plan by this application. To mention a few;

- P5.01.04a Develop procedures and requirements that can be used to assess the impact of proposed developments on the water supply of adjacent landowners or residents (numerous wells will be affected to the detriment of the neighboring properties).
- P5.01.05 Protect the areas where crucial aquifers are replenished and restrict new development in flood-prone areas. According to the CAFO Site Advisory Team, the area of impact has a very high water table and is high risk. AK Feeders has not addressed this issue other than a patched-together plan of dry scraping. Evidently, all the standing water on their property occurring before they dry scrape will not cause harm. Every rainfall, snowfall, and irrigation event leads to flooding in this area. There is no way around it. At the neighborhood meeting held in July of 2022, the developer stated that "all the cow urine will evaporate and not cause harm".
- P5.01.08 Protect fish, wildlife, and plant habitat.....J.R. Simplot was recently fined for polluting the Snake River with cow manure runoff. Based on the landscape of this area, the drainages that run through the proposed feedlot, the high water table, and the proximity of the Snake River, this will be an occurrence if this feedlot is allowed.
- A5.02.01 Work with IDEQ to identify ways to improve air quality. The amount of dust and increased pollution in the air due to dry scraping, standing piles of manure, spreading of manure, cows moving through the feedlot, etc. have not been addressed. According to the CAFO site team, they did not address air quality issues. I see no plan in the application, permits, or other to address pollution issues.
- On page 38 of the Comprehensive Plan, it states; that air quality affects the health and well-being of Canyon County residents. The Clean Air Act was put into place to protect an individual's right to clean air. Numerous residents in this area suffer from COPD and severe asthma-related illnesses. The proposed CAFO would violate both the Clean Air Act and the Disabilities Act.
- In the land hearing materials on the Canyon County website, there is a Nitrate Priority area map. This property is right at the edge of that map. The Comprehensive Plan addresses Nitrate priority levels on page 40. According to the plan, "Nitrate is one of the most widespread groundwater contaminants in Idaho". The nitrate levels are already unhealthy and at extremely high levels based on testing of individual wells before the development of this feedlot. The AK Feeders application does not address how this proposed feedlot will impact this area and was not addressed by the Site team.

AK Feeders violated the permit process by beginning to develop the feedlot before approval. Reference, Google Earth maps are attached. When the homeowners have asked for information or help from the county they have been told "it is an agricultural area". I would hope the county would want to make sure that even though we are located in an agricultural area, individual property rights (that were given by the county) would be honored. Any application or facility would be required to abide by the rules and regulations put into place by the county and by law and not just rubber-stamped because they are agriculture. There is a deep mistrust of county officials based on how they treat private property owners, the laws they have broken, the numerous lawsuits that have been filed against them, and the lack of care in their official capacities.

We are strongly opposed to the NEW feedlot proposed for 21696 State Line Road, Wilder Idaho 83676. Permit/application number CU2022-0036. I would like this information entered into the official record for the Planning and Zoning Meeting currently scheduled for November 16th, 2023.

*Deidre and Randy Brown*  
22470 State Line Road  
Parma, Idaho, 83660





# CONDITIONAL USE PERMIT CHECKLIST

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605

[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov) Phone: 208-454-7458 Fax: 208-454-6633



### THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST:

<input checked="" type="checkbox"/> Master Application completed and signed
<input checked="" type="checkbox"/> Detailed letter fully describing the request and addressing any applicable Comprehensive Plan policies and ordinance requirements outlined below
<input checked="" type="checkbox"/> Neighborhood meeting sign-up sheet and copy of neighborhood notification letter
<input checked="" type="checkbox"/> Land Use Worksheet
<input checked="" type="checkbox"/> Site Plan showing existing and proposed site features
<input checked="" type="checkbox"/> Deed or evidence of property interest to all subject properties.
<input checked="" type="checkbox"/> \$950 non-refundable fee, \$600 for a modification

### **NOTE:**

The following criteria are outlined in ordinance 07-07-05: **HEARING CRITERIA:**

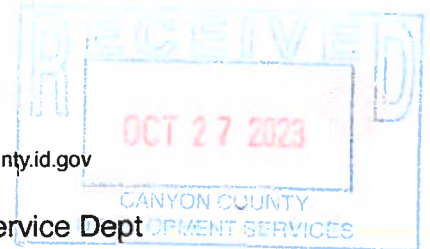
Please provide a response to each of the criteria in the letter of intent.

- (1) Is the proposed use permitted in the zone by conditional use permit;
- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

### **PROCESS: 1 PUBLIC HEARING (APPROVED BY PLANNING & ZONING COMMISSION)**

\*\*Additional studies and information may be required to understand the impact to traffic, the environment, economics and surrounding properties.

**From:** Susan Isaak isaakrn@gmail.com  
**Subject:** Objection to CUP AK FEEDERS. CU 2022-0036  
**Date:** October 26, 2023 at 3:36 PM  
**To:** BOCC@canyoncounty.id.gov, pam.dilbeck@canyoncounty.id.gov, debbie.root@canyoncounty.id.gov



Planning and Zoning Commissioners Canyon Co Development Service Dept  
111 N 11TH St. #310  
Caldwell ID 83605

I am submitting this email letter to voice my family opposition to the pending approval of the CUP for AK Feeders in Wilder ID. Please submit this letter into the case file.

This community surrounding the proposed CAFO will be affected by the following:

1). The CAFO siting advisory team has determined that the Environmental Risk as HIGH RISK. There are water contamination issues from the Nitrate Priority area that would only increase the HIGH RISK level. The ground types show how much water drains down into the aquifers causing pollution to home wells. No matter what preventive measures can be taken to redirect flows of surface water mixed with urine and manure, you cannot stop what seeps. There are already extremely high levels of nitrogen detected in our community wells. The Snake River already has environmental concerns from contamination from runoff.

2). Dust and Particulate matter: When the wind blows here, it can start in minutes blowing polluted airborne smells and particulate. We have families with respiratory problems who have asthma, COPD and bronchitis that is worsened by blowing dust, which will come off the scraped fields. When you are using numerous inhalers per day, you must keep yourself protected as much as possible to prevent flares, infections, etc. The current plan is right across Red Top Rd from us. I have movies and pictures of the dust clouds that move from the scraped cowpens nearby. It is our constitutional right to live in a safe, clean environment.

3.) Property values will be affected from the proposed CAFO. When we bought this property, we loved the serene environment of this valley and its beauty. Scattered cattle grazing in nearby fields are not the issue. When there is uptick in traffic with large trucks, large confined herds of cattle mooing, all add to disruptive loud noise which is a nuisance. There is already high traffic on Red Top Rd from harvesting trucks, boats and speeding cars heading into Oregon and back to ID. We bought this property before there was any mention of a CAFO being proposed. We never would have invested our life savings here if we would have known. There are 4-5 generational families who are living here that are upset. There are other issues like flies and pungent odors. This proposal would drive most people away from being interested in your property, thereby reduced selling price. There are other issues like lighting and 24hr operation so there is no quiet time. There are already homes developed here before the CAFO application. People that move in knowing there is a CAFO nearby will have to deal with the consequences.

4.) Protection of snow geese that land in the fields across our property from their migration will be disturbed. The night lighting and scraped fields will not offer them a safe resting field in their voyage. The fields are filled with the white birds. Having a CAFO there will disrupt their habitat for their flight.

5.)The Canyon County 2030 Comprehensive plan states several property rights that should protect the integrity of individual property rights while safeguarding public health, safety and welfare. The right to enjoy the property for its intended use without creating nuisances is necessary. New development that promotes safety and protects natural resources is also necessary.



6). Finally, we have the Constitutional Right to live in a safe, clean, environment. Our wells, rivers, waterways must be protected. We have the right to enjoy our property without nuisances of flies, odors and blowing dust that is man made.

Thankyou

*Susan Isaak*

Susan Isaak  
31492 Red Top Rd  
Wilder ID 83676







October 25, 2023

To: Canyon County Development Services Department  
111 North 11th Avenue, Suite 310  
Caldwell, Idaho 83676

Canyon County Commissioners, Debbie Root Case Planner

Regarding Case No. CU 2022 - 0036 application for a new CAFO development and change of proposed site for AK Feeders at 21696 State Line Rd. Wilder, Idaho.

The CAFO Site Advisory Team determined that this site is HIGH RISK. We as neighbors and homeowners are in complete agreement with this report.

We feel a feedlot in this area will be injurious to our property which shares a fence line with the proposed site. Our domestic well is only about 100 ft. from this fence line and only 28 ft. deep. The essential character of this portion of the arena valley will be destroyed.

My husband who is 74 and I have both worked for most of our lives, for the previous 30 years we managed cattle and horse ranches. Living on the properties as part of our salaries we were able to raise our children in the country with values of being stewards of the land. We saved what we could to someday have our own place to call home. We thought we found the perfect little place next to our neighbor, Mr. DeBenedetti who seemed to steward his land as well by rotating his small cow/calf operation on several hundred acres of pasture. We were wrong, our neighbor now under the name of AKFeeders is wanting to put in a feedlot, for thousands of head of cattle on 70/80 acres. This will destroy the land! A High Risk!

On July 11, 2022 our dream of life here in the arena valley became a nightmare. We attended the neighborhood meeting run by Matt Wilke of White Barn Ventures who was representing AK Feeders. They showed us their site plan to build a CAFO for 6 thousand head of cattle! Next door to our home. The thoughts of all the following concerns took over our lives;

- This would be a violation of our constitutional rights as homeowners to the quiet enjoyment of our own property.
- Contaminate our wells, groundwater, aquifers, surface water and the nearby Snake River.
- Air quality - Odors and fugitive poison particulate dust will be harmful to the health and well-being of all neighbors and homeowners.
- Damage to the wildlife, geese, water fowl, deer, fish etc.
- Negative impact and damage to our roads by heavy traffic, semi trucks for cattle, feed and waste management. Dangerous to drivers, the road is narrow and there are two sharp turns on the corner of Peckham Rd. and Case Rd. as well as the sharp curve where Peckham continues onto State Line Rd.
- Property Values will decline, if we found ourselves in the position where we needed to sell this would be difficult with a feedlot next door. We Did Not purchase property next to a feedlot! There was not a CAFO next door when we purchased our property in September 2019!
- Extreme nuisances from constant noise, insect pollution, light pollution, in their revised application which all of us neighbors and homeowners were not aware of until we received our notice of the Public hearing a couple of weeks ago, AK Feeders stated they will operate 24 hours a day 7 days a week.

- Loss of tranquility, peace and quiet enjoyment of our properties, as well as the natural beauty in our valley."

AK Feeders were in violation of County Ordinance section 08-01-11 which states "An applicant shall not begin construction of a new CAFO prior to the approval of the CAFO siting permit". They began construction on Aug. 9, 2022 continuing to the present. None of the construction they have now for a feedlot existed on the site! The only thing they had for the cattle were two large wooden pens that were being used for the cow/calf operation. Again, there WAS NOT a feedlot or CAFO at this site. The new site that was on the notice has never been presented to the neighbors/homeowners. This new proposed site looks like it goes all the way to the property line on the corner of State Line and Peckham Rd. THIS IS ONLY ABOUT 200 FEET FROM THE SNAKE RIVER!

We need to have a new neighborhood meeting to ask the questions we need answers to of the new site plan, more definition of the new location is needed.

We feel that our rights are being taken away if this permit for a CAFO is approved.

Mr. DeBenedetti has other options, he owns cattle operations in California, Oregon and other places in Idaho. He doesn't even live in Idaho, he lives in Oregon. He has the means to have this CAFO in other locations where it won't destroy other homeowners properties, won't contaminate and destroy our wells, or be injurious to properties in the immediate vicinity.

Please take all these concerns seriously, We don't have other options, our life savings are tied up in our property which shares a fence line with the proposed CAFO. Our view from our home and yard will be that of a feedlot with cattle standing on mounds of manure, instead of the cows quietly grazing on the pasture that we have now.

We would like this correspondence entered into the official record for this case CU2022-0036.

Thank you,  
Danny and Debbie Cardoza  
31252 Peckham Rd.  
Wilder, Idaho 83676  
[dcardflash@aol.com](mailto:dcardflash@aol.com)

8 photos attached

From: DEBBIE CARDOZA dcardflash@aol.com

Subject: Photo from my window

Date: Oct 27, 2023 at 10:38:02 AM

To: dcardflash@aol.com



proposed  
site  
line  
Cardoza  
property  
line

our property line  
AK Feeders  
proposed fence  
line for CAFO

↑ from inside my living room  
This is my window sill.

↳ Konradetti AK Forster 110. Bestimmung Konstruktion an Nordfeld 1st

8-9-22



IMAGES WERE FLOWN IN THE FALL OF 2020.

# AK Feeders LLC Small Air Photo 1 Mile

Monte Rd

State Line



No Feedlot  
holding / sorting  
pens for cow  
calf operation

No  
FEEDLOT

SNAKE  
RIVER

Wetlands

Carrizo  
property

Peckham Rd

200 ft. to  
from new River  
proposed site for  
AK Feeders



City_Limits
Wetlands





From: DEBBIE CARDOZA dcardflash@aol.com

Subject: Well proximity to fence

Date: Oct 27, 2023 at 10:45:34 AM

To: dcardflash@aol.com



proposed AK  
Feeders fence  
line

Cardoza  
property Line



Our Well only 28 feet deep  
only 100 feet from DeBenedetti fence line

From: **DEBBIE CARDOZA** dcardflash@aol.com  
Subject: **Photo of proximity of fence to well**  
Date: **Oct 27, 2023 at 10:39:26 AM**  
To: **dcardflash@aol.com**



fence line  
proposed  
←  
from our  
property  
line  
Cardoza



10/5/22 NEW CONSTRUCTION OF  
FEED LOT



10/5/22 NEW CONSTRUCTION OF FEEDLOT

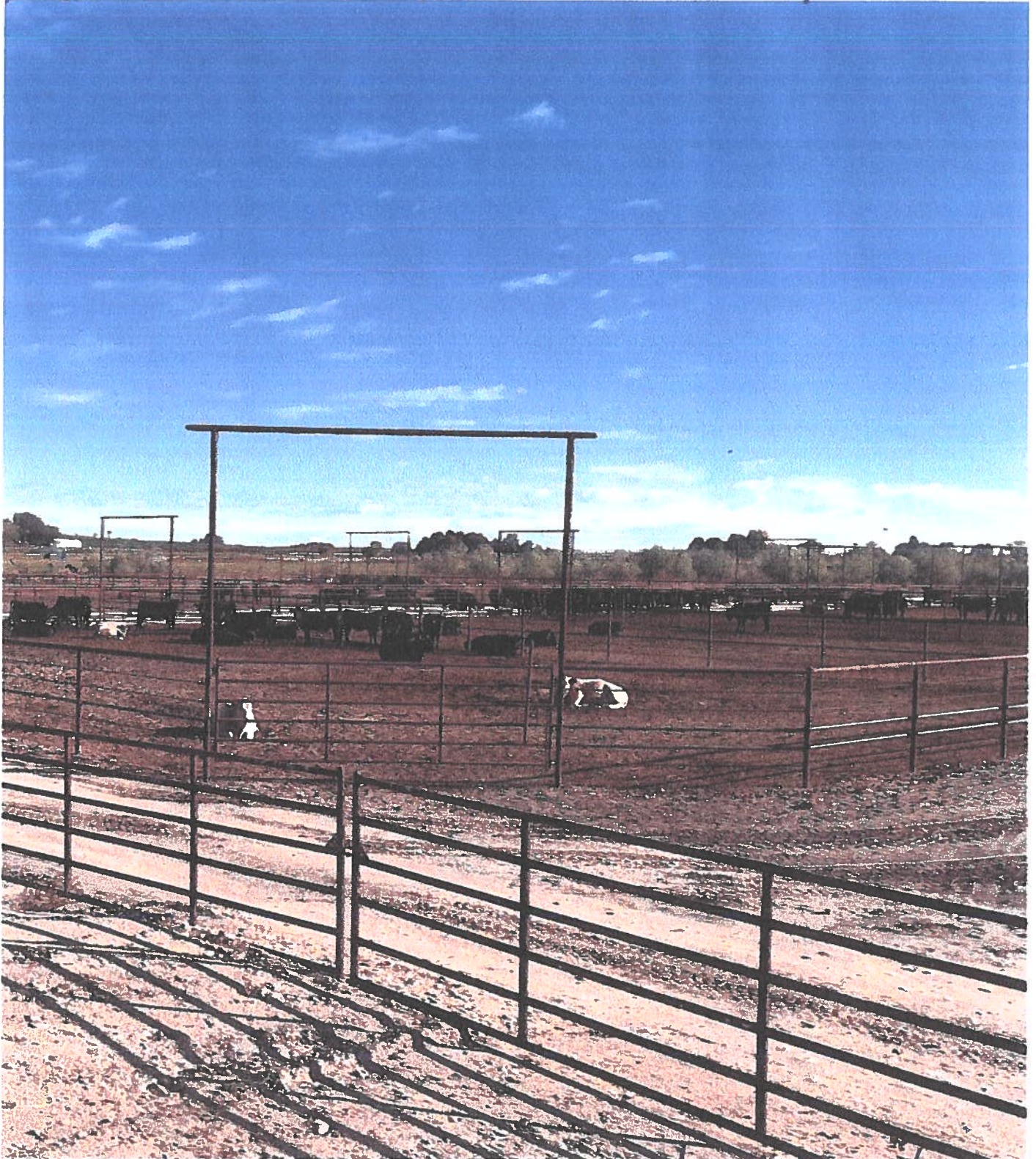
From: DANNY CARDOZA [dcardflash@aol.com](mailto:dcardflash@aol.com)

Date: Oct 27, 2023 at 10:55:18 AM

To: Debbie Cardoza [dcardflash@aol.com](mailto:dcardflash@aol.com)

PERMIT STILL NOT APPROVED

→ PHOTO TAKEN - THIS WAS ALL CONSTRUCTED AFTER DeBenedetti applied for Permit.



ALL NEW CONSTRUCTION - STARTED 8/22 - APPROX. 4/2023  
8/9/2022

September 15, 2022

To: Canyon County Commissioners Smith, Beek, White  
115 Albany St., Rm. 101  
Caldwell, ID 83605  
bocc@canyoncounty.id.gov

From: Brad & Victoria Case  
30769 Red Top Rd.  
Wilder, ID 83676  
[Victoriacase92@gmail.com](mailto:Victoriacase92@gmail.com)  
208-573-5271

RE: **Case # CU2022-0036; AK Feeders, LLC Master Application with C.C. Development Services**

Canyon County Commissioners:

We are writing in regards to the application for a C.A.F.O. development (see above mentioned case number) in Arena Valley, just west of Wilder, Idaho near the Oregon Border. (Address – 22704 Stateline Rd., Parma, ID). The Case family has lived on nearby land for several generations. We homesteaded this part of Arena Valley in the late 1800's. It is now 5<sup>th</sup> generation farm and ranch ground in our family, as our son just built his own home on the property. We raised our family here and plan to live out our days on this exceptional rural land, in what used to be a peaceful, quiet area. We have several concerns with a feedlot operation that large in the proposed area:

- Heavy traffic of semi-size trucks
- Constant noise
- Increased traffic/congestion/insufficient road width
- Extreme negative impact on the high table of the aquifer & surface water convergence of the Arena Lake, Case, and Allen drains.
- Dust and insect pollution for all surrounding homeowners
- Property value decline
- Peace/tranquility in our valley
- Waste water run off will go straight to the Snake River in Oregon
- Prolific development of new wells – 6,000 head of cattle consume a lot of water
- Current residential well contamination (research what happened to a whole community in Weiser, Idaho when nitrates destroyed their well water quality).
- The residents who have moved into this valley did so PRIOR to any proposed C.A.F.O., not after.

The proposal states that this is an expansion of an existing C.A.F.O. However, it is not an expansion of existing feedlot facilities. All feed bunk commodity storage

facilities would be built as new. We have been in contact with a lawyer associated with the Idaho Water Users Association, as there are three drains negatively affected by this application. He advised us to demand a C.A.F.O. Siting investigation from Canyon County to the Idaho Department of Ag.

We, as well as our neighbors, are concerned about our property values declining in an area that does not have an existing feedlot. Most in this area do not oppose the current cattle operation (pasturing) of AK Feeders.

**We would appreciate a response from your particular agency regarding our concerns. We also would like this correspondence entered into the official record for this case (CU2022-0036).**

Thank you very much,

V. Brad Case  
Victoria A. Case

CC: Canyon County Development Services  
Idaho State Department of Agriculture  
Idaho Department of Environmental Quality  
Idaho Department of Water Resources  
Oregon Department of Transportation  
Oregon Department of Environmental Quality

## Debbie Root

---

**From:** Debbie Root  
**Sent:** Tuesday, February 28, 2023 11:17 AM  
**To:** 'DEBBIE CARDOZA'  
**Cc:** Debbie Root  
**Subject:** RE: [External] News on CU 2022-0036

Debbie,

Thank you for reaching out. The applicants have not submitted all of the required documentation for us to continue processing the application at this time. I have received additional information from them that they are continuing to work on the required documents and should have them to us within the month. It will be important for you to remain vigilant in the process and provide substantiated documentation and comments with regards to the impact this would cause to your property. Personally I would have the well tested regularly so that you have documentation regarding any ill-effects that may be created by an expansion of the feedlot facility and any nutrient management plan that they may set forth for the Department of Agriculture to consider during the review of the siting committee.

Deb Root, MBA  
Canyon County Development Services  
debbie.root@canyoncounty.id.gov  
208-455-6034

Development Services Department (DSD)  
NEW public office hours  
Effective Jan. 3, 2023  
Monday, Tuesday, Thursday and Friday  
8am – 5pm  
Wednesday  
1pm – 5pm  
\*\*We will not be closed during lunch hour \*\*

-----Original Message-----

**From:** DEBBIE CARDOZA <dcardflash@aol.com>  
**Sent:** Monday, February 27, 2023 11:07 AM  
**To:** Debbie Root <Debbie.Root@canyoncounty.id.gov>  
**Subject:** [External] News on CU 2022-0036

Hello, the concerned citizens of arena valley would like to know if the site advisory team has started their due diligence on the permit for AK Feeders on State line road In Wilder. We would also like to know if they have submitted a site plan . We are very concerned about our ground water and well contamination my well is only 28 feet deep and the ground water level out here is very high.  
Thank you for keeping us informed.

Sent from my iPhone



## Debbie Root

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**From:** Dee Dee Alderson <dalderson@marsingschools.org>  
**Sent:** Tuesday, October 24, 2023 6:14 AM  
**To:** Debbie Root; ZoningInfo; BOCC; CC Clerk  
**Cc:** buck@snakeriverwaterkeeper.org; Dejl ranch@aol.com; gt40pilot@yahoo.com  
**Subject:** [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099

This email is **concerning the application and upcoming hearing to create a CAFO at 21696 State Line, Wilder, ID 83676, under ownership of AK Feeders/David Debenedetti and Victoria A. Debenedetti. CU2022-0036** Some of my concerns are as follows:

- The CAFO "application" and "project" that now show on the Canyon County website is **NOT** the same as the original "application" nor its "proposed project" that was shown to those who attended the Neighborhood Meeting on 6/28/22. **The "application" and "project" have been changed and replaced by other parcels. How can this be without providing new information to those whom it will impact? We have been denied our right to review the actual proposal at a legally required Neighborhood Meeting.** The hearing date of November 16, 2023, **MUST be postponed so our legal rights for a Neighborhood Meeting can be upheld.**

- "Notices" were only put on the same road. Two public notice signs were placed, one in front of the property on State Line and one on Peckham. This allows the same people to see the "notice", as one road turns into the other. **No "notice" sign was placed on the main road of Red Top which runs on the north side of their property.** I only found out about the upcoming deadline and notice because a neighbor came by and told me.

- **Heavy traffic of semi trucks:** The "plan" says the semis will use State Line Road; but from there, it is not said. Peckham? Red Top? They do not say. I'm sure trucks won't go very far on State Line Rd., as to the north it turns into gravel. This means they will use Peckham or Red Top, unless they are driving into Oregon. Debenedetti has other cow operations in Idaho and California, so I would presume that he would head there and not through Oregon.

I can continue my comments talking about the excessive smell, flies, dust (damage to local hop fields), excessive year-around semi traffic, property value decline, the loss of our peaceful/tranquil valley, and noise that this Cafo will bring to our lives; however, one of the biggest long term concerns is the **damage to our local aquifer and the Snake River.** The area owned by AK Feeder/Debenedetti has a **very high water table,** as does that whole area. There are already cattle that freely roam in the creek that runs through their property. There is a run-off drain, for excess water or whatever is running through the field, at the corner of State Line Rd. and Peckham Road. This runoff drain flows directly into the Snake River.

- The **Snake River** already suffers from a tremendous amount of pollution from fertilizer runoff and cattle waste. **The addition of a CAFO will only increase the pollution to the Snake River, harming our fish, wildlife, and river even more.**

- **Well Water Poisoning** (drinking water): Our wells are not very deep! Several families have their **wells within steps of the feedlot (CAFO).** Many homes/wells in the area already have a **high nitrate count.** The **Idaho DEQ already shows the prospective CAFO property as having contamination** on their Source Water Assessment and Protection page. (<https://mapcase.deq.idaho.gov/swa/>) The DEQ's High Nitrate map also shows that the CAFO is **just west of an already mapped 2020 High Nitrate Priority Area.** (<https://mapcase.deq.idaho.gov/swa/>). What are we to do if we lose our drinking water? Some of these homes and wells have been here for over a hundred years. My home has been here for 90 years. Whether our home is old or new, **Idaho water MUST be protected!** Placement of a CAFO in an area where the water table and Snake River is not vulnerable is a much wiser decision.

- **Loss of Our Wells:** With the use of additional water for the CAFO, how much will this lower our wells?

- **Pulling Water From the Creek:** I understand that AK Feeders is applying for additional water usage from the live water through their property. **How and why will they be allowed additional shares of water? This is information that must be provided at the new Neighborhood Meeting.**

People should be allowed to use their land. We live in the country, many of us have animals. I like seeing the cows. I love a good steak. I don't mind hearing cows **most of the time**; however, there is a **HUGE difference between running some cows on your land and having a CAFO with 4 to 6 times more animals than David Debenedetti's current operation is allowed.** Victoria A. Debenedetti will not hear or smell the proposed CAFO, as she lives in California. She is not concerned with any water in Idaho.

CAFO are usually placed away from, well, anyone. There is a reason... There are pools of cow manure sludge - CAFOs smell terrible. There is no such thing as a good smelling CAFO! Having delivered truck parts to feedlots and CAFOs in Oregon and Idaho, I know that they smell. They smell all year long, though sometimes it is so bad that you can taste it in the air. Don't believe it? Go visit a few CAFOs. They make your hair, vehicle, and home stink. AK Feeder said, "It will be a dry lot". Dry cow poo still stinks, then when it rains, you're back to sludge. The flies are like the plague of Egypt and **can not** be controlled. The CAFOs/feedlots that I delivered to were far away from people, and far away from water sources. If there were homes around, it is because the CAFO was there first. The **homes near the proposed CAFO site have been here for a while, long before AK Feeders decided to propose a CAFO at 21696 State Line Rd. Wilder, ID., and the Snake River has been here even longer.**

Finally, **loss of the value of our homes. Not just the loss of monetary value, but the loss of enjoyment.**

**You must allow us to have a Neighborhood Meeting with this new information**, even more so, you must put a **stop to the request of AK Feeder to put a CAFO at the above listed site.** You must protect the water and our right to a peaceful life.

Dee Dee Alderson  
22440 State Line Road  
Parma, ID 83660  
208-741-2145

**My address is Parma, because I am north of Red Top Road. I am about a half mile from the proposed CAFO site, and just under a mile from the drainage where AK Feeders currently has runoff draining into the Snake River.**

## Debbie Root

---

**From:** Debbie Root  
**Sent:** Tuesday, October 24, 2023 8:44 AM  
**To:** 'Dee Dee Alderson'  
**Cc:** buck@snakeriverwaterkeeper.org; Dejl ranch@aol.com; gt40pilot@yahoo.com; Debbie Root  
**Subject:** RE: [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099

Dee Dee Alderson,

Thank you for your very thoughtful letter. It will be submitted to the hearing body for consideration.

To address a couple of items specifically:

The neighborhood meetings are informational for the neighbors in the immediate vicinity and for the property owner to gauge and consider the concerns of the neighbors. The applicant has met the requirements. The project area initially discussed in the neighborhood meeting and with the initial application has changed—one of the parcels was removed from the application providing for more buffering between the local neighbors and the feed yard. The property area has been consolidated to a portion of the parcel located south of the Allen Drain. Initially the area north of the drain was proposed as part of the CAFO. The properties north of the Allen Drain are not currently under consideration for this CAFO permit. Applications are frequently modified during the review and processing phases of the applications. The public hearing process is the opportunity for the neighbors and community to provide public testimony in opposition or support of the proposed land use—in this case a CAFO (feedlot).

The cattle numbers originally proposed to be 6000 head have been reduced to 3700 head of feeders. The footprint (layout of pens) has been modified to better accommodate the needs of the operator, the site topography, and drainage. The acreage 70-80 acres identified for the operation is not different. The Idaho State Department of Agriculture (ISDA) is the jurisdictional authority over the construction and management of the proposed waste facilities on the site. They are also tasked with ensuring that an operator is not violating the water quality permits and laws. If the county approves the CAFO CUP then the ISDA will review and approve as well as perform ongoing inspections of the facility to ensure compliance with their codes.

Per Canyon County Code noticing procedures staff notified property owners living within 1000 feet of the property boundaries of Parcel R37348010 (163+ acres) of the upcoming hearing and posted hearing notice signs on the two public roads that border the property per State Statutes. Staff also notified the individuals (outside of the radius) who had provided written communications during the course of this application process. The original application materials have been posted to the Canyon County website in the Land Hearing section "In Process Applications" since spring of 2023 and the revised application materials have been on the website for more than a month inclusive of all documents staff has received from applicants, agencies, and property owners.

The public roads in the area will be utilized to transport cattle, feed, employees and support functions of the proposed business. The applicant provided the highway district with a Traffic Analysis as required by the district and the applicant will be required to meet the Highway District requirements. Oregon Department of Transportation (ODOT) has also responded to the application. This is an agriculturally intensive area and agricultural activities including truck traffic, tractors, other farm equipment, employee vehicles etc. are expected on the roadways.

AK Feeders has applied for and been approved for additional stockwater rights. This is groundwater (not surface irrigation or creeks) that will be from a well located on the property and must comply with the permits from the Idaho Department of Water Resources.

I appreciate your concerns and encourage you to attend the Nov. 16<sup>th</sup> hearing to provide your testimony to the Planning and Zoning Commission.

Respectfully,

Deb Root, MBA  
Canyon County Development Services  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)  
208-455-6034

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**From:** Dee Dee Alderson <dalderson@marsingschools.org>  
**Sent:** Tuesday, October 24, 2023 6:14 AM  
**To:** Debbie Root <Debbie.Root@canyoncounty.id.gov>; ZoningInfo <ZoningInfo@canyoncounty.id.gov>; BOCC <BOCC@canyoncounty.id.gov>; CC Clerk <CanyonCountyClerk@canyoncounty.id.gov>  
**Cc:** buck@snakeriverwaterkeeper.org; Dejlranch@aol.com; gt40pilot@yahoo.com  
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CAFO are usually placed away from, well, anyone. There is a reason... There are pools of cow manure sludge - CAFOs smell terrible. There is no such thing as a good smelling CAFO! Having delivered truck parts to feedlots and CAFOs in Oregon and Idaho, I know that they smell. They smell all year long, though sometimes it is so bad that you can taste it in the air. Don't believe it? Go visit a few CAFOs. They make your hair, vehicle, and home stink. AK Feeder said, "It will be a dry lot". Dry cow poo still stinks, then when it rains, you're back to sludge. The flies are like the plague of Egypt and **can not** be controlled. The CAFOs/feedlots that I delivered to were far away from people, and far away from water sources. If there were homes around, it is because the CAFO was there first. The **homes near the proposed CAFO site have been here for a while, long before AK Feeders decided to propose a CAFO at 21696 State Line Rd. Wilder, ID., and the Snake River has been here even longer.**

Finally, **loss of the value of our homes. Not just the loss of monetary value, but the loss of enjoyment.**

**You must allow us to have a Neighborhood Meeting with this new information**, even more so, you must put a **stop to the request of AK Feeder to put a CAFO at the above listed site.** You must protect the water and our right to a peaceful life.

Dee Dee Alderson  
22440 State Line Road  
Parma, ID 83660  
208-741-2145

**My address is Parma, because I am north of Red Top Road. I am about a half mile from the proposed CAFO site, and just under a mile from the drainage where AK Feeders currently has runoff draining into the Snake River.**



Dear Ms. Root:

We have been forwarded a copy of the attached email from one of our neighbors, DeeDee Alderson and your response to her.

1) **We sent you an email a few days ago demanding that the Nov 16 hearing on this AK Feeders matter be postponed due to our rights being violated and you have not responded. Please respond (more detail below).**

2) **Are you licensed and are you empowered by Canyon County to be interpreting State and County laws and stating them as fact to citizens?**

3) The first sentence in your email to Mrs. Alderson states, "The neighborhood meetings are informational for the neighbors in the immediate vicinity and for the property owner to gauge and consider the concerns of the neighbors. The applicant has met the requirements". This is not what Canyon County law states and, no, the applicant has NOT met that "legal" requirement as we informed you in our email to you mentioned in #1 above.

Canyon County Zoning Law CCZO 07-01-15 (1) requires a neighborhood meeting for any proposed conditional use. Section CCZO 07-01-15(3) states: "**(3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.**"

The term "shall be" is legal language meaning "legally required and mandatory" so the purpose of the neighborhood meeting is legally required and mandatory **"TO REVIEW THE PROPOSED PROJECT"**. Under the law, Neighborhood meetings are NOT simply "informational" as you have stated. Neighbors at the only Neighborhood meeting held were NOT shown the "proposed project" (see #4 below).

4) As stated above, we sent you an email a few days ago demanding your November 16 hearing be postponed until such time as Mr. DeBenedetti is required to follow the law and hold another Neighborhood meeting, this time presenting the actual "proposed project" to the neighboring property owners. As we told you in our email, the "proposed project" that was presented to the neighboring property owners was NOT what is now on your web page for your Nov 16 P&Z hearing. Importantly, in your email to Mrs. Alderson you have confirmed the violation of our rights by stating that the "initial application has changed" then going on to chronicle all the changes that had been made from the only "proposed project" neighboring property owners were shown at the Neighborhood meeting.

Your entire email to Mrs. Alderson chronicles all the changes that have been made in the "proposed project" from the "proposed project" we were shown at the Neighborhood meeting. The law requires that all these "changes" that constitute an entirely new "proposed project", should have been presented to the neighboring property owners at the Neighborhood meeting, not in an email from a County planner to one person after the fact. By law, the neighbors should have been shown the **actual** "proposed project" and been able to "discuss neighborhood concerns" and our right to do this has been violated as we told you in our earlier email.

5) In your email to Mrs. Alderson you stated, " Per Canyon County Code noticing procedures staff **notified property owners living within 1000 feet** of the property boundaries of Parcel R37348010 (163+ acres) of the upcoming hearing **and posted hearing notice signs on the two public roads that border the property per State Statutes.**"

Canyon County Code states:

"07-05-01: NOTICE PROCEDURE:

(1) Notice Procedures: Notice shall be given for all proceedings in accordance with Idaho Code sections 67-6509, 67-6511 and 67-6512, as applicable, except as provided for in subsection (2) of this section.

(2) Special Notice Procedures: When notice is required to two hundred (200) or more property owners or purchasers of record, notice shall be provided as follows:

A. Notice shall be provided to property owners or purchasers of record, within the land being considered and properties within **six hundred feet (600') beyond the external boundaries of the land being considered;** and...

B. The county shall publish the public hearing notice in the official newspaper or newspaper of general circulation at least fifteen (15) calendar days prior to the date of hearing. In addition, the county shall provide notice through a display advertisement at least four inches (4") by two (2) columns in size in the official newspaper of the county at least fifteen (15) calendar days prior to the hearing date. **Notice shall also be posted on all public and/or private roads abutting the development not less than one week prior to the hearing."**

Please provide us with the "Canyon County Code" that you referenced to Mrs. Alderson that requires property owners "living **within 1000 feet** of the property boundaries" to be notified.

Please provide us with the "State Statute" that you referenced to Mrs. Alderson that requires hearing notice signs on the public roads that "**border the property**". Idaho's Open Meeting Statute 74-204 makes no mention of placement of road signs.

Please explain why, since County Code 07-05-01(2) B above states that the signs shall ("shall" is a legal term that means that the law mandates it be done) be posted on roads "**abutting the development**", why you posted a road sign on Peckham Road? The new "plan" map on your website does not show the development drawing abutting Peckham Road and the term in this

law, “abutting”, means “have a common boundary with”. The new plan does not abut Peckham Road yet you placed a road sign there.

As just stated above, the “new plan” on your website has a drawing of the proposed site that does not “abut” Peckham Road yet you placed a road sign there. The “plan” neighbors were shown has a drawing of the proposed site near Red Top Road that does not “abut” Red Top Road either yet you did not place a road sign on Red Top. Please explain why you put a road sign on Peckham and not Red Top. As you know, many of the citizen property owners that will be affected by this land use if it were approved live along Red Top Road.

In your email to Mrs. Alderson you made no mention of the requirement in the County law that states, “The county shall publish the public hearing notice in the official newspaper or newspaper of general circulation at least fifteen (15) calendar days prior to the date of hearing”. Please provide a copy of this newspaper notice showing the date it was published”.

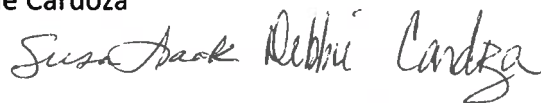
You make a number of affirmative statements in your email to Mrs. Alderson, e.g., “The public roads in this area **will be** utilized to transport cattle, feed...and support functions of the proposed business”; “This is groundwater that **will be** from a well located on the property”. Your email to Mrs. Alderson leaves the impression that this “proposed” Application and land use has already been approved by DSD. **As a result, attached is a Records Request for a copy of DSD’s written recommendation on this project to the P&Z Commissioners.**

We are copying your Office Manager, Jennifer Almeida, on this email to make sure that we get answers to the emails we have sent you, including this one.

Our rights have been violated as stated above and we expect an answer from you about postponing the November 16 hearing.

Susan Isaak & Debbie Cardoza

Attachments:



- Records Request for DSD’s recommendation to P&Z Commissioners Re: AK Feeders proposal
- Copy of Mrs. Alderson email to Ms. Root and Ms. Root’s response



**Subject:** Fwd: [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099  
**Date:** October 24, 2023 at 6:35 PM  
**To:** Susan Isaak isaakrn@gmail.com



Begin forwarded message:

**From:** Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>  
**Subject:** RE: [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099  
**Date:** October 24, 2023 at 8:44:03 AM MDT  
**To:** 'Dee Dee Alderson' <[dalderson@marsingschools.org](mailto:dalderson@marsingschools.org)>  
**Cc:** "[buck@snakeriverwaterkeeper.org](mailto:buck@snakeriverwaterkeeper.org)" <[buck@snakeriverwaterkeeper.org](mailto:buck@snakeriverwaterkeeper.org)>, "[Dejlran@aol.com](mailto:Dejlran@aol.com)" <[Dejlran@aol.com](mailto:Dejlran@aol.com)>, "[gt40pilot@yahoo.com](mailto:gt40pilot@yahoo.com)" <[gt40pilot@yahoo.com](mailto:gt40pilot@yahoo.com)>, Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>

Dee Dee Alderson,

Thank you for your very thoughtful letter. It will be submitted to the hearing body for consideration.

To address a couple of items specifically:

The neighborhood meetings are informational for the neighbors in the immediate vicinity and for the property owner to gauge and consider the concerns of the neighbors. The applicant has met the requirements. The project area initially discussed in the neighborhood meeting and with the initial application has changed—one of the parcels was removed from the application providing for more buffering between the local neighbors and the feed yard. The property area has been consolidated to a portion of the parcel located south of the Allen Drain. Initially the area north of the drain was proposed as part of the CAFO. The properties north of the Allen Drain are not currently under consideration for this CAFO permit. Applications are frequently modified during the review and processing phases of the applications. The public hearing process is the opportunity for the neighbors and community to provide public testimony in opposition or support of the proposed land use—in this case a CAFO (feedlot).

The cattle numbers originally proposed to be 6000 head have been reduced to 3700 head of feeders. The footprint (layout of pens) has been modified to better accommodate the needs of the operator, the site topography, and drainage. The acreage 70-80 acres identified for the operation is not different. The Idaho State Department of Agriculture (ISDA) is the jurisdictional authority over the construction and management of the proposed waste facilities on the site. They are also tasked with ensuring that an operator is not violating the water quality permits and laws. If the county approves the CAFO CUP then the ISDA will review and approve as well as perform ongoing inspections of the facility to ensure compliance with their codes.

Per Canyon County Code noticing procedures staff notified property owners living within 1000 feet of the property boundaries of Parcel R37348010 (163+ acres) of the upcoming hearing and posted hearing notice signs on the two public roads that border the property per State Statutes. Staff also notified the individuals (outside of the radius)

the property per State Statutes. Staff also notified the individuals (outside of the radius) who had provided written communications during the course of this application process. The original application materials have been posted to the Canyon County website in the Land Hearing section "In Process Applications" since spring of 2023 and the revised application materials have been on the website for more than a month inclusive of all documents staff has received from applicants, agencies, and property owners.

The public roads in the area will be utilized to transport cattle, feed, employees and support functions of the proposed business. The applicant provided the highway district with a Traffic Analysis as required by the district and the applicant will be required to meet the Highway District requirements. Oregon Department of Transportation (ODOT) has also responded to the application. This is an agriculturally intensive area and agricultural activities including truck traffic, tractors, other farm equipment, employee vehicles etc. are expected on the roadways.

AK Feeders has applied for and been approved for additional stockwater rights. This is groundwater (not surface irrigation or creeks) that will be from a well located on the property and must comply with the permits from the Idaho Department of Water Resources.

I appreciate your concerns and encourage you to attend the Nov. 16<sup>th</sup> hearing to provide your testimony to the Planning and Zoning Commission.

Respectfully,

Deb Root, MBA  
Canyon County Development Services  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)  
208-455-6034

Development Services Department (DSD)  
~~NEW~~ public office hours  
**Effective Jan. 3, 2023**  
Monday, Tuesday, Thursday and Friday  
8am – 5pm  
Wednesday  
1pm – 5pm  
\*\*We will not be closed during lunch hour \*\*

**From:** Dee Dee Alderson <[dalderson@marsingschools.org](mailto:dalderson@marsingschools.org)>  
**Sent:** Tuesday, October 24, 2023 6:14 AM  
**To:** Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)>; ZoningInfo <[ZoningInfo@canyoncounty.id.gov](mailto:ZoningInfo@canyoncounty.id.gov)>; BOCC <[BOCC@canyoncounty.id.gov](mailto:BOCC@canyoncounty.id.gov)>; CC Clerk <[CanyonCountyClerk@canyoncounty.id.gov](mailto:CanyonCountyClerk@canyoncounty.id.gov)>  
**Cc:** [buck@snakeriverwaterkeeper.org](mailto:buck@snakeriverwaterkeeper.org); [Dejlranch@aol.com](mailto:Dejlranch@aol.com); [gt40pilot@yahoo.com](mailto:gt40pilot@yahoo.com)  
**Subject:** [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099

This email is **concerning the application and upcoming hearing to create a CAFO at 21696 State Line, Wilder, ID 83676, under ownership of AK Feeders/David Debenedetti and Victoria A. Debenedetti. CU2022-0036** Some of my concerns are as follows:

as follows.

- The CAFO "application" and "project" that now show on the Canyon County website is **NOT** the same as the original "application" nor its "proposed project" that was shown to those who attended the Neighborhood Meeting on 6/28/22. **The "application" and "project" have been changed and replaced by other parcels. How can this be without providing new information to those whom it will impact? We have been denied our right to review the actual proposal at a legally required Neighborhood Meeting.** The hearing date of November 16, 2023, **MUST be postponed so our legal rights for a Neighborhood Meeting can be upheld.**

- "Notices" were only put on the same road. Two public notice signs were placed, one in front of the property on State Line and one on Peckham. This allows the same people to see the "notice", as one road turns into the other. **No "notice" sign was placed on the main road** of Red Top which runs on the north side of their property. I only found out about the upcoming deadline and notice because a neighbor came by and told me.

- **Heavy traffic of semi trucks:** The "plan" says the semis will use State Line Road; but from there, it is not said. Peckham? Red Top? They do not say. I'm sure trucks won't go very far on State Line Rd., as to the north it turns into gravel. This means they will use Peckham or Red Top, unless they are driving into Oregon. Debenedetti has other cow operations in Idaho and California, so I would presume that he would head there and not through Oregon.

I can continue my comments talking about the excessive smell, flies, dust (damage to local hop fields), excessive year-around semi traffic, property value decline, the loss of our peaceful/tranquil valley, and noise that this Cafo will bring to our lives; however, one of the biggest long term concerns is the **damage to our local aquifer and the Snake River.** The area owned by AK Feeder/Debenedetti has a **very high water table**, as does that whole area. There are already cattle that freely roam in the creek that runs through their property. There is a run-off drain, for excess water or whatever is running through the field, at the corner of State Line Rd. and Peckham Road. This runoff drain flows directly into the Snake River.

- The **Snake River** already suffers from a tremendous amount of pollution from fertilizer runoff and cattle waste. **The addition of a CAFO will only increase the pollution to the Snake River, harming our fish, wildlife, and river even more.**

- **Well Water Poisoning** (drinking water): Our wells are not very deep! Several families have their **wells within steps of the feedlot (CAFO).** Many homes/wells in the area already have a **high nitrate count.** The **Idaho DEQ already shows the prospective CAFO property as having contamination** on their Source Water Assessment and Protection page. (<https://mapcase.deq.idaho.gov/swa/>) The DEQ's High Nitrate map also shows that the CAFO is **just west of an already mapped 2020 High Nitrate Priority Area.** (<https://mapcase.deq.idaho.gov/swa/>). What are we to do if we lose our drinking water? Some of these homes and wells have been here for over a hundred years. My home has been here for 90 years. Whether our home is old or new, **Idaho water MUST be protected!** Placement of a CAFO in an area where the water table and Snake River is not vulnerable is a much wiser decision.

- **Loss of Our Wells:** With the use of additional water for the CAFO, how much will this lower our wells?

- **Pulling Water From the Creek:** I understand that AK Feeders is applying for additional water usage from the live water through their property. **How and why will**

**they be allowed additional shares of water? This is information that must be provided at the new Neighborhood Meeting.**

People should be allowed to use their land. We live in the country, many of us have animals. I like seeing the cows. I love a good steak. I don't mind hearing cows **most of the time**; however, there is a **HUGE difference between running some cows on your land and having a CAFO with 4 to 6 times more animals than David Debenedetti's current operation is allowed.** Victoria A. Debenedetti will not hear or smell the proposed CAFO, as she lives in California. She is not concerned with any water in Idaho.

CAFO are usually placed away from, well, anyone. There is a reason... There are pools of cow manure sludge - CAFOs smell terrible. There is no such thing as a good smelling CAFO! Having delivered truck parts to feedlots and CAFOs in Oregon and Idaho, I know that they smell. They smell all year long, though sometimes it is so bad that you can taste it in the air. Don't believe it? Go visit a few CAFOs. They make your hair, vehicle, and home stink. AK Feeder said, "It will be a dry lot". Dry cow poo still stinks, then when it rains, you're back to sludge. The flies are like the plague of Egypt and **can not** be controlled. The CAFOs/feedlots that I delivered to were far away from people, and far away from water sources. If there were homes around, it is because the CAFO was there first. The homes near the proposed CAFO site have been here for a while, long before AK Feeders decided to propose a CAFO at 21696 State Line Rd. Wilder, ID., and the Snake River has been here even longer.

Finally, loss of the value of our homes. Not just the loss of monetary value, but the loss of enjoyment.

You must allow us to have a Neighborhood Meeting with this new information, even more so, you must put a stop to the request of AK Feeder to put a CAFO at the above listed site. You must protect the water and our right to a peaceful life.

Dee Dee Alderson  
22440 State Line Road  
Parma, ID 83660  
208-741-2145

My address is Parma, because I am north of Red Top Road. I am about a half mile from the proposed CAFO site, and just under a mile from the drainage where AK Feeders currently has runoff draining into the Snake River.

## Debbie Root

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**From:** Christina Marston <ckmarstonclothing@gmail.com>  
**Sent:** Friday, October 27, 2023 2:19 PM  
**To:** Debbie Root  
**Subject:** [External] Case No. CU2022-0036

Debbie,

Please let me know if you received this and if email is an okay way of getting this letter to you. If it isn't I'll drive a copy to the office this afternoon.

Thanks,  
Chris Marston

Case No. CU2022-0036  
AK Feeders

To Whom it May Concern:

For the past 100 years The Marston Family has lived in Arena Valley on Red Top Road since buying half a homestead to build a future. Charles and Amelia Marston lived in a tent and hauled water from the Snake River for years before their home was built and their well was hand dug on the property. Charlie raised sheep on the farm by digging a series canals to water the property. Charlie and Amelia raised their son Dudley, who when married lived in a home across the road raising his 2 children Marie and William. Bill took over the property in the 1980's when Dudley passed away. In 2005 we ( Derek & Christina) bought the family farm and built a home on it with the plan of raising our family. We have raised our 3 children here teaching them to trap gophers, moving the water, spraying the weeds, and the importance of community. My children were raised going to the Arena Valley Hall for the Annual Potluck and Auction with their Great Grandma Mary and Great Grandpa Bill meeting all their neighbors who still came back years after moving away. The Marston Family has been in Arena Valley for 100 years and we are against AK Feeders turning our community into a CAFO.

Cons of AK Feeders CAFO:

We live in a high Nitrate Zone, and have a high water table being right next to the Snake River.

Multiple drain ditches run through the area, AK Feeders have been unsuccessful at keeping their cattle out of them already. All drain ditches go to the Snake River and the CAFO site is feet from the river

Trucking in and out of CAFO have 2 options Red Top Road or Peckham Road, both have extremely tight correction curves, one being blind half of the year from hop fields (Red Top Road) Harvest semis make Red Top Road dangerous during harvest the CAFO would be year round.

AK Feeders hours of operation are 24 hours a day, not seasonal during harvest but everyday.

In the past year we have already seen changes in the operation. The odors are already strong enough we can't open our windows in the evenings, the flies have increased, and the sound of bellowing animals is daily in the mornings. This is not what I have lived by for almost 20 years.

AK Feeders is a new business in Idaho only registering in the last year. This is not an expansion of an existing CAFO but a business wanting to bring in a CAFO to our community.

Property value of our land will be a fraction of what it is currently is worth, costing our family millions of dollars.

We could write a list a mile long of why this not wanted in our community. Water, roads, and our quality of life are my biggest concerns. I did not build my home next to a feedlot that operates 24 hours a day, that risks my domestic well being unusable do to health concerns because of nitrogen contamination, and my front yard no longer a place for my children to play. We are just 1 of this community who have been here multiple generations. We are all pro agriculture because it's our history, but a CAFO doesn't belong in this location. Please hear this community's concerns for our families future generations.

Thank You,  
Derek & Christina Marston

31396 Red Top Road



October 25, 2023

To: Canyon County Development Services Department  
111 North 11th Avenue, Suite 310  
Caldwell, Idaho 83676

Canyon County Commissioners, Debbie Root Case Planner

Regarding Case No. CU 2022 - 0036 application for a new CAFO development and change of proposed site for AK Feeders at 21696 State Line Rd. Wilder, Idaho.

The CAFO Site Advisory Team determined that this site is HIGH RISK. We as neighbors and homeowners are in complete agreement with this report.

We feel a feedlot in this area will be injurious to our property which shares a fence line with the proposed site. Our domestic well is only about 100 ft. from this fence line and only 28 ft. deep. The essential character of this portion of the arena valley will be destroyed.

My husband who is 74 and I have both worked for most of our lives, for the previous 30 years we managed cattle and horse ranches. Living on the properties as part of our salaries we were able to raise our children in the country with values of being stewards of the land. We saved what we could to someday have our own place to call home. We thought we found the perfect little place next to our neighbor, Mr. DeBenedetti who seemed to steward his land as well by rotating his small cow/calf operation on several hundred acres of pasture. We were wrong, our neighbor now under the name of AKFeeders is wanting to put in a feedlot, for thousands of head of cattle on 70/80 acres. This will destroy the land! A High Risk!

On July 11, 2022 our dream of life here in the arena valley became a nightmare. We attended the neighborhood meeting run by Matt Wilke of White Barn Ventures who was representing AK Feeders. They showed us their site plan to build a CAFO for 6 thousand head of cattle! Next door to our home. The thoughts of all the following concerns took over our lives;

- This would be a violation of our constitutional rights as homeowners to the quiet enjoyment of our own property.
- Contaminate our wells, groundwater, aquifers, surface water and the nearby Snake River.
- Air quality - Odors and fugitive poison particulate dust will be harmful to the health and well-being of all neighbors and homeowners.
- Damage to the wildlife, geese, water fowl, deer, fish etc.
- Negative impact and damage to our roads by heavy traffic, semi trucks for cattle, feed and waste management. Dangerous to drivers, the road is narrow and there are two sharp turns on the corner of Peckham Rd. and Case Rd. as well as the sharp curve where Peckham continues onto State Line Rd.
- Property Values will decline, if we found ourselves in the position where we needed to sell this would be difficult with a feedlot next door. We Did Not purchase property next to a feedlot! There was not a CAFO next door when we purchased our property in September 2019!
- Extreme nuisances from constant noise, insect pollution, light pollution, in their revised application which all of us neighbors and homeowners were not aware of until we received our notice of the Public hearing a couple of weeks ago, AK Feeders stated they will operate 24 hours a day 7 days a week.

- Loss of tranquility, peace and quiet enjoyment of our properties, as well as the natural beauty in our valley.“

AK Feeders were in violation of County Ordinance section 08-01-11 which states “An applicant shall not begin construction of a new CAFO prior to the approval of the CAFO siting permit”. They began construction on Aug. 9, 2022 continuing to the present. None of the construction they have now for a feedlot existed on the site! The only thing they had for the cattle were two large wooden pens that were being used for the cow/calf operation. Again, there WAS NOT a feedlot or CAFO at this site. The new site that was on the notice has never been presented to the neighbors/homeowners. This new proposed site looks like it goes all the way to the property line on the corner of State Line and Peckham Rd. THIS IS ONLY ABOUT 200 FEET FROM THE SNAKE RIVER!

We need to have a new neighborhood meeting to ask the questions we need answers to of the new site plan, more definition of the new location is needed.

We feel that our rights are being taken away if this permit for a CAFO is approved.

Mr. DeBenedetti has other options, he owns cattle operations in California, Oregon and other places in Idaho. He doesn't even live in Idaho, he lives in Oregon. He has the means to have this CAFO in other locations where it won't destroy other homeowners properties, won't contaminate and destroy our wells, or be injurious to properties in the immediate vicinity.

Please take all these concerns seriously, We don't have other options, our life savings are tied up in our property which shares a fence line with the proposed CAFO. Our view from our home and yard will be that of a feedlot with cattle standing on mounds of manure, instead of the cows quietly grazing on the pasture that we have now.

We would like this correspondence entered into the official record for this case CU2022-0036.

Thank you,  
Danny and Debbie Cardoza  
31252 Peckham Rd.  
Wilder, Idaho 83676  
[dcardflash@aol.com](mailto:dcardflash@aol.com)

RECEIVED  
▶ OCT 26 2023 ◀  
RECEIVED



## Debbie Root

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**From:** DEBBIE CARDOZA <dcardflash@aol.com>  
**Sent:** Saturday, October 28, 2023 6:22 PM  
**To:** Debbie Root  
**Subject:** [External] CU2022-0036

TO: Canyon County P&Z Commissioners  
c/o Debbie Root, DSD

RE: AK Feeders CU2022-0036

Ladies & Gentlemen:

You should find in the file you are reviewing for the above proposed land use, several emails and letters to the DSD Staff from us local property owners indicating that our rights have been violated. These communiques speak for themselves.

We wish to add before the record closes today (10/28/2023), that the "proposed project" we were shown by AK Feeders at their 6/28/22 Neighborhood Meeting and the "Dear Neighbor" letter they sent to us claimed that their "project" would use 70 acres for their desired 6,000 head of cattle. There was no engineered drawing proving the exact amount of acreage they wished to use, only a statement on their Dear Neighbor letter that it was 70 acres. This acreage on the drawing we were shown included about 2/3 of parcel R37315-010, making it about 26 acres on parcel R37315-010 plus whatever their existing barn area is, again, for 6,000 head.

The map of the "new" "proposed project" on the County's Land Use web page that neighboring property owners were never shown, thus violating our rights, shows an acreage in a totally different parcel and much larger than what we were shown plus their existing barn area, yet this "new" "proposed project" calls for only 3,700 head of cattle.

The "project" they showed us, they said, was for 70 acres for 6,000 head of cattle, yet they are using the same flawed, original Application for this "new" "project" still calling for 70 acres but for 3,700 head of cattle. They shouldn't need the same amount of acres (70 acres) for half the number of cattle they appear to now be requesting. Continuing to use the flawed Application with a guess of "plus or minus 70 acres" should not be allowed. We are concerned that this is a sly attempt to get a permit for 70 acres so that they could just expand any time they want to in the future to 6,000 head without needing another permit from the county, thus continuing to violate our Constitutional rights to use of our properties and destroying our property values.

Our rights under the law to "review the proposed project" have been violated and we are demanding that the November 16 hearing be cancelled until Mr. DeBenedetti follows the law and presents the **actual** "proposed plan" to neighboring property owners for our review and comment. The above information is yet another issue that all neighboring property owners have been denied review and comment on because we were never shown this "new" "proposed project".

Cancel your November 16, 2023 hearing on this matter until the law is followed and AK Feeders is required to hold a Neighborhood Meeting to show us the actual "proposed plan" so we can then send our testimony on the actual "proposed plan" to the County before any hearing is held. Also, require AK Feeders to re-do their Application with factual information on it for this actual "proposed plan" and re-submit it to the County.

Sincerely,

Debbie Cardoza  
31252 Peckham Road  
Wilder, ID 83676

Sent from my iPhone

October 23, 2023

VIA EMAIL

RECEIVED  
▶ OCT 25 2023 ◀  
RECEIVED

Ms. Pam Dilbeck  
Sr. Administrative Specialist  
Canyon County Development Services Depart.  
111 N. 11th Street, #310, Caldwell, ID 83605

cc: Sabrina Minshall  
Director, DSD  
Development Services Depart.  
Canyon County

RE: You have several problems with your CU2022-0036 AK Feeders

Dear Ms. Dilbeck:

This is in response to your October 12, 2023 email and letter to us responding to our October 10, 2023 Records Request as well as the Public Notice you mailed to neighboring property owners. We have reviewed these materials you sent us and, as you suggested, we have also looked on the County's Land Use Hearings web page for this now-scheduled November 16, 2023 Preliminary Hearing on this matter, and you have several problems.

Canyon County Zoning Law CCZO 07-01-15 (1) requires a neighborhood meeting for any proposed conditional use. Section CCZO 07-01-15(3) states: "**(3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.**"

The first problem you have is that we are being denied our rights to provide written testimony by the date specified on your Notice, October 28, 2023, because the Public Notice you sent us is **NOT** for the Plan that was presented to us at the 6/28/22 Neighborhood Meeting. We cannot provide written testimony for a Plan we know nothing about. The second problem is that the "Application" and "project" on your website is **NOT** the original "Application" nor is it, again, the "proposed project" presented to all of us who attended the only Neighborhood Meeting on 6/28/22 and signed the "Neighborhood Meeting sign-Up" sheet in your file. The "Application" has been doctored and the parcels presented to us for this "project" have also been doctored and replaced with other parcels. A number of the major parameters of this "project" presented to us by AK Feeders at the 6/28/22 Neighborhood Meeting have been completely changed, e.g., the parcels for this project have changed; the location of the "project" has changed; the size of project has changed; the number of cattle has changed, etc. What you have on your website and what you sent us on your Public Notice is, again, **NOT** what we were presented with at the Neighborhood Meeting on 6/28/22 and, therefore, we have been denied our rights to review the actual "proposal" at the legally-required Neighborhood Meeting and to provide written testimony.

EXHIBIT  
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As neighbors, property owners, and citizens who will be affected by this project, the law requires that we be provided with a Neighborhood Meeting to "review the proposed project" which means to "review the ACTUAL proposed project" before it goes to any County hearings. The County is required to follow the law so we are demanding that your November 16 hearing be cancelled until such time as the law is followed and another Neighborhood Meeting be held, this time with the actual details of any AK Feeders' "project" presented to us.

In addition, we know that you have more material in your file that was not provided to us through our Records Request, so your response was inadequate.

We, the undersigned, who also signed the first "Neighborhood Meeting Sign-up" sheet for CU2022-0036 AK Feeders demand that the law be followed and that the November 16, 2023 DSD hearing on this matter be cancelled until such time as another Neighborhood Meeting is provided as required by law for us to review the "actual project" by AK Feeders.

Sincerely,

Name:

Address:

Victoria A. Case  
V. Brad Case

30769 Red Top Rd, Wilder, ID 83676  
30769 RED TOP RD, WILDER ID  
83676

Dee Dee Alderson  
Tom Alderson

22440 State Line Rd Parma, ID 83660  
22440 STATE LINE RD, PARMA, ID

Shawna Rockoster  
Christina Newton

22450 State line Rd Parma ID  
31396 Red Top Road Wilder, ID 83676

Dick Newton

31396 Red Top Rd Wilder ID 83676

Deirdre Brown  
Randall Brown

22470 State Line Road Parma ID  
22470 STATE LINE RD, PARMA 83660

Dee Howe

31453 Peckham Rd. Wilder, ID 83671

Ralph Howe

31453 PECKHAM RD WILDER ID  
83676

(con't)

Name:

Address:

Nancy Candra  
Debbie Candra  
PANDORA LAYNE  
SUSAN ISAAC  
Christy Candra

31252 Peckham Rd. Wilder, Id 83676  
31252 Peckham Rd. Wilder 83676  
22894 ARENA VALLEY RD WILDER 83676  
31492 Red Top Rd Wilder ID 83676  
31492 Red Top Rd Wilder ID 83676



# CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, Suite 310 • Caldwell, Idaho • 83605  
Phone (208) 454-7458

[www.canyoncounty.id.gov/elected-officials/commissioners/dsd](http://www.canyoncounty.id.gov/elected-officials/commissioners/dsd)

Greetings Property Owner:

**NOTICE IS HEREBY GIVEN** that the Canyon County Planning & Zoning Commission is scheduled to hold a public hearing on **November 16, 2023** beginning at 6:30 p.m. on the following case. The hearing will be held in the Public Meeting Room on the 1<sup>st</sup> floor of the Canyon County Administration Building, located at 111 North 11<sup>th</sup> Avenue, Caldwell, Idaho.

Case No. CU2022-0036: The applicant, AK Feeders, represented by Matt Wilke, is requesting a conditional use permit for a Confined Animal Feeding Operation for 3700 beef cattle. The facility is currently located and will be expanded on approximately 80 acres of parcel R37348010 located at 21696 State Line Road, Wilder, ID. The subject property is zoned "A" (Agricultural).

Public comments are very important in evaluating this case. You are invited to provide written testimony by **October 28, 2023**, or oral testimony at the hearing. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet – allowing the hearing body adequate time to review the submitted information. **All written testimony or exhibits received after the deadline will need to be brought to the public hearing and read into the record by the person submitting the information.** If it is a large document that can't easily be read into the record, the hearing body will determine if they will accept it as a late exhibit.

Copies of all documents concerning public hearing items can be obtained from the county website <https://www.canyoncounty.id.gov/elected-officials/commissioners/dsd/land-hearings/> as they are available. Development Services' public office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except on Wednesdays when public office hours are 1:00 p.m. to 5:00 p.m. If you have questions, please contact the Case Planner, Debbie Root at [Debbie.root@canyoncounty.id.gov](mailto:Debbie.root@canyoncounty.id.gov). In all correspondence concerning this case, please refer to the case number noted.



Assistance is available for persons with disabilities. Please call the Development Services Department at 454-7458 at least five (5) days prior to the hearing so that arrangements can be made

October 27, 2023

**HAND DELIVERED**



Planning & Zoning Commissioners  
Canyon County  
c/o Canyon County Development Services Department  
111 N. 11<sup>th</sup> Street, #310  
Caldwell, ID 83605

RE: CU2022-0036 AK Feeders' Request for Conditional Use Permit

Dear Commissioners:

Attached you will find the August 18, 2022 District Court's **Amended Memorandum Decision and Order Granting Petitioners' Petition for Judicial Review** striking down the decision by the previous Canyon County Board (VanBeek, White, & Smith) to allow the addition of 6,000 head of cattle to a feedlot owned by Peckham Road Trust located nearly next door to AK Feeders' proposed site, about 5 minutes away.

You will see on the District Court's Order, on page 14 beginning at item "D. Petitioners Have Shown Prejudice to Their Substantial Rights" and continuing on to page 17, why the Court ruled in favor of Petitioners. The Petitioners' May 31, 2022 Reply Brief that lead to the District Court's Order is also attached. It is important to note that the previous Board and the Canyon County Prosecuting Attorney's office did not dispute the District Court's ruling because they did not file a Request for Reconsideration with the District Court nor did they file an appeal with the Idaho Supreme Court, precipitating the Court's Remittitur that is also attached.

Also attached is the DENIAL by the previous P&Z Commissioners dated March 4, 2021 to the Peckham Road Trust request to add 6,000 head of cattle to their site. DSD Staff had also recommended denial of Peckham's proposal. Note the items the P&Z Commissioners cited in their DENIAL that established why the proposal was not consistent with the Comprehensive Plan.

The similarities in the findings by the State Siting Team for both the Peckham Road Trust proposal, struck down by the District Court, and the AK Feeders' proposal are striking, they could be identical twins, with one glaring difference even more problematic for AK Feeders, the CAFO Site Advisory Team's report designated the AK Feeders' proposed project as "**High Risk**" versus the Medium Risk finding for Peckham.

A comparison of page 16 of the Court's Order and the Site Team Report for AK Feeders shows many similarities between the Team's reviews of both Peckham and AK Feeders. For instance, the mean nitrate level in groundwater within a 5-mile radius is virtually identical at 5.3mg/L and the percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 25%-35%. The AK Feeders' Site Team review found 4 "High Risk Factors" that reveal that allowing either 6000 head of cattle (on the only plan shown to the neighbors in AK Feeders' Neighborhood meeting) or the nearly 4,000 head of cattle (now shown on a totally different plan on the County's Land Hearings web page for a November 16, 2023 Hearing that AK Feeders' neighbors know nothing about) on this site would be disastrous because the soil is so porous the cattle waste would easily and quickly go directly into, and further destroy, the aquifer that is next to the Snake River.

On page 15 of the Court's Order, the District Court Judge stated, "...The (Supreme) Court, however, has previously held that substantial rights were harmed when property values are impacted or there is interference with use and enjoyment of property. *Id.* (citing *Price v. Payette Cty. Bd., of Cty. Comm'rs*, 131 Idaho 426, 431, 958 P.2d 583, 588 (1998) (recognizing prejudice to a substantial right and vacating a board decision because it could impact property value or the petitioners' use and enjoyment of their land))", and "The nature of the proof required to establish such prejudice is aptly shown by reference to other cases from (the Idaho Supreme Court". The Judge went on to confirm findings from the Idaho Legislature by stating, "The Idaho Legislature finds that confined animal feeding operations increase social and environmental impacts in areas where these facilities are located".

The Court found that citizens' Constitutional rights to the "use and enjoyment of their property" would be violated by the Peckham proposal to add 6,000 head of cattle near their properties and the property values would be destroyed so the Court vacated and made null and void the Board's decision to allow that proposed use. This AK Feeders' proposed plan is virtually a carbon copy of the Peckham proposal and would be disastrous for citizens living nearby who have been here long before Mr. DeBenedetti appeared. Whether the AK Feeders' plan is for the 6,000 head of cattle that they showed us at their Neighborhood Meeting or the plan we now see posted on the County's website that no local property owners know anything about calling for almost 4,000 head with, as the Site Team states on top of page 3 of their report "...if/when the facility expands", would violate of the Constitutional right to "the use and enjoyment" of our properties and our property values.



By copy of this letter to DSD Staff, we ask that the following documentation be put into the AK Feeders County Record (CU2022-0036) for reference and review by the P&Z Commissioners:

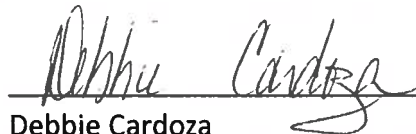
- 1) all documentation in County file CU2020-0001 - Peckham Road Trust
- 2) Petitioners vs. Canyon County, case # CV14-21-10123, all documents in the County legal file for this case

Our Constitution and the Idaho Supreme Court have spoken. Canyon County does not have the right or authority to violate our Constitutional right to “the use and enjoyment of our property” or to destroy our property values that would happen if this land use was approved. As a result, we, as property owners and citizens living near this AK Feeders’ proposed land use DEMAND that you DENY AK Feeders’ Application and proposed land use.

Sincerely,



Susan Isaak  
31492 Red Top Road, Wilder, ID 83676



Debbie Cardoza  
31252 Peckham Road, Wilder, ID 83676

Attachments:

**RE: Peckham Road Trust issue:**

- P&Z Commissioners’ DENIAL FCO of CU2020-0001 – Peckham Road Trust
- Petitioners’ Reply Brief to District Court (Case CV14-21-10123)
- Amended Memorandum Decision and Order Granting Petitioners’ Petition for Judicial Review from District Court (Case CV14-21-10123)
- District Court Remittitur (Case CV 14-21-10123)

### **Suggestions for Testifying at the Public Hearing**

#### **Be informed . . .**

Review the proposal, the staff report, applicable provisions of the ordinance and comprehensive plan. Learn the criteria used to consider the proposal's merits, or other pertinent material.

#### **Be on time . . .**

Although the item you are interested in may not be first on the agenda, you never know when it will be heard. The governing body has authority to adjust the schedule according to its discretion. Thus, anticipate attending from the beginning.

#### **Speak to the point . . .**

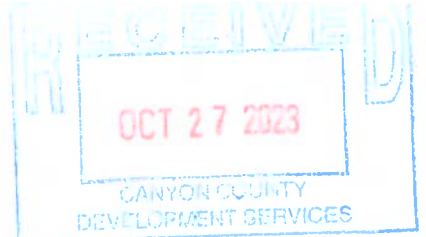
The governing body appreciates pertinent, well organized, and concise comments. Redundant testimony is discouraged and each individual is given 3 minutes to comment. Long stories, abstract complaints, or generalities may not be the best use of time. Neighborhood groups are encouraged to organize testimony and have one person speak on behalf of the group -- "opposition representative," like the applicant's representative, receives 10 minutes to make comments. Applicant has 5 minutes to rebut or discuss issues raised by any opposition.

#### **If you don't wish to speak, write . . .**

At most hearings, previously submitted written testimony has been reviewed by the governing body before the meeting. It is unreasonable to submit extensive written comments or information at the hearing and expect them to be reviewed prior to a decision. All documents or written comments should be submitted to the Development Services Department by October 28, 2023.

Hearing Case: AK Feeders LLC  
Case No.: CU2022-0036  
R37347  
Conditional Use Permit CU2022-0036

**Notice of Public Hearing**



**Canyon County Planning and Zoning Commission  
Peckham Road Trust - CU2020-0001**

**FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER**

1. Peckham Rd. Trust is requesting a modification of a conditional use permit (Case No. CU2004-92) to allow the existing feedlot (CAFO) to expand from the approved 6,000 head of beef cattle to 12,000 head. The operation will be expanded from the current nine (9) parcels to 13 parcels, R36987010, R36987, R36988, R36989, R36991, R36991010, R36967, R36968012, R36968013, R36975010, R36992, R36992010, & R36986. The facility is located at 27443 Peckham Rd., Wilder, ID in Section 21, T4N, R5W, BM, Canyon County, Idaho.
2. The 13 parcels total approximately 183 acres and are zoned "A" (Agricultural).
3. The request is an expansion of the existing CAFO (Case No. CU2004-92).
4. Parcel No.s R36967, R36968013, R36968012, R36975010 are located within Wilder's Area of City Impact. The city designates the properties as "low density residential."
5. The property has adequate access to the public road system.
6. On July 22, 2020, the Board of Commissioners sent a Siting Team Request Letter to the Department of Agriculture. The siting team was formed and completed a site analysis on September 8, 2020 and December 15, 2020.
7. The neighborhood meeting was held in compliance with CCZO §07-01-15 on 12/3/19.
8. Notifications were completed in compliance with CCZO §07-05-01. Agency Notice was transmitted on 9/14/20, 1/7/21 and included notice to the City of Wilder. Property owners within 300 ft. were notified on 9/25/20, 11/25/20, and 1/7/21. Publication of the legal notice on 9/30/20, 11/25/20, and 1/13/21. The property was posted on 10/8/20 and on or before 1/21/21.
9. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing held on 1/28/21, 2/4/21, 2/11/21, public testimony, and all other documents in case file CU2020-0001.

**Conclusions of Law**

For case file CU2020-0001 the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (CCZO §07-07-05).

1. **Is the proposed use permitted in the zone by conditional use permit?**

**Conclusion:** The proposed use is permitted in the zone by conditional use permit.

**Finding:** Canyon County Zoning Ordinance §07-10-27 provides opportunity for the proposed use as a conditional use permit.

2. **What is the nature of the request?**

A modification of a conditional use permit (Case No. CU2004-92) to allow the existing feedlot (CAFO) to expand from the approved 6,000 head of beef cattle to 12,000 head. The operation will be expanded from the current nine (9) parcels to 13 parcels, R3698701, R36987, R36988, R36989, R36991, R3699101, R36967, R36968012, R36968012,

R3697501, R36992, R3699201, & R36986.

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with the Canyon County Future Land Use Map which designates the area as "Agriculture."

Finding: The proposed use is consistent with the Canyon County Future Land Use Map, which designates the property as "Agriculture."

The use is consistent with the following 2020 Canyon County Comprehensive Plan goals and policies:

Economic Development Goal No. 2: "To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities." The property is zoned "A" (Agricultural) and the requested use is an agricultural activity, permitted by conditional use permit.

Economic Development Goal No. 4: "Provide an economically viable environment that builds and maintains a diverse base of business." The use provides employment in the agricultural industry within Canyon County.

Economic Development Policy No. 1: "Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community." The property is zoned "A" (Agriculture). The feedlot provides employment in the agricultural industry within Canyon County.

Transportation Policy No. 13: "Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency services purposes." The property has frontage on public roadways under Golden Gate Highway District No. 3 jurisdiction. The facility will have emergency access points as well as a primary access to the feedlot (Exhibit 3).

Transportation Policy No. 19: "Require and accept traffic studies in accordance with highway district procedures that evaluate the impact of traffic volumes, both internal and external, on adjacent streets and preserve the integrity of residential neighborhoods where applicable." The applicant has completed a traffic impact study (Exhibit 66). The applicant will be adhere to Golden Gate Highway District No. 3 requirements, including, but not limited to a structural capacity analysis of Peckham Road from Rodeo Lane To Batt Corner Road due to proposed increase in heavy truck traffic, prior to expansion of the facility (Exhibit 24b).

Agriculture Goal No. 1: "Acknowledge, support, and preserve the essential role of agriculture in Canyon County." The property is zoned "A" (Agriculture) and is utilized for agriculture use.

Agriculture Goal No. 2: "Support and encourage the agricultural use of agricultural lands." The property is zoned "A" (Agriculture) and is utilized for agriculture use.

X **The use is not consistent** with the following 2020 Canyon County Comprehensive Plan goals and policies:

X Property Rights Policy No. 8: *"Promote orderly development that benefits the public good and protects the individual with minimum of conflict"* The expansion of the feedlot to 12,000 head of cattle will double the number of animals currently housed at the facility. The property is zoned "A" (Agriculture), however, there are numerous residences within close proximity to the site. There are also 200 platted lots within one (1) mile of the site. The increase in numbers will increase truck traffic to /from the site creating an impact to surrounding property owners. The property is also located within a nitrate priority area (Ada Canyon Nitrate Area) and numerous wells within the vicinity have tested high in nitrate (Exhibit 16).

X Land Use Goal No. 1: *"To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services."* The feedlot is in close proximity to existing residential uses. The operation is also located within a nitrate priority area in which numerous domestic wells in the vicinity have tested high in nitrates (Exhibit 16).

X Land Use Policy No. 6: *"Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality."* The property is located within a nitrate priority area in which numerous domestic wells in the vicinity have tested high in nitrates. The request to increase the animals on site poses a Medium/Moderate Risk, as noted in the siting team report (Exhibit 5b).

X Natural Resources Water Goal No. 1: *"Water is an essential and limited natural resource. Groundwater and surface water should be preserved and protected."* The property is within a nitrate priority area in which numerous domestic wells in the vicinity have tested high in nitrates (Exhibit 16). The expansion also encroaches on a historic landfill (Exhibit 21).

X Natural Resources Water Policy No. 1: *"Encourage the protection of groundwater and surface water quality."* Expansion of the feedlot beyond the current boundary will increase the footprint of the facility over a historic landfill. Although the applicant indicates the area will be used as a "composting area," this may involve trucks/equipment activity within the dumpsite. Furthermore, the facility will be expanding within a nitrate priority area (Exhibit 18).

X Hazardous Areas Policy No. 6: *"Discourage development near solid waste disposal areas unless it is an ancillary use."* The "composting area" as shown on the applicant's site plan (Exhibit 3) is located over an historic landfill.

X Agriculture Policy No. 5: *"Recognize that confined animal feeding operations ("CAFOs") may be more suitable in some areas of the county than in other areas of the county."* Although the site is currently being utilized as a feedlot under the approval of a conditional use permit (CU2004-92), the expansion of the site being considered is within a nitrate priority area and encroaches over an historic landfill. Expansion of the site may not be suitable in this area.

**4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

Conclusion: The proposed use may will injurious to other property in the immediate vicinity and will negatively change the essential character of the area.

Finding: The proposed expansion has the potential to negatively change the essential character of the area with the increase in truck traffic to and from the site. Golden Gate Highway District No. 3 has requested the applicant complete a structural capacity analysis from Peckham Road and

Batt Corner Road.

The feedlot will encroach upon a historic landfill which could potentially pose a risk to public health and the environment, as noted in the siting team report (Exhibit 5b). The site plan depicts this area as being a "composting area," however, any disturbance of the site should be avoided.

Also noted as "moderate risk" factors in the siting team report, is the percentage of wells over 5mg/l within a five mile radius is 35% (Exhibit 5b).

**5. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use;**

Conclusion: Adequate facilities for sewer, irrigation, drainage and storm water drainage facilities, and utility systems will be required at the time of expansion.

Finding: Adequate water, sewer, irrigation, drainage and storm water drainage facilities will be provided. The applicant will be required to comply with state and federal regulations with respect to the CAFO siting team report and recommendations as well as the Nutrient Management Plan.

**6. Does legal access to the subject property for the development exist or will it exist at the time of development;**

Conclusion: Legal access exists for the subject property.

Finding: The property has frontage on Fish Road, Peckham Road, and Rodeo Lane. The Fish Road and Peckham Road access points will be utilized for emergency purposes only. Daily traffic will only utilize the south leg of Rodeo Lane. All requirements of Golden Gate Highway District shall be adhered to (Exhibit 24, 24a, & 24b).

**7. Will there be undue interference with existing or future traffic patterns?**

Conclusion: There will may be undue interference with existing or future traffic patterns.

Finding: There may be undue interference with existing or future traffic patterns due to the increase of heavy truck traffic to and from the site. The expansion request will double the amount of cattle housed at the facility from the current 6,000 head to 12,000 head.

The applicant has completed a Traffic Impact Study for the proposed use (12,000 head), see Exhibit 66. The expansion is estimated to generate 90 trips per weekday.

The traffic impact study (TIS) states that there will be no 129,000 pound heavy trucks anticipated at the site. All heavy truck traffic from the feedlot operations utilize truck routes [Exhibit 66 pg. 2, 1.6]. No heavy truck traffic generated by the feedlot is expected on Fish Road or Peckham Road, west of the site. The internal road network within the site will circulate traffic to various areas of the property. The internal roads will be utilized to deliver feed to the livestock pens.

- The feedlot will continue to use the existing access points. No new site accesses are proposed with the expansion.
- The Fish Rd. & Peckham Road access is intended for emergency/irrigation use as noted in the TIS.

- The site will not have operational access to Fish Road or the existing private approach on Peckham Road, west of Rodeo Lane.
- Daily traffic will only utilize the south leg of Rodeo Lane.

The study concluded that no intersection turn lanes were warranted under 2020 existing traffic conditions as well as 2023 build out traffic conditions. [Exhibit 66, pg. 2 & 3, 2.1-4.3]

Golden Gate Highway District No. 3 has reviewed the draft traffic impact study. The district has requested the applicant submit an updated study in response to the comments outlined in Exhibit 24, 24 a and 24b. The district will require the applicant to provide a structural analysis of Peckham Road (from Rodeo Ln. to Batt Corner Rd.) prepared by a professional engineer or geologist licensed in the State of Idaho and approved by GGHD3.

- 8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

**Conclusion:** Essential services will be provided and this application will not negatively impact existing services or require additional public funding.

**Finding:** The proposed CAFO expansion is not anticipated to impact essential services.

Canyon County Ambulance District, Wilder School District, Canyon County Sheriff, and Wilder Fire Protection District were notified of the request and did not provide responses to indicate that the proposed use would have a negative impact. No mitigation measures are proposed at this time.

**Additional Criteria for Approval of a CAFO Expansion: Canyon County Code: §08-01-12:**

**A. General Requirements:**

1. The expanding CAFO shall be within an area zoned A (Agricultural), M-1 (Light Industrial), M-2 (Heavy Industrial), where appropriate.

**Conclusion:** The subject property is in an area zoned "A" (Agricultural).

2. The expanding CAFO shall comply with and not be in violation of any federal, state or local law or regulatory requirements.

**Conclusion:** The siting team, which included staff from Idaho Department of Environmental Quality, Idaho Department of Water Resources (IDWR) and Idaho State Department of Agriculture (ISDA), did not find any violations on-site. Idaho State Department of Agriculture also submitted Exhibit 27, and stated the feedlot is in compliance.

3. An applicant shall not begin construction of an expanding CAFO prior to approval of the CAFO siting permit.

**Conclusion:** During the siting team review on September 9, 2020 and December 15, 2020 there were no new structures or development on the subject property.

4. An expanding CAFO shall comply with IDAPA rules governing dead animal disposal.

Conclusion: Idaho State Department of Agriculture is the regulatory agency for disposal, IDAPA 02.04.17.

**B. Animal Waste:**

1. The expanding CAFO shall comply with the terms of its nutrient management plan for land application.

Conclusion: The CAFO shall comply with the terms of the approved nutrient management plan (Exhibit 6).

2. The expanding CAFO shall be in compliance with all applicable environmental regulations and requirements.

Conclusion: The CAFO shall comply with all applicable environmental regulations and requirements.

3. All new lagoons shall be constructed in accordance with state and federal regulations.

Conclusion: Any new lagoons on site must comply with IDAPA 02.04.14 "Rules Governing Waste".

**C. Site Setbacks:**

Conclusion: The site plan provided by the applicant demonstrates the existing CAFO and proposed expansion meets all eight (8) criteria for setbacks. Required site setbacks are to be maintained on an on-going basis.

**CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:**

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.

- NP (Nutrient Pathogen Study) provided by applicant may be beneficial.



**Order**

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein, the Planning and Zoning Commission **denies** Case # CU2020-0001 request for a modification of a Conditional Use Permit (CU2004-92) to allow the expansion of the existing feedlot from 6,000 head of cattle to a maximum of 12,000 head.

APPROVED this 4<sup>TH</sup> day of March, 2021.

PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO

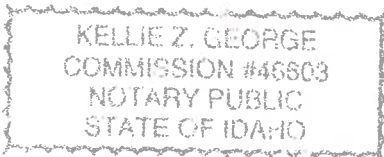
  
Robert Sturgill, Chairman


State of Idaho )

ss

County of Canyon County )

On this 4 day of March, in the year of 2021, before me Kellie Z George, 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:   
My Commission Expires 3-14-2024



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

BRENDA ABBOTT, DANIEL BALE, PAUL CHISMAR, GEORGE AND JULIA COCHRAN, ANGELA GALLOWAY, RICKI GILMAN, MERLE HAMMONS, DENNIS AND STACIE HARVEY, GERARD AND SHARI HASTINGS, KELLY AND CALVIN HUIT, STEPHEN AND MARY LOU KAPLAN, J.A. LONN AND MARY LEITCH, GREGORY AND ELIZABETH LIEFER, NEIL AND BONNIE MORSE, DANIELLE OROZCO, RICHARD ROBOTKAY, FRANCISCO A. RODRIGUEZ, HAMES AND LINDA SLY, ALVIN AND FERN SMALLWOOD, DAVID AND SANDRA L. SMALLWOOD, AND KENT VAUGHTERS,

Petitioners.

vs.

CANYON COUNTY, a political subdivision of the State of Idaho, acting through the CANYON COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent.

Case No. CV14-21-10123

**AMENDED<sup>1</sup> MEMORANDUM  
DECISION AND ORDER GRANTING  
PETITIONERS' PETITION FOR  
JUDICIAL REVIEW**

<sup>1</sup> The only change to this decision is the removal of the following language from the Order: "This case is remanded to the Board of County Commissioners of Canyon County for further proceedings consistent with this opinion."

On November 12, 2021, Petitioners Brenda Abbott, Daniel Bale, Paul Chismar, George and Julia Cochran, Angela Galloway, Ricki Gilman, Merle Hammons, Dennis and Stacie Harvey, Gerard and Shari Hastings, Kelly and Calvin Huit, Stephen and Mary Lou Kaplan, J.A. Lonn and Mary Leitch, Gregory and Elizabeth Liefer, Neil and Bonnie Morse, Danielle Orozco, Richard Robotkay, Francisco A. Rodriguez, Hames and Linda Sly, Alvin and Fern Smallwood, David and Sandra L. Smallwood, and Kent Vaughters (collectively “Petitioners”) filed a Petition for Judicial Review. Petitioners filed their Opening Brief on April 11, 2022. Respondent Canyon County and Intervenor/Applicant Peckham Road Trust filed separate Response Briefs on May 9, 2022. On May 31, 2022, Petitioners filed their Reply Brief. The Court heard oral argument from the parties on June 24, 2022, and took the matter under advisement.

## **I. BACKGROUND**

Peckham Road Trust (“Peckham”) owns a confined animal feeding operation (“CAFO”) located at 27443 Peckham Road, Wilder, Idaho, in Canyon County. The existing CAFO has been established since 1966. Peckham filed an application with the Canyon County Planning and Zoning Commission (“Commission”) for a modification of a conditional use permit. Peckham requested to expand its existing CAFO from the approved 6,000 head of beef cattle to 12,000 head, and to expand the CAFO from the current nine (9) parcels to thirteen (13) parcels.

The Commission requested a siting team from the Idaho Department of Agriculture perform a site review of the CAFO and determine whether the proposed modification is suitable for its location. The siting team determined that the proposed expansion posed a moderate environmental risk. On March 4, 2021, the Commission denied Peckham’s request for a modification to its conditional use permit to expand the existing CAFO from 6,000 head of cattle to 12,000 head.

Peckham appealed the Commission's decision to the Canyon County Board of Commissioners ("Board"). The Board received evidence and testimony at multiple public hearings and reviewed Peckham's proposed expansion de novo. Petitioners, who are residents living in close proximity to the CAFO, submitted written comments to the Board describing the potential impacts to their properties if the Board approves the expansion of the CAFO. R., pp. 1123, 1325, 1327, 1342, 1344, 1348-50, 1536, 1542, 1546, 1569, 1571-2561-62, 2650, 2757, 2762-66, 2773-87. Petitioners alleged the following impacts: (1) concerns for their health because of the CAFO's proximity to an old landfill; (2) potential leaching waste into the groundwater that could impact their drinking water; (3) an increase in noise, odors, flies, and traffic; and (5) concerns that their property values would decrease.

At the July 13, 2021 public hearing, Commissioner Kerri Smith noted the need for conditions imposed on the CAFO to mitigate the potential adverse impacts on the people and properties in the vicinity of the CAFO:

I find it hard if we were to approve the conditional use permit to not have any conditions in front of us that would help us determine if it – because of Darin Taylor's testimony I think he said it best that there are concerns for changing the character of the area. So conditional use permits help place conditions so that you can mitigate those concerns.

July 13, 2021 Transcript ("T."), p. 217, ll. 18-25. Commissioner Smith further stated the following in support of approving Peckham's conditional use permit:

And so for those reasons I would like to approve the conditional use permit. However, I do believe that we need to thoughtfully consider what those conditions of approval are to protect the operator and to protect the constituents that live there. And so I would like to give some time to allow the applicant and staff to review conditions today or over the next couple of weeks based on the testimony that was received, to hear some of those mitigating factors that we can consider for the constituents, and then also to allow them to operate within the rules of the state and federal guidelines for these without us getting into the weeds too much on them.

July 13, 2021 T., p. 239, ll. 1-15.

The Board set a hearing on July 27, 2021 to discuss the conditions they wanted to add to the conditional use permit. At the hearing, the Planning and Zoning Staff prepared conditions for the Board's consideration. The Board discussed and deliberated on the proposed conditions at length before issuing its final decision.

On August 2, 2021, the Board issued its Findings of Fact, Conclusions of Law and Order ("FCO") approving Peckham's application to modify its conditional use permit to expand its CAFO to 12,000 head of beef cattle and to thirteen (13) parcels. The Board's decision included twenty (20) conditions of approval. Petitioners filed a request for reconsideration of the Board's decision, but the Board failed to respond to the request within 60 days as required under I.C. § 67-6535(2)(b) and the request for reconsideration was, therefore, denied.

On November 12, 2021, Petitioners filed a Petition for Judicial Review. Peckham filed a Motion to Intervene and the parties stipulated to allow Peckham to intervene. The Court granted Peckham's Motion to Intervene on March 18, 2022. Petitioners filed their Opening Brief on April 11, 2022. Canyon County and Peckham filed separate responding briefs on May 9, 2022. On May 31, 2022, Petitioners filed their reply brief.

## **II. APPLICABLE STANDARD**

The Local Land Use Planning Act ("LLUPA") allows an affected person to seek judicial review of a final decision approving, denying, or failing to act upon a land use application, as provided for in the Idaho Administrative Procedure Act. *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 14, 343 P.3d 41, 43 (2015); I.C. § 67-6521(1)(d). "For purposes of judicial review of LLUPA decisions, a local agency making a land use decision, such as the Board of Commissioners, is treated as a government agency under [the Idaho Administrative Procedure Act]." *Hungate v. Bonner Cty.*, 166 Idaho 388, 392, 458 P.3d 966, 970 (2020). The court reviewing an agency

decision must consider the proceedings as a whole and evaluate the adequacy of the procedures and resulting decisions “in light of practical considerations with an emphasis on fundamental fairness and the essentials of reasoned decision making.” I.C. § 67-6535(3). “The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.” I.C. § 67-5279(1).

The court must affirm the agency action unless it finds that the agency’s findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) not supported by substantial evidence on the record as a whole; or
- (e) arbitrary, capricious, or an abuse of discretion.

I.C. § 67-5279(3). “There is a strong presumption that the zoning board’s actions were valid and that it has correctly interpreted its own zoning ordinances.” *Rouwenhorst v. Gem Cty.*, 168 Idaho 657, 666, 485 P.3d 153, 162 (2021).

An agency’s actions are considered arbitrary or capricious “if made without a rational basis, or in disregard of the facts and circumstances, or without adequate determining principles.” *Id.* at 662, 485 P.3d at 158 (quoting *Lane Ranch P’ship v. City of Sun Valley*, 145 Idaho 87, 91, 175 P.3d 776, 780 (2007)). “So long as the Board’s findings, conclusions and decision are sufficiently detailed to demonstrate that it considered applicable standards and reached a reasoned decision, [the Court] will find that the decision was not arbitrary or capricious and was based on substantial evidence in the record.” *Id.* (internal quotations omitted). An agency’s discretionary decisions are reviewed for an abuse of discretion under a four-part standard: whether the agency “(1) correctly perceived the issue as one of discretion; (2) acted within the outer boundaries of its discretion; (3) acted consistently with the legal standards applicable to the specific choices

available to it; and (4) reached its decision by the exercise of reason.” *Lunneborg v. My Fun Life*, 163 Idaho 856, 863, 421 P.3d 187, 194 (2018); *see also Haw v. Idaho State Bd. of Med.*, 143 Idaho 51, 54, 137 P.3d 438, 441 (2006).

Further, the agency action shall be affirmed “unless substantial rights of the appellant have been prejudiced.” I.C. § 67-5279(4). “The party challenging the decision of the Board must not only demonstrate that the Board erred in a manner specified by I.C. § 67-5279(3) but must also show that its substantial rights have been prejudiced.” *Hawkins v. Bonneville Cty. Bd. of Comm’rs*, 151 Idaho 228, 232, 254 P.3d 1224, 1228 (2011) (quoting *Kirk-Hughes Dev., LLC v. Kootenai Cty. Bd. of Comm’rs*, 149 Idaho 555, 557, 237 P.3d 652, 654 (2010) (citing I.C. § 67-5279(4))).

The petitioner must show both an error under § 67-5279(3) and prejudice under § 67-5278(4), but nothing in the IAPA requires the courts to address these two requirements in any particular order. This Court may therefore affirm a governing board’s decision solely on the grounds that the petitioner has not shown prejudice to a substantial right. *See Kremasky v. Nez Perce Cty. Planning & Zoning*, 150 Idaho 231, 235-36, 245 P.3d 983, 987-88 (2010) (upholding a conditional-use permit because the petitioner failed to challenge the district court’s adverse ruling regarding substantial rights); *Kirk-Hughes Dev.*, 149 Idaho at 558, 237 P.3d at 655 (same).

*Hawkins*, 151 Idaho at 232, 254 P.3d 1228. Therefore, remand is only appropriate if an error prejudiced the petitioner’s substantial rights. *Jasso v. Camas Cty.*, 141 Idaho 790, 793, 264 P.3d 897, 900 (2011); I.C. § 67-5279(4).

### III. DISCUSSION

Petitioners assert that the Board’s decision should be vacated because (1) the Board failed to decide whether the proposed CAFO expansion was consistent with the County’s Comprehensive Plan, (2) the Board did not impose sufficient conditions in Peckham’s conditional use permit, (3) the Board failed to consider the City of Wilder’s Area of Impact, and (4) the Board’s decision

violates their fundamental rights. All of the parties also assert that they are entitled to attorney fees.

**A. The Board Abused its Discretion by Failing to Conclude Whether Peckham's Proposed CAFO Expansion was Consistent with the Comprehensive Plan.**

Petitioners assert that the Board's decision to approve Peckham's application is deficient and warrants reversal because the Board failed to conclude whether the proposed CAFO expansion is consistent with the Canyon County Comprehensive Plan as required by Canyon County Code § 07-07-05(3). Petitioners further assert that the Board's decision is not supported by the substantial evidence to the contrary in the record and is clearly erroneous, and that the Commission properly concluded that the proposed expansion was not consistent with the Canyon County Comprehensive Plan, and that the Planning and Zoning Commission's decision was based on a reasoned analysis and an application of the facts to the relevant provisions of the Comprehensive Plan and ordinances.

Canyon County argues that the Board's written findings meet the LLUPA requirements, but if the Court finds that the decision is deficient, the Board's conclusions are supported by the record. Canyon County further argues that the Board's findings that the proposed CAFO expansion is consistent with several goals and policies of the 2020 Canyon County Comprehensive Plan demonstrates that the Board made an affirmative finding that the expansion is consistent with the Comprehensive Plan. Peckham also argues that the record as a whole supports a finding that the Board concluded that the proposed expansion was consistent with the Comprehensive Plan.

Idaho Code § 67-6535 governs the issuance of findings of fact or conclusions of law relevant to a local land use agency's approval or denial of a land use application as follows:

- 1) The approval or denial of any application required or authorized pursuant to this chapter shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation



of the city or county. Such approval standards and criteria shall be set forth in express terms in land use ordinances in order that permit applicants, interested residents and decision makers alike may know the express standards that must be met in order to obtain a requested permit or approval. Whenever the nature of any decision standard or criterion allows, the decision shall identify aspects of compliance or noncompliance with relevant approval standards and criteria in the written decision.

- 2) 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.
  - a) Failure to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of same, on appeal.

I.C. § 67-6535. “[T]he reasoned statement must plainly state the resolution of factual disputes, identify the evidence supporting that factual determination, and explain the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest.” *Jasso*, 151 Idaho at 794, 264 P.3d at 901. In order to satisfy I.C. § 67-3535, a local decision-maker “must articulate in writing both (1) the facts found and conclusions reached and (2) the rationale underlying those findings and conclusions.” *Id.*

However, I.C. § 67-6535 requires more than conclusory statements from which a decision-maker’s resolution of disputed facts and legal reasoning may be inferred. It is not the role of the reviewing court to scour the record for evidence which may support the decision-maker’s implied findings and legal conclusions. To the contrary, the reviewing court’s responsibility is not to evaluate the sufficiency of the evidence or the soundness of the legal principles upon which a decision *may* have rested; rather, the role of the reviewing court is to evaluate the process by which the decision was reached, considering whether substantial evidence supported the factual findings, and evaluate the soundness of the legal reasoning advanced in support of the decision.

*Id.* at 795-96, 264 P.3d at 902-03 (emphasis in original).

When considering a conditional use permit application, Canyon County Zoning Ordinance § 07-07-05(3) requires the presiding party to find adequate evidence to answer in its findings of fact, conclusions of law, and order or recommendation whether the proposed use is consistent with the Canyon County comprehensive plan.

The Board's decision is an abuse of discretion because it failed to comply with the requirements for approving a conditional use permit under Canyon County Code § 07-07-05. The County's zoning ordinance requires the Board to decide whether the modification of Peckham's conditional use permit is consistent with the County's Comprehensive Plan. Canyon County Code § 07-07-05(3). The Board failed to do so. In the Board's Conclusions of Law, it stated: "The proposed use is consistent with the Canyon County Future Land Use Map which designates the area as 'Agriculture.'" R., p. 2873. The Board then found that the use is consistent with seven goals and policies in the Comprehensive Plan. The Board failed to decide whether the use is consistent with the Comprehensive Plan as required by Canyon County Code § 07-07-05. *See* I.C. § 67-6535(1). While it is clear that the Board found the use consistent with the Future Land Use Map and seven goals and policies in the Comprehensive Plan, the Board did not state that it had considered the entire Comprehensive Plan or that the use is consistent with the Comprehensive Plan. The County and Peckham argue that this is a "negligible defect" or a scrivener's error. The Court is not persuaded by this argument. The Court will not assume that the Board reached a conclusion that it did not state in its written findings. The Board's decision is an abuse of discretion because it failed to act consistently with the legal standards that governed its decision,

**B. The Board Did Not Abuse Its Discretion When Adding Conditions to the Conditional Use Permit.**

Petitioners assert that the Board's decision approving Peckham's conditional use permit application should be vacated and remanded because the Board abused its discretion by failing to

recognize it had authority to impose conditions in the conditional use permit that go beyond the requirements in the CAFO ordinance and state/federal law. They also argue that the Board abused its discretion by failing to include sufficient conditions to minimize adverse impacts of the open canal site setbacks and the dump site/landfill to persons or property located in the vicinity of the CAFO. Petitioners cite to the Idaho Supreme Court's decision in *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 41 (2015), in support of their arguments. Canyon County argues that the Board did not abuse its discretion because it recognized its authority to include additional conditions of approval to Peckham's conditional use permit, and imposed stricter conditions than required by the ordinance. Peckham also argues that it is clear from the record that the Board understood its ability to impose additional or more restrictive conditions in approving the conditional use permit.

Pursuant to Canyon County Code § 07-07-17, special conditions may be attached to a conditional use permit including, but not limited to, conditions that “[m]inimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity,” or “[r]equire more restrictive standards than those generally required in [the zoning regulations].” *See also* I.C. § 67-6512(d)(1) and (7).

The Board did not abuse its discretion when deciding what special conditions to include in the conditional use permit. It is clear from the record that the Board understood that it had authority to impose additional and/or more restrictive conditions on the conditional use permit to mitigate the potential adverse impacts of the CAFO expansion. During the public hearings, the Board heard testimony from residents who live near the existing CAFO and their concerns for their health, use and enjoyment of their property, and potentially decrease in their property values. The Board took their concerns into consideration when deciding what conditions to impose to minimize any

adverse impacts to the people and properties in the vicinity of the CAFO. The Board held a hearing to decide what conditions to add to the conditional use permit.

In condition of approval no. 3, the Board requires the CAFO expansion to “comply with all site setbacks as provided in the County CAFO Ordinance (Canyon County Code Section 08-01-012(1)(C).” R., p. 2877. In addition to the requirements set forth in Canyon County Code § 08-01-12(1)(C), the Board ordered in condition of approval no. 10 that the CAFO “shall comply with the recommendations in the Mitigation section of the CAFO Siting Team report, to minimize potential water source contamination (Exhibit 99 and attached to FCOs as Exhibit B.” R., p. 2878. The CAFO Siting Team report states that the “facility should ensure a two hundred (200) foot setback from the stockpiling or land application of waste or wastewater to any domestic or irrigation well or down-gradient surface water of the state of Idaho.” R., p. 2884. The 200-foot site setback is a more restrictive standard than the 100-foot setback required in Canyon County Code § 08-01-12(1)(C)(6).

In general, the Board ordered that the CAFO shall comply will all applicable federal, state, and county laws, ordinances, rules, and regulations, including compliance with the Idaho Department of Agriculture, the Idaho Department of Environmental Quality, and the Idaho Environmental Protection Agency requirements. Petitioners argue that the Board’s condition of approval no. 19 concerning the dump site/landfill is an insufficient condition because the condition does not require the CAFO to avoid impacting the historic landfill. Rather, the condition only orders that the plan operations “should avoid impacting the historic landfill,” and cites to the siting team report, Exhibit 99. R., p. 2879. While the Board chose not to make this a requirement, it was under no obligation to do so. The Board, in condition of approval no. 4, also requires the following: “Prior to expansion, The [*sic*] feedlot shall be developed in substantial conformance

with the updated site plan attached to the FCOs as Exhibit A. The composting area shall be located as identified on said plan and shall not be located over the historic landfill sit.” R., p. 2878. The conditions ordering the CAFO to avoid the historic landfill are additional conditions imposed by the Board to minimize potential health and environmental hazards to the people and properties in the vicinity.

The Board understood that it could order additional and/or more restrictive conditions than required by law, and it did so throughout the 20 conditions of approval imposed on the CAFO, including the site setbacks and the dump site/landfill. The Board considered the concerns raised by the residents in the vicinity of the CAFO and imposed conditions to minimize the potential adverse impacts to the residents and their properties pursuant to Canyon County Code § 07-07-17. Based on the foregoing, the Board did not abuse its discretion.

**C. The Board Correctly Applied the Canyon County Comprehensive Plan to the Wilder Area of City Impact.**

Petitioners assert that the Board failed to consider and discuss the Wilder area of city impact land map designation in its decision. Petitioners concede that the Board included the Wilder’s area of city impact designation in its Findings of Fact, but asserts that there is no discussion as to whether it impacted the Board’s analysis or conclusions. Canyon County argues that the Board correctly applied its own comprehensive plan in its written findings pursuant to Canyon County Code § 09-17-15(1). Canyon County further argues that neither LLUPA nor Canyon County ordinances require a written finding regarding the area of city impact land map designation. Peckham argues that Petitioners lack standing to raise this issue.

LLUPA confers standing to seek judicial review of a local land use decision to an “affected person” aggrieved by the decision. I.C. § 67-6521(d). The Idaho Supreme Court noted that “while it recognizes the underlying policy of I.C. § 67-6521(d) conferring standing to affected persons,

the legislature cannot, by statute, relieve a party from meeting the fundamental constitutional requirements of standing.” *Evans v. Teton Cty.*, 139 Idaho 71, 75, 73 P.3d 84, 88 (2003) (citing *Noh v. Cenarrusa*, 137 Idaho 798, 53 P.3d 1217 (2002)). An affected person is “one having a bona fide interest in real property which may be adversely affected by” the issuance or denial of a special use permit. I.C. § 67-6521(1)(a)(i).

Petitioners have standing to raise whether the Board properly considered the Wilder area of city impact land map designation. Petitioners live in the vicinity of the existing CAFO. The proposed CAFO expansion includes an expansion of land and an increase in the total head of cattle. Petitioners have alleged that this expansion will adversely impact their health, use and enjoyment of their property, and property values. Though the expanded CAFO includes parcels in the Wilder area of city impact, Petitioners are affected persons aggrieved by the Board’s decision.

Pursuant to Canyon County Code § 09-17-15, the Canyon County comprehensive plan shall apply to the Wilder area of city impact.

The Canyon County comprehensive plan, as amended, shall apply to the Wilder area of city impact. Canyon County recognizes that the city of Wilder has also developed a comprehensive plan and accompanying map for the Wilder area of city impact. Canyon County shall give consideration to the city’s comprehensive plan map designations when evaluating development requests within the Wilder area of city impact.

Canyon County Code § 09-17-15(1). Further, Canyon County zoning ordinances shall apply within the Wilder area of city impact. Canyon County Code § 09-17-17. “There is a strong presumption that the zoning board’s actions were valid and that it has correctly interpreted its own zoning ordinances.” *Rouwenhorst*, 168 Idaho at 666, 485 P.3d at 162.

The Board correctly interpreted its zoning ordinance and applied the Canyon County comprehensive plan to the Wilder area of city impact. The Board made a finding of fact that the CAFO expansion would include four (4) parcels located within the Wilder area of city impact, and

that Wilder designates the four (4) parcels as “low density residential.” R., p. 2872. This shows that the Board gave consideration to Wilder’s comprehensive plan map designations. In Canyon County, this land is located in an “A” agricultural zone. The Board’s findings and reasonings throughout its decision state that the property is zoned agricultural and a CAFO is permitted in an agricultural zone if a conditional use permit is granted. For these reasons, the Board did not abuse its discretion when it applied the Canyon County comprehensive plan to the parcels located in the Wilder area of city impact.

**D. Petitioners Have Shown Prejudice to Their Substantial Rights.**

Petitioners assert that they have been injured and had their fundamental rights violated by the Board’s decision to approve the conditional use permit to expand the existing CAFO from 6,000 head of beef cattle to 12,000 head, and from the current nine (9) parcels of land to thirteen (13) parcels. They assert that this expansion will increase truck traffic creating an impact to surrounding property owners, increase nitrates in the area that could impact domestic wells in the area, increase health and environmental impacts to nearby property owners, reduce property values, and increase noise, lights, odor, and flies. Canyon County argues that Petitioners have failed to show that their substantial rights have been prejudiced. Peckham further argues that Petitioners did not present any site-specific testimony or evidence in support of their allegations that their property values or other rights would be prejudiced.

An agency action shall be affirmed “unless substantial rights of the appellant have been prejudiced.” I.C. § 67-5279(4). “The party challenging the decision of the Board must not only demonstrate that the Board erred in a manner specified by I.C. § 67-5279(3) but must also show that its substantial rights have been prejudiced.” *Hawkins*, 151 Idaho at 232, 254 P.3d at 1228 (quoting *Kirk-Hughes Dev., LLC v. Kootenai Cty. Bd. of Comm’rs*, 149 Idaho 555, 557, 237 P.3d

652, 654 (2010) (citing I.C. § 67-5279(4))). The petitioner opposing a permit “must still show, not merely allege, real or potential prejudice to his or her substantial rights.” *Id.* (holding that a petitioner must show “something more” than the county misapplied its own ordinance).

In [*917 Lusk, LLC v. City of Boise*], the petitioner satisfied the “something more” test articulated in *Hawkins* by showing that the proposed construction of 622 bedrooms for student housing in their neighborhood, with only 280 parking spaces, would potentially drive business away from the neighborhood, require time and expense for the petitioner to police parking on its own property, and cause a reduction of value of the petitioner’s property. 158 Idaho 12, 19, 343 P.3d 41, 48 (2015). The Court held that the bare facts of the project, without even attempting to evaluate the impact of guests who arrive by automobile, presented “sufficient evidence that Lusk is in jeopardy of economic harm from the project to satisfy the requirements set forth in *Hawkins*.” *Id.*

*Hungate v. Bonner Cty.*, 166 Idaho 388, 394, 458 P.3d 966, 972 (2020).

The Idaho Supreme Court has not established a bright line test governing whether a petitioner’s substantial rights have been violated. *Id.* The Court, however, has previously held that substantial rights were harmed when property values are impacted or there is interference with the use and enjoyment of property. *Id.* (citing *Price v. Payette Cty. Bd. of Cty. Comm’rs*, 131 Idaho 426, 431, 958 P.2d 583, 588 (1998) (recognizing prejudice to a substantial right and vacating a board decision because it could impact property value or the petitioners’ use and enjoyment of their land)). “The nature of the proof required to establish such prejudice is aptly shown by reference to other cases from [the Idaho Supreme Court].” *Id.*

The Idaho Legislature finds that “[c]onfined animal feeding operations increase social and environmental impacts in areas where these facilities are located.” I.C. § 67-6529B. Expansion of the Peckham’s CAFO from 6,000 head of cattle to 12,000 head would further increase the social and environmental impacts in the area. Petitioners have shown that the CAFO expansion would adversely impact their persons or property and prejudice to their substantial rights.



The CAFO Siting Team states “The Environmental Risk, as determined by the Team, is Medium Risk. In addition to the factors described below, the team applied a moderate risk based on the site’s location with a Nitrate Priority Area, the number of downgradient domestic wells, and the presence of a historic landfill facility.” R., p. 2883. The Siting Team found that the following risk factors contributed to the environmental risk rating:

High Risk Factors

- The aquifer geology is composed of gravels and sand.

Moderate Risk Factors

- Predominate soil type is loamy fine sand that is somewhat well drained.
- Clay layers are not continuous, but are generally present and range from 10 to greater than 100 feet thick.
- The mean nitrate level in ground water within a 5-mile radius is 5.39 mg/L.
- The percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 35%.
- The time of travel to the closest downgradient spring is between 6-10 years.
- Downgradient distance to the nearest off-site domestic well is approximately 700 feet.
- Nearest downgradient exposed surface water canal is greater than 1,000 feet to the south of the facility. However, facility contains an underground canal which is exposed at the eastern and western edges of property boundary.
- Average annual precipitation is 10-11 inches.

R., p. 2883. This report gives credence to Petitioners’ concerns that the CAFO expansion would adversely impact the local environment, their health, the nitrates in their water, and their property values.

Petitioners have also shown that the increase in odors and flies from the CAFO expansion would interfere with the use and enjoyment of their property and decrease their property values.

An increase from 6,000 head of cattle to 12,000 head is likely going to smell worse and adversely affect the neighbors. This expansion will also increase the amount of excrement being produced on Peckham’s property and possibly increase the number flies as well. Although the record says

that Peckham will improve the current CAFO site through this expansion, it is reasonable to assume that doubling the number of cattle could cause harm to the neighbors. There is a significant likelihood that this will interfere with Petitioners' use and enjoyment of their properties and decrease their property values. *See Hawkins, supra*. For these reasons, Petitioners have shown that the Board's decision prejudiced their substantial rights, and Petitioners' Petition for Judicial Review is granted.

**E. No Party is Entitled to Attorney Fees.**

Petitioners request attorney fees under I.C. § 12-117. The County also requests attorney's fees pursuant to I.C. § 12-117, and argues that Petitioners should not be awarded attorney's fees if they are the prevailing party because the County acted with a reasonable basis in fact or law in issuing its decision on Peckham's conditional use permit application. Peckham requests its attorney's fees under I.C. §§ 12-117 and 12-121 because it had to join this Petition for Judicial Review to ensure its rights and interests were protected.

Idaho Code § 12-117(1) provides for the award of attorney's fees "in any proceeding involving as adverse parties a state agency or a political subdivision and a person ... if [the court] finds that the nonprevailing party acted without a reasonable basis in fact or law." A "political subdivision" includes a county. I.C. § 12-117(6)(d). The Idaho Supreme Court has held that I.C. § 12-117 requires as adverse parties a county and a person, and that one person cannot recover from another person "solely because of the presence of a governmental entity in the litigation." *Citizens Against Linscott/Interstate Asphalt Plant v. Bonner Cty. Bd. of Comm'rs*, 168 Idaho 705, 720-21, 486 P.3d 515, 530-31 (2021) (declining to award attorney fees on appeal to a petitioner against a non-government intervening party).

Idaho Code § 12-121 only applies in civil actions. *S Bar Rach v. Elmore Cty.*, 170 Idaho 282, \_\_\_, 510 P.3d 635, 667 (2022). “A petition for judicial review is not a civil action because it is not commenced by the filing of a complaint.” *Id.* (citing *In re Workers Comp. Bd.*, 167 Idaho 13, 24-25, 467 P.3d 377, 388-89 (2020)). Therefore, I.C. § 12-121 cannot be the basis for an award of attorney’s fees in proceedings initiated by the filing of a petition for judicial review. *Id.* Whether to award attorney’s fees is discretionary for the district court. *Id.* at \_\_\_, 510 P.3d at 665-66.

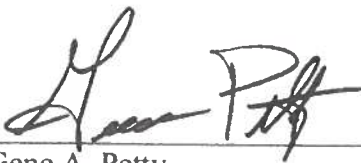
Canyon County and Peckham are not prevailing parties and, therefore, they are not entitled to attorney’s fees. Petitioners are the prevailing parties in this Petition for Judicial Review. Petitioners, however, cannot recover their attorney’s fees from Peckham pursuant to I.C. § 12-117 because Peckham is not a political subdivision. Also, the Court finds that Petitioners are not entitled to an award of attorney’s fees because Peckham and the County did not act without a reasonable basis in fact or law. For these reasons, the requests for attorney’s fees are denied.

#### IV. ORDER

Based on the foregoing, IT IS HEREBY ORDERED that Petitioners’ Petition for Judicial Review is GRANTED.

8/18/2022 09:43 AM

Dated:

  
\_\_\_\_\_  
Gene A. Petty  
District Judge

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

BRENDA ABBOTT, DANIEL BALE, PAUL CHISMAR, GEORGE AND JULIA COCHRAN, ANGELA GALLOWAY, RICKI GILMAN, MERLE HAMMONS, DENNIS AND STACIE HARVEY, GERARD AND SHARI HASTINGS, KELLY AND CALVIN HUIT, STEPHEN AND MARY LOU KAPLAN, J.A. LONN AND MARY LEITCH, GREGORY AND ELIZABETH LIEFER, NEIL AND BONNIE MORSE, DANIELLE OROZCO, RICHARD ROBOTKAY, FRANCISCO A. RODRIGUEZ, JAMES AND LINDA SLY, ALVIN AND FERN SMALLWOOD, DAVID AND SANDRA L. SMALLWOOD, AND KENT VAUGHTERS,

Petitioners,

vs.

CANYON COUNTY, a political subdivision of the State of Idaho, acting through the CANYON COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent.

Case No. CV14-21-10123



**PETITIONERS' REPLY BRIEF**

On appeal of final action by the Canyon County Board of County Commissioners

Before the Honorable Judge Gene A. Petty

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EXHIBIT  
61 C

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## **I. ADDITIONAL ARGUMENT**

Respondent Canyon County and Intervenor/Applicant Peckham Road Trust attempt to convince this court that the Board of County Commissioners' Decision in this matter is legally sound, despite the significant deficiencies identified by the Petitioners. They also make an effort to convince the court that none of the 32 individual Petitioners in this matter have any substantial rights that have been prejudiced by the Board's Decision to authorize a significant expansion of the existing feedlot. These arguments fall short of the mark, requiring that the Decision be vacated and that the matter be remanded for further proceedings.

### **A. The Decision's Required Findings and Conclusions Cannot be Inferred by the Court.**

In response to *Petitioners' Opening Brief*, Canyon County readily admits that there is a "deficiency in the written findings" of the Board – namely that the Decision contains no finding that the proposed use is consistent with the County's Comprehensive Plan. *Respondent's Brief* at 3. The Applicant begrudgingly acknowledges this, as well. *Intervener/Applicant's Response Brief* at 19. A determination that the proposed use is consistent with the Comprehensive Plan is required for the approval of a conditional use permit under Canyon County's Zoning Ordinance. CCZO § 07-07-05 As a result, this deficiency is fatal to the Board's Decision.

The County urges the court to nonetheless uphold the Decision on the basis that its omission of the required finding is "a scrivener's error" or a "minor flaw." *Respondent's Brief* at 5, 8. The Applicant similarly labels this legal deficiency as a "negligible defect" or a "scrivener's error." *Intervener/Applicant's Response Brief* at 9. However, a scrivener's error is a type of error that is absolutely clear, such as a typographical mistake, clerical error or unintentional addition or omission of a word, altering the meaning of a document. [www.definitions.uslegal.com](http://www.definitions.uslegal.com); [www.yourdictionary.com](http://www.yourdictionary.com). That is not what occurred here.

The Decision completely fails to make any finding as to whether – let alone how – the proposed use is consistent with the Comprehensive Plan. This glaring omission cannot simply be ignored by the court. And the court cannot – as suggested by both the County and the Applicant – make this finding for the County. “It is not the role of the reviewing court to scour the record for evidence which may support the decisionmaker’s implied findings and legal conclusions.” *Jasso v. Camas County*, 151 Idaho 790, 795, 264 P.3d 897, 902 (2011); see also *Crown Point Development v. City of Sun Valley*, 144 Idaho 72, 156 P.3d 573 (2007) (remanded to make proper factual findings). Such circumstances, constitute a failure to provide a reasoned statement for decision, contrary to the requirements of I.C. § 67-6535. *Id.* “Failure to identify the nature of compliance . . . with express approval standards or failure to explain compliance . . . with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization.” I.C. § 67-6535(2)(a).

**B. The Board Failed to Recognize its Discretion to Address Concerns with “Open Water.”**

In its response, the County proclaims: “This is not *917 Lusk*.” *Respondent’s Brief* at 7. However, the Board’s failure to recognize its discretion to include conditions specific to the concerns raised about the “open water” on the subject property is exactly like the circumstances in *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 41 (2015) (reversing and remanding decision to grant conditional use permit for failure to recognize discretion to impose conditions beyond minimum standards). In that case, the singular issue was whether Boise’s City Council recognized the discretion that it had to place conditions on parking, beyond those contained in its ordinance. Here, the parallel question is whether the Canyon County Board understood the discretion that it had to impose conditions on the “open water” that exists on the subject property. It is clear that it did not.



Critically, the Board’s Decision did not identify either I.C. § 67-6512(d) or CCZO § 07-07-17 as decision criteria, both of which provide authority for the County to regulate “open water,” beyond the minimum requirements of the CAFO Ordinance. The Decision incorrectly concluded that the permit must be granted if the CAFO Ordinance was met. R p. 2876.

Setbacks from “open water” canal segments or monitoring of water quality to ensure that waste does not drain into those waters were both raised as potential mitigation measures by the Board during the proceedings. Contrary to the County’s argument that there was no basis for such conditions being considered, the CAFO Siting Team Report identified this risk factor. R pp. 2877, 2883. It was also raised in written public comments to the Board. R pp. 2773-74 (noting that waste ponds would drain into open canal segments). However, the input provided by staff made clear – erroneously – that the CAFO Ordinance, including the requirement that the Applicant need only comply with state and federal law, wholly addressed those “open water” issues. There was no room for the suggested mitigation measures. Aug. 2, 2021 Tr p. 6, L. 6-25, p. 16, L. 23 – p. 18, L. 21; R p. 2870. As a result, the Board failed to comprehend the discretion that it had to impose setbacks or monitoring requirements on the open canal segments.

Canyon County and the Applicant argue that the Board’s imposition of other types of conditions serves as proof that it understood the discretion that it had. It simply chose not to exercise that discretion when it came to dealing with the “open water” issue. *Respondent’s Brief* at 9. However, this runs contrary to the discussion that occurred on the record between the Board and County staff, specific to the “open water” issue. Again, this is very similar to the parking discussion that occurred between the City of Boise and its staff in *917 Lusk*. In both instances, the decisionmaker was erroneously led to believe that it had no discretion over that particular issue.

Compounding the problem here is that there is no reasoned, written explanation of the Board's supposed decision not to exercise the Board's discretion to address the "open water" issue. Without the written explanation required by I.C. § 67-6535(2), it is not possible for the court to conclude that the Board has "perceived the issue in question as discretionary" or that it "acted within the outer limits of its discretion and consistently with the legal standards applicable to the available choices, and reached its own decision through an exercise of reason." *Krempasky v. Nez Perce Cnty. Planning & Zoning*, 150 Idaho 231, 237, 245 P.3d 983, 989 (2010) (quoting *Haw v. Idaho State Bd. of Med.*, 143 Idaho 51, 54, 137 P.3d 438, 441 (2006)).

In response to the concern that the Decision provides only that the CAFO expansion "should avoid impacting the historic landfill to prevent any impact to human health & environment" (R p. 2879), rather than making the condition mandatory, the County and the Applicant blame the Siting Report. *Intervener/Applicant's Response Brief* at 34. However, the Siting Team was making a recommendation to the County, which explains the Report's use of the word "should." To accept that recommendation, the County needs to make the condition mandatory, through use of the word "shall" or "must," as it did for all other approved conditions. R pp. 2877-79. This abuse of discretion by the Board needs to be addressed on remand.

The County and the Applicant failed to respond to the Petitioners' argument that the Decision did not require any financial assurance from the Applicant for the expanded CAFO, despite the large financial costs that could be required to correct potential problems, including the "very costly" removal and proper disposal of all found waste from disturbing the landfill, as noted by the CAFO Siting Team. R p. 2884. This is a further abuse of discretion.

Again, the specific impacts to property owners in the vicinity were not adequately addressed by the Board, despite the fact that such injury must be avoided to approve a conditional

use and that authority exists to impose additional conditions. CCZO § 07-07-01 (higher standards of site development may be required “in order to assure that the proposed use will be compatible with other property and uses in the vicinity”); CAFO Ordinance § 08-01-05 (“The provisions of this article are minimum standards”); I.C. § 67-6512(d)(7) (authorizes conditions requiring more restrictive standards than those generally required in an ordinance). The Idaho Supreme Court has made clear that such limited action constitutes an abuse of discretion. *917 Lusk*, 343 P.3d at 45-47 (2015). That is certainly the case here.

As a result, the Board’s Decision must be reversed and remanded.

**C. The Decision did not Consider the City of Wilder Area of Impact.**

The County and the Applicant respond that it was sufficient that the Decision provided an “acknowledgment” and “called out” the City of Wilder’s Area of Impact designation for the subject property. *Respondent’s Brief* at 11; *Intervener/Applicant’s Response Brief* at 39. Of course, this falls far short of the ordinance, which requires that “Canyon County shall give consideration to the city’s comprehensive plan map designations when evaluating development requests within the Wilder area of city impact.” Wilder City Area of Impact Ordinance § 09-17-15(1).

To take into consideration means “to bear in mind; consider; deliberate.” *Colliers English Dictionary* (12<sup>th</sup> Ed. 2014); *Webster’s College Dictionary* (2010). The Board’s Decision does not indicate that any of these things were done with the City’s Area of Impact designation for the subject property, thereby running afoul of I.C. § 67-6535(2).

The Applicant attempts to evade this shortcoming by arguing – as an additional issue raised in this judicial review action – that the Petitioners do not have standing to raise it. *Intervener/Applicant’s Response Brief* at 35-38. For this proposition, the Applicant first argues that the Petitioners cannot stand in the shoes of the City of Wilder. The Petitioners are doing no such thing. They have a right, pursuant to LLUPA and the Idaho APA, to challenge the County’s

Decision. That is not dependent upon the City of Wilder. The issue was separately raised to the Board by one of the Petitioners. R p. 1595.

In addition, the Applicant argues that the Petitioners do not have standing under *Coalition for Agriculture's Future v. Canyon County*, 160 Idaho 142, 369 P.3d 920 (2016). However, the reliance on this case is badly misplaced. The case did not involve judicial review of an agency decision under the APA. It was an action filed under the Uniform Declaratory Judgment Act. *Id.* at 143-44. Accordingly, it does not address the issue of who an “affected person” entitled to judicial review is within the meaning of the APA. The decision precluded a party who could have appealed an adverse zoning decision through judicial review from later challenging the decision by bringing a declaratory judgment action. *Id.* at 147. That does not describe the instant case at all, where Petitioners have filed a timely petition for judicial review, pursuant to the APA. In fact, the decision recognized that an adjacent property owner suffered a particularized injury due “to detrimental dust, noise, and traffic” created by the proposed activity, sufficient to demonstrate a particularized harm. *Id.* That is very similar to the harm alleged by many of the Petitioners here.

So long as the Petitioners demonstrate prejudice to their substantial rights – an issue which is further addressed below, they have the ability to bring an APA action. This includes consideration of whether the Board’s Decision was consistent with the law, including the County’s ordinances, of which the Wilder City Area of Impact Ordinance is one. The Applicant’s attempt to argue that the Petitioners do not have standing to raise this issue is misplaced.

Because the Decision does not contain an explanation of the Board’s consideration of the City’s Area of Impact designation for the subject property, it must be reversed and remanded.

**D. The Petitioners Clearly have Substantial Rights that Stand to be Prejudiced.**

To receive relief, the Petitioners must show real or potential prejudice to their substantial rights. *Hawkins v. Bonneville Cnty. Bd. Of Comm'rs*, 151 Idaho 228, 233, 254 P.2d 1224, 1229

(2011). The County and the Applicant claim that the Petitioners have failed to make this showing. In particular, the Applicant claims that the Petitioners only made general arguments in their testimony and comments, not specific to the proposed CAFO expansion. *Intervener/Applicant's Response Brief* at 42. This is simply incorrect.

The Applicant points to *Hungate v. Bonner County*, 166 Idaho 388, 458 P.3d 966 (2020) to support its argument that the Petitioners do not have substantial rights that stand to be prejudiced. However, the case is easily distinguished. In *Hungate*, the Court found that there was “no additional harm in granting” the requested variance, when the buildings had been there for twenty years. *Id.* at 968. Great weight was placed on this fact. *Id.* at 972. The same cannot be said about the proposed CAFO expansion in this case, which proposes to double the number of permitted livestock from what is currently allowed. In addition, there was no evidence in the record to support the claims of potential impacts in *Hungate*. *Id.* at 973-74.

In this matter, there are 32 individual Petitioners. Ample evidence exists in the record regarding the potential to impact the substantial rights of those parties, thereby satisfying the “something more” test of *Hungate*. *Id.* at 972. Following is a summary of those potential impacts.

Petitioner Brenda Abbott submitted written comments that the expanded CAFO would adversely impact her irrigation right-of-way, that disturbance of the landfill site could cause impacts to her property, and that waste ponds draining into the open canal segments on the subject property would run in front of her home. R pp. 1364-81, 2760, 2773-74.

Petitioner Paul Chismar commented that leaching of waste into the groundwater from the expanded CAFO could impact his drinking water well. R p. 2757.

Petitioner Angela Galloway commented about potential impacts to her property from the CAFO expansion's potential disturbance of the abandoned landfill. R pp. 1325-28.

Petitioner Merle Hammons provided detailed, specific comments that he lives “across the street” from the proposed CAFO expansion and shared test results showing that his drinking water well is already “approaching maximum concentration of 10.0 mg/L” of nitrates, which is likely to increase with the expansion. He also expressed concerns about his property value potentially decreasing by 50-90%. R pp. 1123, 1357-58, 1571, 1599.

Petitioners Dennis and Stacie Harvey commented that they live just west of the proposed expansion, which will result in increased noise, odors, and traffic on and near their property, and an increase in nitrates in the groundwater that supplies their drinking water well, which is tested regularly. They also expressed concerns about the reduction in property values that would result from all of these increased impacts. R pp. 1569, 2753.

Petitioner Shari Hastings provided comments about the increased noise, odor, flies, and dust that would occur on her property, one mile away, as a result of the CAFO expansion, as well as impacts to her drinking water well and property values. R pp. 1344, 1536, 2532, 2548.

Petitioners Stephen and Mary Lou Kaplan commented that the noise and smell from the CAFO expansion 1.3 miles from their property “would make any outdoor activity impossible” and “would negatively impact our neighborhood.” R pp. 1542, 1546.

Petitioners Gregory and Elizabeth Liefer are “property owners located 300 yards” from the proposed CAFO expansion who built their retirement home there in 2016. Their comments detailed increased odors from the expansion, as well as increased road usage, damage and safety hazards associated with the expanded CAFO. In addition, the Liefers commented on potential impacts to their residential well, surface runoff from the site, and potential dumpsite disturbance impacts. All of this will cause reduced property values for them. R pp. 1341-43.

Petitioner Francisco Rodriguez lives adjacent to the proposed CAFO expansion and his comments detailed potential impacts to his domestic well, R pp. 1348-1350, 1823, 2561, 2567.

Petitioner Kent Vaughters commented that his property is “within about 100 feet” of the proposed expansion and that smells from the site will increase on his property. R p. 2650.

The Petitioners are all affected persons, as defined by Title 67, Chapter 65, Idaho Code. They have been injured and had their fundamental rights violated by the Board’s Decision. These residents live in close proximity to the CAFO and are all injured by the Decision. The Petitioners stand to be directly affected by the expansion of the CAFO from the 6,000 head of beef cattle to 12,000 head and from the current nine (9) parcels (totaling 113 acres) to 13 parcels (totaling 183 acres). As detailed above, there is substantial evidence in the record of the potential prejudice to the Petitioners’ substantial rights resulting from the Board’s Decision to grant the conditional use permit, thereby satisfying the *Hungate* test.

**E. Petitioners are Entitled to Attorney Fees; the Applicant is Not.**

The Petitioners renew their request for attorney fees in this action, pursuant to Idaho Code § 12-117. The statute allows for an award of attorney fees in any proceeding involving as adverse parties a political subdivision and a person, if the court finds that the non-prevailing party acted without a reasonable basis in fact or law.

As explained above, the Board did not make required factual findings in its Decision. It failed to recognize the discretion that it had to impose certain, additional conditions to protect property owners in the area. And the Board failed to consider the City of Wilder’s Area of Impact designation, as required by the County’s own ordinance. The County could have addressed these shortcomings by acting upon the Petitioners’ request for reconsideration, but it failed to do so. The Board has therefore acted with no reasonable basis in approving the Application, thereby entitling the Petitioners to attorney fees under Idaho Code §12-117.

Conversely, the Applicant is not entitled to attorney fees in this matter. As a threshold matter, the Applicant is not likely to be the prevailing party. Even if so, the Applicant is not adverse to the County and is therefore not eligible for attorney fees under Idaho Code §12-117. And the Petitioners' positions in this matter are not obviously unreasonable, frivolous, or without foundation, thereby precluding an award of attorney fees under Idaho Code § 12-121.

Canyon County has not requested attorney fees and is not entitled to the same.

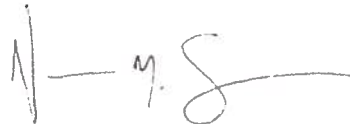
## II. CONCLUSION

For the reasons set forth above, the Petitioners respectfully request that the Board's Decision approving the Application be vacated and rendered null and void, and further that they be awarded reasonable attorney fees and costs.

The Petitioners renew their request for oral argument on their Petition for Judicial Review.

DATED this 31<sup>st</sup> day of May, 2022.

PARSONS BEHLE & LATIMER

A handwritten signature in black ink, appearing to read "N. M. Semanko", written over a horizontal line.

Norman M. Semanko  
Attorneys for Petitioners





**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

BRENDA ABBOTT, DANIEL BALE, PAUL CHISMAR, GEORGE AND JULIA COCHRAN, ANGELA GALLOWAY, RICKI GILMAN, MERLE HAMMONS, DENNIS AND STACIE HARVEY, GERARD AND SHARI HASTINGS, KELLY AND CALVIN HUIT, STEPHEN AND MARY LOU KAPLAN, J.A. LONN AND MARY LEITCH, GREGORY AND ELIZABETH LIEFER, NEIL AND BONNIE MORSE, DANIELLE OROZCO, RICHARD ROBOTKAY, FRANCISCO A. RODRIGUEZ, HAMES AND LINDA SLY, ALVIN AND FERN SMALLWOOD, DAVID AND SANDRA L. SMALLWOOD, AND KENT VAUGHTERS,

Petitioners,

vs.

CANYON COUNTY, a political subdivision of the State of Idaho, acting through the CANYON COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent.

**CASE NO. CV14-21-10123**

**REMITTITUR**

TO: Board of County Commissioners of Canyon County

The District Court having announced its Decision in this cause on **August 18, 2022**

which has now become final:

REMITTITUR

EXHIBIT  
61 D

IT IS HEREBY ORDERED that the Board of County Commissioners of Canyon County shall forthwith comply with the directive of the District Court, if any action is required.

DATED: 10/14/2022 3:43:37 PM

By: M Martinez  
Deputy Clerk

RESOLUTION NO: 23-178

The Canyon County Board of Commissioners considered and adopted the following resolution which shall be effective on the 29<sup>th</sup> day of June, 2023.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek the Board resolves as follows:




WHEREAS, AK Feeders have requested a Conditional Use Permit to provide for a CAFO operation to allow 3700 head of beef animals in a feedlot on a portion of parcel R37348010 (163.23 acre) in an "A" (Agricultural) Zone; and

WHEREAS, prior to this hearing it is desirable to have a CAFO siting advisory team view the property located at 21696 Stateline Rd., Wilder, Idaho in a portion of the NW quarter of Section 14, Township 4N, Range 6W, BM, Canyon County, Idaho.

WHEREAS, IDAPA 02 Title 04 Chapter 18: Rules for Governing CAFO Site Advisory Team, Section 200: The Formation of a Site Advisory Team states: "A board of county commissioners may request the formation of a CAFO site advisory team to provide a site suitability determination by submitting to the Director (of the Department of Agriculture) a written request supported by the adoption of a resolution by the county."

NOW THEREFORE, good cause having been shown, the Board formally requests, by written correspondence, that the Department of Agriculture form a CAFO siting advisory team to view the aforementioned property.

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

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

ATTEST: CHRIS YAMAMOTO, CLERK

By: J Ross  
Deputy

June 26, 2023

Chanel Tewalt, Director  
Idaho State Department of Agriculture  
ATTN: County CAFO Siting Team  
2270 Old Penitentiary Road  
Boise, ID 83712

RE: Request for a CAFO Siting Advisory Team Review

Director,

Through this letter we are respectfully requesting the CAFO siting advisory team view the property located at 21696 Stateline Road, Wilder, Canyon County, Idaho. We are making our request for a siting team review based upon the request by AK Feeders, David De Benedetti, manager, for a Conditional Use Permit to expand the existing operation to 3700 animals, on "A" (Agricultural) zoned properties owned by AK Feeders, LLC. The request will be heard by the Canyon County Planning and Zoning Commission pending the Siting Team Report.


We would request you provide all back-up information related to the siting team review report, including, but not limited to:


- Please provide copies of all worksheets and notes used by the team in evaluating the site.
- Please provide a detailed narrative of any specific concerns of the team and the answers to the concerns.
- Please evaluate the availability of well water for the proposal and effects on ground water in the area. Is the area a nitrate priority area?
- Please address odor and pest concerns—both the current operation and the proposed expansion.
- Please address waste management for both the current operation and the proposed expansion.
- Please address waste management for both the current operation and the proposed expansion, including any problems or concerns.
- Please indicate the names of all persons present during the site evaluation and their agency or responsibility.

We appreciate your consideration of our request and look forward to your response. If you have any questions, please contact Debbie A. Root at the Development Services Department office at (208) 455-6034.

Sincerely,

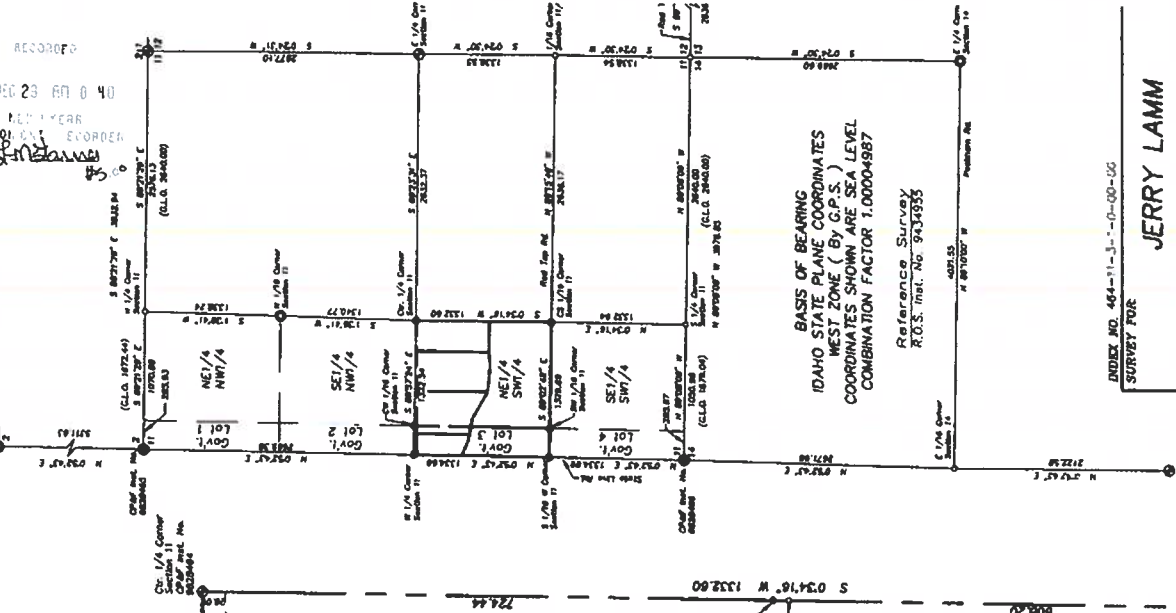
CANYON COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Commissioner Leslie Van Beek

  
\_\_\_\_\_  
Commissioner Brad Holton

  
\_\_\_\_\_  
Commissioner Zach Brooks

**RECORD OF SURVEY**  
 A PORTION OF GOVT LOT 3 AND NE1/4SW1/4 OF SECTION 11  
 TOWNSHIP 4 NORTH, RANGE 6 WEST, BOISE MERIDIAN  
 CANYON COUNTY, IDAHO



RECORDED  
 04 0 23 03 08 08  
 ALL YEAR  
 DANIEL S. SKINNER  
 JERRY LAMM

BASIS OF BEARING  
 IDAHO STATE PLANE COORDINATES  
 WEST ZONE (By G.P.S.)  
 COORDINATES SHOWN ARE SEA LEVEL  
 COMBINATION FACTOR 1.00004987  
 Reference Survey  
 R.O.S. Inst. No. 9334935

INDEX NO. 464-11-3-1-0-00-00  
 SURVEY FOR  
**JERRY LAMM**

Drawn by WF  
 Date Dec 16, 1998  
 Book  
 Job No J7267

**Skinner Land Survey Co. Inc.**  
 1904 E. Channing Blvd. C  
 (801) 461-0853

NE1/4SW1/4

Parcel 1  
5.987 Acres

Parcel 2  
6.383 Acres

Parcel 3  
4.967 Acres

Parcel 4  
15.30 Acres

Parcel A  
4.86 Acres

Parcel B  
1.864 Acres

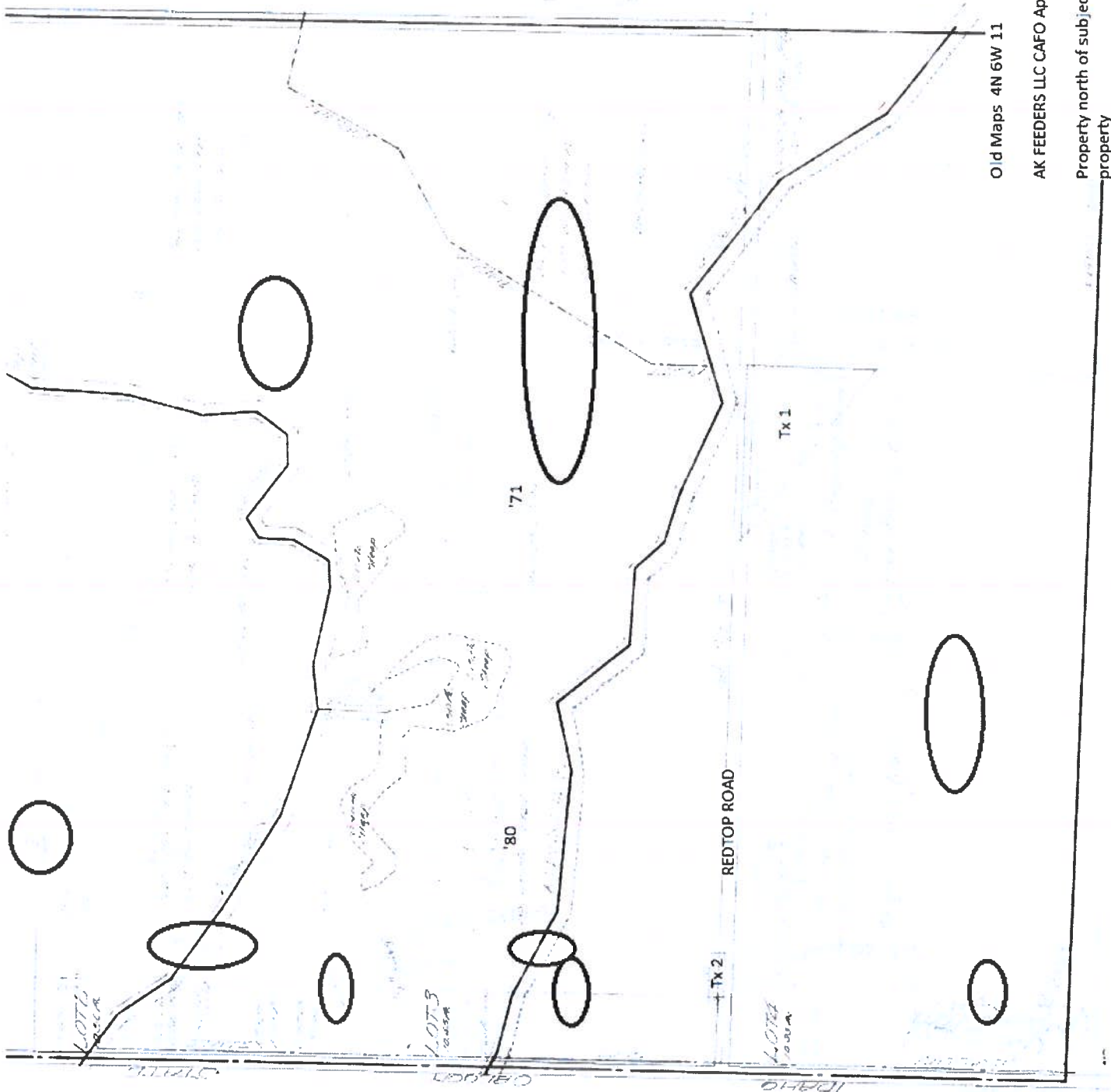
Parcel C  
0.744 Acres



**CERTIFICATION**  
 I, Greg L. Skinner, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been made from an actual survey made on the ground under my personal supervision and that the location and dimensions of said survey and that it is in conformity with the Corner of Perpetuation Act, Idaho Code 55-1601 through 55-1612.

- 2019 completed*  
*a PBA SCALE: 1" = 100'*
- LEGEND**
- BRASS CAP MONUMENT - FOUND
  - 5/8" x 30" REBAR - SET
  - 5/8" REBAR - FOUND
  - 1/2" x 24" REBAR - SET
  - 1/2" REBAR - FOUND
  - P.I. NAIL & BRASS WASHER
  - CALCULATED POINT
  - PROPERTY BOUNDARY LINE
  - WITNESS CORNER
  - ( ) DATA OF RECORD

EXHIBIT 63  
 AREA PROPERTY  
 HISTORY-STAFF

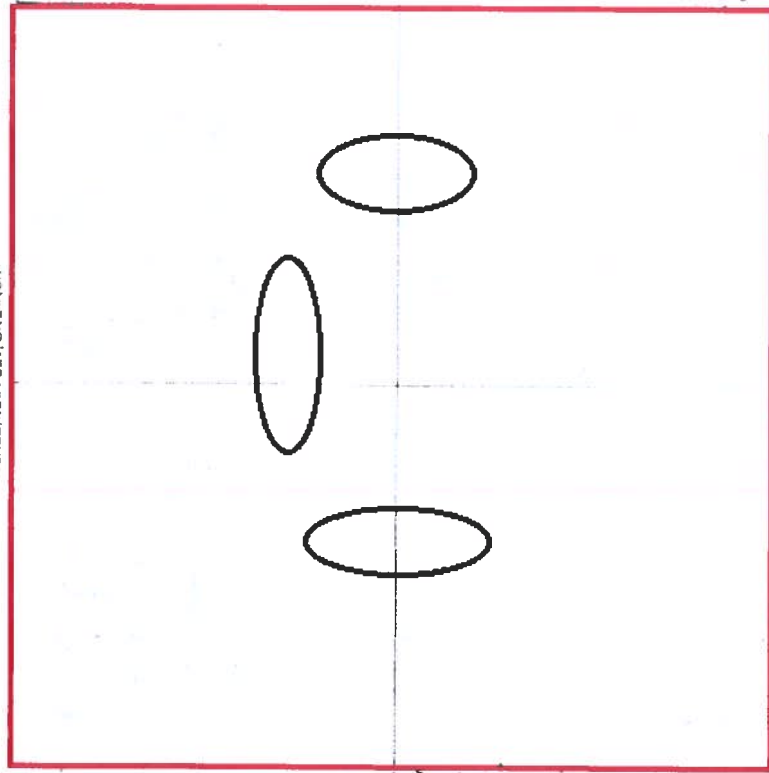


Old Maps 4N 6W 11

AK FEEDERS LLC CAFO App

Property north of subject property

SCALE, 400 FEET, ONE INCH



IDAHO OREGON STATE LINE

OREGON

LOT 1

LOT 2

71

LOT 4  
50,000 sq. ft.

LOT 1  
50,000 sq. ft.

TX 1

TX 1A

4 1/2 AC

SNAKE RIVER

LOT 1  
50,000 sq. ft.

Old Maps 4N 6W 14

AK Feeders, LLC CAFO App

Subject property



## Debbie Root

---

**From:** Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>  
**Sent:** Wednesday, November 1, 2023 10:15 AM  
**To:** Debbie Root  
**Subject:** [External] RE: AK Feeders--grazing livestock and ....

Hello Debbie,

Thank you very much for contacting. The rules state cattle can have access to a waterway, however, cattle cannot be confined over a waterway to a point where they are a significant contributor to degradation. It's hard to judge by the pictures, but this does not look like a problem we could address.

Thanks

---

### Pradip Adhikari, PhD

Soil Scientist/Nutrient Management Specialist  
Idaho State Department of Agriculture  
Animal Industries/Dairy/Nutrient Management  
2270 Old Penitentiary Road  
Boise, ID 83712  
Email: [Pradip.adhikari@isda.idaho.gov](mailto:Pradip.adhikari@isda.idaho.gov)  
Phone: 208-332-8541 ext 541 (O)  
208-917-0275 (C)



**From:** Debbie Root <Debbie.Root@canyoncounty.id.gov>  
**Sent:** Tuesday, October 31, 2023 3:43 PM  
**To:** Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>  
**Subject:** AK Feeders--grazing livestock and ....

**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.

Pradip,

For my own knowledge as it will possibly come up at the hearing for AK Feeders....

Our GIS aerial photos show that the AK Feeders cattle (grazing) are accessing the waterways on the property including the Allen Drain and the Arena Case Drain. They do have stockwater permits for both drains.



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 22  
AGRICULTURE AND HORTICULTURE  
CHAPTER 49

BEEF CATTLE ENVIRONMENTAL CONTROL ACT

22-4902. DECLARATION OF POLICY AND STATEMENT OF LEGISLATIVE INTENT. (1) The legislature recognizes the importance of protecting state natural resources including surface water and ground water. It is the intent of the legislature to protect the quality of these natural resources while maintaining an ecologically sound, economically viable, and socially responsible beef cattle industry in the state. The beef cattle industry produces manure and process wastewater which, when properly used, supplies valuable nutrients and organic matter to soils and is protective of the environment, but may, when improperly stored and managed, create adverse impacts on natural resources, including waters of the state. This chapter is intended to ensure that manure and process wastewater associated with beef cattle operations are handled in a manner which protects the natural resources of the state.

(2) Successful implementation of this chapter is dependent upon the department receiving adequate funding from the legislature. Moreover, the legislature recognizes that it is important for the state to obtain a delegated national pollutant discharge elimination system (NPDES) program from the United States environmental protection agency under the clean water act. The department's authority to enforce this chapter should be consistent and coordinated with the department of environmental quality's authorities pursuant to title 39, Idaho Code, to protect state ground and surface waters, and to obtain approval from the United States environmental protection agency to implement and administer an Idaho NPDES program governing the discharge of pollutants to the waters of the United States as defined in the federal clean water act.

History:

[22-4902, added 2000, ch. 63, sec. 1, p. 139; am. 2001, ch. 103, sec. 7, p. 261; am. 2004, ch. 187, sec. 1, p. 579; am. 2010, ch. 343, sec. 1, p. 900; am. 2016, ch. 129, sec. 1, p. 376.]

How current is this law?



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 22  
AGRICULTURE AND HORTICULTURE  
CHAPTER 49

BEEF CATTLE ENVIRONMENTAL CONTROL ACT

22-4903. AUTHORITY AND DUTIES OF DIRECTOR CONCERNING BEEF CATTLE ANIMAL FEEDING OPERATIONS. (1) The director of the department of agriculture through the division of animal industries is authorized to regulate beef cattle animal feeding operations to protect state natural resources, including surface water and ground water. The department is authorized to adopt rules to implement the provisions of this chapter.

(2) Nothing in this chapter shall affect the authority of the department of environmental quality to administer and enforce an Idaho NPDES program for beef cattle feeding operations, including without limitation, the authority to issue permits, access records, conduct inspections and take enforcement action, as set forth in chapter 1, title 39, Idaho Code, and the rules adopted pursuant thereto. The provisions of this chapter do not alter the requirements, liabilities and authorities with respect to or established by an Idaho NPDES program.

(3) The director of the department of environmental quality and the director of the department of agriculture shall, as appropriate, establish an agreement relating to the administration of an Idaho NPDES program that recognizes the expertise of the department of agriculture. The director shall have the authority to exercise any other authorities delegated by the director of the department of environmental quality regarding the protection of ground water, surface water and other natural resources associated with beef cattle feeding operations, and this shall be the authority for the director of the department of environmental quality to so delegate.

(4) The director of the department of environmental quality shall consult with the director of the department of agriculture before certifying discharges from beef cattle animal feeding operations as provided under 33 U.S.C. section 1341.

History:

[22-4903, added 2000, ch. 63, sec. 1, p. 140; am. 2001, ch. 103, sec. 8, p. 262; am. 2004, ch. 187, sec. 2, p. 580; am. 2016, ch. 129, sec. 2, p. 377.]

How current is this law?



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 22  
AGRICULTURE AND HORTICULTURE  
CHAPTER 49

BEEF CATTLE ENVIRONMENTAL CONTROL ACT

22-4904. DEFINITIONS. When used in this chapter:

(1) "Administrator" means the administrator, or his designee, for the animal industries division of the Idaho department of agriculture.

(2) "Beef cattle" means slaughter and feeder cattle or dairy heifers that are kept on or contiguous to the animal feeding operation and are owned or controlled by the animal feeding operation.

(3) "Beef cattle animal feeding operation" means an animal feeding operation which confines the number of slaughter and feeder cattle or dairy heifers as set forth in 40 CFR 122.23(b)(1), (b)(2), (b)(4), (b)(6) or (b)(9).

(4) "Best management practices" means practices, techniques or measures which are determined to be reasonable precautions, are a cost-effective and practicable means of preventing or reducing pollutants from point sources or nonpoint sources to a level compatible with environmental goals, including water quality goals and standards for waters of the state. Best management practices for water quality shall be adopted pursuant to the state water quality management plan, the Idaho ground water quality plan or this chapter.

(5) "Department" means the Idaho department of agriculture.

(6) "Director" means the director of the Idaho department of agriculture or his designee.

(7) "Manure" means animal excrement that may also contain bedding, spilled feed, water or soil.

(8) "Modification" or "modified" means structural changes and alterations to the wastewater storage containment facility which would require increased storage or containment capacity or such changes which would alter the function of the wastewater storage containment facility.

(9) "Noncompliance" means a practice or condition that causes an unauthorized discharge, or a practice or condition, that if left uncorrected, will cause an unauthorized discharge.

(10) "National pollutant discharge elimination system (NPDES)" means the point source permitting program established pursuant to section 402 of the federal clean water act.

(11) "Nutrient management plan" means a plan prepared in conformance with the nutrient management standard, provisions required by 40 CFR 122.42(e)(1), or other equally protective standard for managing the amount, placement, form and timing of the land application of nutrients and soil amendments.

(12) "Nutrient management standard" means the 1999 publication by the United States department of agriculture, natural resources conservation service, conservation practice standard, nutrient management code 590 or other equally protective standard approved by the director.

(13) "Person" means any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties.

(14) "Process wastewater" means liquid containing beef cattle manure, process-generated wastewater and any precipitation which comes into direct contact with livestock manure and facility products or byproducts.

(15) "Unauthorized discharge" means a discharge of process wastewater or livestock manure to state surface waters that does not meet the requirements of this chapter or water quality standards.

(16) "Wastewater storage and containment facilities" means the portion of an animal feeding operation where manure or process wastewater is stored or collected. This may include corrals, feeding areas, waste collection systems, waste conveyance systems, waste storage ponds, waste treatment lagoons and evaporative ponds.

(17) "Waters of the state" means all accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state.

History:

[22-4904, added 2000, ch. 63, sec. 1, p. 140; am. 2004, ch. 187, sec. 3, p. 580; am. 2016, ch. 129, sec. 3, p. 377.]

**How current is this law?**



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 22  
AGRICULTURE AND HORTICULTURE  
CHAPTER 49

BEEF CATTLE ENVIRONMENTAL CONTROL ACT

22-4905. DESIGN AND CONSTRUCTION. Each new beef cattle animal feeding operation and each modified beef cattle animal feeding operation shall design and construct all new and modified wastewater storage and containment facilities in accordance with the engineering standards and specifications provided by the natural resource conservation service or the American society of agricultural engineers (ASAE) or other equally protective standard approved by the director. The department's review and approval of plans under this section shall supersede the Idaho department of environmental quality's implementation of plan and specification review and approval provided under section 39-118, Idaho Code. Such design and construction shall be considered a best management practice.

History:

[22-4905, added 2000, ch. 63, sec. 1, p. 141; am. 2001, ch. 103, sec. 9, p. 263.]

How current is this law?



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 22  
AGRICULTURE AND HORTICULTURE  
CHAPTER 49

BEEF CATTLE ENVIRONMENTAL CONTROL ACT

22-4906. NUTRIENT MANAGEMENT PLAN. Each beef cattle animal feeding operation shall submit a nutrient management plan to the director for approval. Beef cattle animal feeding operations that are operating on or before July 1, 2000, shall submit a nutrient management plan to the director for approval no later than January 1, 2005. Any new operation commencing operations after July 1, 2000, shall not operate prior to the director's approval of a nutrient management plan. An approved nutrient management plan shall be implemented and considered a best management practice. Following department review and approval, the plan, and all copies of the plan, shall be returned to the operation and maintained on site. Such plans shall be available to the administrator on request. Operations that elect to utilize a web-based nutrient management planner, housed with the Idaho state department of agriculture, are consenting to allow the plan to be housed on file with the Idaho state department of agriculture. The nutrient management plan, information provided and generated in utilization of a web-based nutrient management planner, and all information generated by the beef cattle animal feeding operation as a result of a plan shall be deemed to be trade secrets, production records, or other proprietary information, shall be kept confidential, and shall be exempt from disclosure pursuant to section 74-107, Idaho Code.

History:

[22-4906, added 2000, ch. 63, sec. 1, p. 141; am. 2004, ch. 187, sec. 4, p. 581; am. 2020, ch. 66, sec. 1, p. 154.]

**How current is this law?**



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 65

##### LOCAL LAND USE PLANNING

67-6529. APPLICABILITY TO AGRICULTURAL LAND – COUNTIES MAY REGULATE SITING OF CERTAIN ANIMAL OPERATIONS AND FACILITIES. (1) No power granted hereby shall be construed to empower a board of county commissioners to enact any ordinance or resolution which deprives any owner of full and complete use of agricultural land for production of any agricultural product. Agricultural land shall be defined by local ordinance or resolution.

(2) Notwithstanding any provision of law to the contrary, a board of county commissioners shall enact ordinances and resolutions to regulate the siting of large confined animal feeding operations and facilities, as they shall be defined by the board, provided however, that the definition of a confined animal feeding operation shall not be less restrictive than the definition contained in section 67-6529C, Idaho Code, including the approval or rejection of sites for the operations and facilities. At a minimum, a county's ordinance or resolution shall provide that the board of county commissioners shall hold at least one (1) public hearing affording the public an opportunity to comment on each proposed site before the siting of such facility. Several sites may be considered at any one (1) public hearing. Only members of the public with their primary residence within a one (1) mile radius of a proposed site may provide comment at the hearing. However, this distance may be increased by the board. A record of each hearing and comments received shall be made by the board. The comments shall be duly considered by the board when deciding whether to approve or reject a proposed site. A board of county commissioners may reject a site regardless of the approval or rejection of the site by a state agency.

History:

[67-6529, added I.C., sec. 67-6529, as added by 1975, ch. 188, sec. 2, p. 515; am. 2000, ch. 217, sec. 1, p. 605; am. 2003, ch. 297, sec. 1, p. 805.]

**How current is this law?**





# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS  
CHAPTER 65  
LOCAL LAND USE PLANNING

67-6529C. DEFINITIONS. As used in this act, the following definitions shall apply:

(1) "CAFO," also referred to as "concentrated animal feeding operation" or "confined animal feeding operation," means, for those counties that have requested a site suitability determination, a CAFO as defined in the applicable ordinance of the county wherein the CAFO is located. If the requesting county has not defined CAFO in its ordinances, CAFO means a lot or facility where the following conditions are met:

(a) Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any twelve-month period;

(b) Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility; and

(c) The lot or facility is designed to confine or actually does confine as many as or more than the numbers of animals specified in any of the following categories: seven hundred (700) mature dairy cows, whether milked or dry; one thousand (1,000) veal calves; one thousand (1,000) cattle other than mature dairy cows or veal calves; two thousand five hundred (2,500) swine each weighing fifty-five (55) pounds or more; ten thousand (10,000) swine each weighing less than fifty-five (55) pounds; five hundred (500) horses; ten thousand (10,000) sheep or lambs; or eighty-two thousand (82,000) chickens.

Two (2) or more concentrated animal feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes;

(2) "CAFO site advisory team" shall mean representatives of the Idaho state department of agriculture, Idaho department of environmental quality and Idaho department of water resources who review a site proposed for a CAFO, determine environmental risks and submit a suitability determination to a county. The department of agriculture shall serve as the lead agency for the team;

(3) "Environmental risk" shall mean that risk to the environment deemed posed by a proposed CAFO site, as determined and categorized by the CAFO site advisory team and set forth in the site advisory team's suitability determination report;

(4) "Suitability determination" shall mean that document created and submitted by the CAFO site advisory team after review and analysis of a proposed CAFO site that identifies the environmental risk categories related to a proposed CAFO site, describes the factors that contribute to the environmental risks and sets forth any possible mitigation of risk.

History:



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 65

##### LOCAL LAND USE PLANNING

67-6529D. ODOR MANAGEMENT PLANS – COUNTY REQUEST FOR SUITABILITY DETERMINATION – LOCAL REGULATION. (1) Counties may require an applicant for siting of a CAFO to submit an odor management plan as part of their application.

(2) A board of county commissioners considering the siting of a CAFO may request the director of the department of agriculture to form a CAFO site advisory team to provide a suitability determination for the site.

(3) This act does not preempt local regulation of a CAFO.

#### History:

[67-6529D, added 2001, ch. 381, sec. 4, p. 1338.]

How current is this law?

**Search the Idaho Statutes and Constitution**



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS  
CHAPTER 65  
LOCAL LAND USE PLANNING

67-6529E. PROCESS FOR COUNTY REQUEST – CONTENTS OF THE REQUEST. (1) A board of county commissioners shall submit its request for a suitability determination by a site advisory team in writing to the director of the department of agriculture and shall support its request by the adoption of a resolution.

(2) Information in the request shall include, but not be limited to, the county's definition of "CAFO" as set forth in any applicable county ordinance, the relevant legal description and address of a proposed facility, the actual animal capacity of the facility, the types of animals to be confined at the proposed facility, all information related to water and water rights of the facility, any relevant vicinity maps and any other information relevant to the site that will assist the site advisory team in issuing its suitability determination. The board of county commissioners shall also provide the site advisory team with a copy of the odor management plan for the CAFO, if required to be submitted by the site applicant at the time of application.

History:

[67-6529E, added 2001, ch. 381, sec. 5, p. 1338; am. 2006, ch. 218, sec. 2, p. 654; am. 2011, ch. 180, sec. 2, p. 512.]

How current is this law?

**Search the Idaho Statutes and Constitution**

## Debbie Root

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**From:** Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>  
**Sent:** Wednesday, December 28, 2022 11:34 AM  
**To:** Debbie Root  
**Cc:** Mitchell Vermeer  
**Subject:** [External] RE: CAFO Siting Team process questions  
**Attachments:** IDAPA 02\_04\_30.pdf

Hello Debbie,

Thank you very much for contacting ISDA, regarding the siting of DeBenedetti family, AK Feeders LLC, at 21696 State Line Road, Wilder, ID.

Currently, the CAFO siting advisory team consisted of representatives from IDEQ, IDWR, and the ISDA. On the behalf of ISDA, I am the team lead representative of the CAFO site advisory team. At present, ISDA does not required any application and per diem fees.

As you mentioned in your email, CAFO siting team still needs several documents such as a siting request application from the county, Nutrient Management Plan approved by ISDA, water right information, vicinity map, soil information, etc. in the application package. The detailed required documents are listed in the IDAPA 02.04.30, subchapter B (attached with this email see pages 9-11). Within thirty days of receiving a request for the siting, which includes all the required documents, the CAFO team will conduct the siting and submit the suitability determination reports to the county.

Please do not hesitate to contact me if you need further information or have any questions.

Happy Holidays !!

Thanks

---

### Pradip Adhikari, PhD

Soil Scientist/Nutrient Management Specialist  
Idaho State Department of Agriculture  
Animal Industries/Dairy/Nutrient Management  
2270 Old Penitentiary Road  
Boise, ID 83712  
Email: [Pradip.adhikari@isda.idaho.gov](mailto:Pradip.adhikari@isda.idaho.gov)  
Phone: 208-332-8541 ext 541 (O)  
208-917-0275 (C)



Mr. Vermeer,

## Debbie Root

---

**From:** Debbie Root  
**Sent:** Tuesday, December 27, 2022 11:37 AM  
**To:** 'Mitchell.Vermeer@isda.idaho.gov'  
**Cc:** Debbie Root  
**Subject:** CAFO Siting Team process questions

Mr. Vermeer,

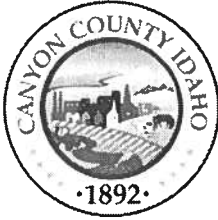
I hope that you have had a very nice holiday season in spite of the challenging weather. I am a Planner III with Canyon County Development Services. I have recently returned to the employ of the County and have been assigned a Conditional Use Permit application for a 6000 head CAFO permit for the DeBenedetti family, AK Feeders LLC, at 21696 State Line Road, Wilder, ID. I have been away from this position for several years working for a city (no CAFOs). Prior to that I had worked with Marv Patton and John Bilderback on several CAFO permits and Siting Team requests.

My question(s) to you is in line with previous experience with ISDA with the regards to the application documents and fees required before the Siting Team is requested. Formerly, the ISDA, NRCS, and EPA teams, allowed for the applicant to work with them to obtain many of the documents required to meet the Siting Team review process, i.e., well logs, soils, contour maps, etc. How much of this information can be provided **after** the County's request for a Siting Team Suitability Determination (Statute only provides for 30 days) or is it your preference to have a relatively complete set of documents sent with the request from the County Commissioners. The application I currently have in my office is very incomplete so we are not yet moving forward with the application—although I am told that the applicant has been moving forward with improvements on site this summer and fall.

Further, the statute 67-6529H SITE SUITABILITY DETERMINATION-APPLICATION FEES indicates that the County shall collect a fee from the application of \$1200 plus mileage and per diem. In the past we have not been required by your office to collect this fee. I assume this is due to the 67-6529H(2) and (3) which exclude operations that pay a butterfat assessment and/or brand inspection fee. I would need a confirmation of fee requirement or waiver from your office for the proposed AK Feeders CAFO site suitability determination.

If there is a more appropriate contact person as we work through this CAFO permit please forward that contact information.

Deb Root, MBA  
Canyon County Development Services  
[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)  
208-455-6034



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, November 16, 2023  
6:30 P.M.

---

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

Commissioners Present :        Robert Sturgill, Chairman  
   Brian Sheets, Commissioner  
   Harold Nevill, Commissioner  
   Miguel Villafana, Commissioner  
   Matt Dorsey, Commissioner

Staff Members Present:        Sabrina Minshall, Director of Development Services  
   Zach Wesley, Deputy Prosecuting Attorney  
   Debbie Root, Principal Planner  
   Emily Kiester, Associate Planner  
   Amber Lewter, Hearing Specialist  
   Jennifer Almeida, Office Manager

**Chairman 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.

**Item 1A:**

**Case No. CR2022-0005 / Tanner Verhoeks / Haven Creek**– Approve revised FCO’s.

**MOTION:** Commissioner Nevill moved, seconded by Commissioner Sheets to approve the revised Findings of Fact, Conclusions of Law, & Order for Case No. CR2022-0005 / Tanner Verhoeks/Haven Creek. Voice vote, motion carried.

**Item 1B:**

**Case No. CR2023-0006 & SD2023-0009 / Maestresjuan / Flying Arrow Subdivision**– Approve revised FCO’s.

**MOTION:** Commissioner Nevill moved, seconded by Commissioner Sheets to approve the revised Findings of Fact, Conclusions of Law, & Order for Case No. CR2023-0006 & SD2023-0009 /Maestresjuan / Flying Arrow Subdivision. Voice vote, motion carried.

**Item 1C:**

**Case No. CU2022-0036- AK Feeders** – The applicant, AK Feeders, represented by Matt Wilke, is requesting a conditional use permit for a Confined Animal Feeding Operation for 3700 beef cattle. The facility is currently located and will be expanded on approximately 80 acres of parcel R37348010 located at 21696 State Line Road, Wilder, ID. The subject property is zoned “A” (Agricultural).

Commissioner Villafana disclosed that he just learned that the Ms. Valene, representing the applicant was known to him from years back when he worked with her father in Twin Falls. He has not spoken with her in a long time and he has not discussed the case. No objections from the Commissioners were voiced.

**Planner Debbie Root** noted for the record she had received four (4) late exhibits for the P&Z Commissions consideration [Exhibit 67, 68, 69, and 70]. Planner Debbie Root reviewed the staff report for the record.

Commissioner Nevill asked if the proposed facility was moved southwest of the Allen Drain and is the topography as such that everything will drain away from the Allen Drain. Planner Root stated the grading plan reflects that to the waste management facilities. The operator will be required to meet ISDA requirements. The topography is relatively flat but it lends itself to a general gradual slope to the Snake River. Commissioner Nevill referred to Exhibit 60 that discussed the neighborhood meeting and potential changes.

Zach Wesley, stated there is a requirement in County Zoning Ordinance that a neighborhood meeting be held for a conditional use permit prior to acceptance of an application for review by staff. The application was reviewed by staff when the application was submitted. There does not appear to be any significantly major alterations to the project. If the project was changed substantially staff would likely require a second meeting, however, this project is still in the same location, same parcel, and the nature has not changed.

Commissioner Villafana asked if the applicant weighed in on the proposed condition no. 13. Planner Root stated the applicant had the opportunity to comment to staff but did not express any concern.

Chairman Sturgill asked if the operation was for grazing what could the number be. Planner Root stated from a grazing operation standpoint and not meeting the definition of a CAFO, it's not devoid of foliage. Chairman Sturgill asked how many of the residences are adjacent to the 80 acres that is being considered for the CAFO. Planner Root stated none of the five (5) residences are adjacent. The closest residence is the Cardoza residence at approximately 580 ft.

Commissioner Dorsey asked about site setbacks, specifically the 50 ft. requirement. He asked if this was the minimum requirement. Planner Root noted the CAFO criteria have setbacks to be met. The pens located on the property and site plan don't currently met setbacks.

Chairman Sturgill inquired about the Idaho Statute in regard to testimony. DSD Director Minshall addressed Chairman Sturgill's question. She noted that there is a section of Idaho State Code, 67-6529 related to agricultural land and CAFOS. She proceeded to read portions of the statute. She noted that Canyon County's code is silent on the issue. Staff's recommendation was to not limit testimony.

Planner Root clarified a couple of items. She indicated that the original proposed plan was to locate north of the Allen Drain along Stateline Rd., but has since been removed. The number of cattle have also been reduced. It was a reduction to the impact of surrounding properties.

Commissioner Dorsey asked about the 580 ft. from the property line of the 80-acre parcel to the Cardoza property but what is the distance from the corrals/pens. Planner Root said it was approximately 700 plus feet to the first waste facility and the pens are north of that.

**MOTION:** Commissioner Sheets moved to accept late exhibits 67, 68, 69 and 70, seconded by Commissioner Nevill, voice vote, motion carried.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**MATT WILKE (Representative) – IN FAVOR – P.O. BOX 7, MIDDLETON, ID 83644**

Mr. Wilke stated that he had two (2) late exhibits that he just received this evening. One was a letter from Obendorf Farms in favor and the other is a letter from Andy Bishop in favor.

The proposed site is approximately 79.6 acres and will have a 3700-cow capacity with an average weight of 700 lbs. The site location is located in a predominately agricultural area and if approved, would benefit the local agricultural community by providing jobs. The CAFO would create a local market for feed and supplies. CAFOS are a vital part of the sustainability of local farm producers that produce hay and corn. The manure produced is also an excellent fertilizer and is a valuable resource for field operations. The manure produced on site will be utilized on neighboring fields. Research has shown that dry manure typically releases its nitrogen over a five year or longer period once applied to the soil. The slow release is much safer than chemical fertilizers and typically does not leach into aquifers. Manure is the fertilizer of choice for sandy soils. Groundwater and surface water pollution is a low risk for manure applications. There are three (3) stormwater retention ponds and stormwater run-off and wastewater will be retained on site. The design and construction of lagoons will be in compliance and will have a clay liner built to engineering specifications. Prior to the lagoons being implemented they will be tested and approved by ISDA as required. Best management practices for a dry scrape facility will be used and will comply with laws and rules set forth by governing agencies. The lights on site will be downward facing. Mr. Wilke discussed the soil types on the property. Prime farmland would not be taken out of production by the CAFO. The subject property is outside of a nitrate priority area. IDWR has approved a stock water permit for 3700 head of cattle. Mr. Wilke discussed the well log for the well that was dug on site. The well is capable of producing 45 gallons per minute. The nutrient management plan was approved by ISDA on March 2023. The project has been reviewed by the highway district and did not require a traffic impact study. Average daily trips is anticipated to increase by 11 daily trips, which is less than the threshold that would trigger a TIS. The "high risk" score does not have anything to do with the plan it is just because of how the site sits. Mr. Wilke discussed ISDA and risk scores, it is important to note that the risk score does not consider management and mitigation. The site will be regularly inspected by Dept. of Agriculture.

Mr. Wilke's 10 minutes of testimony ended. He requested an additional five (5) minutes.

**MOTION:** Commissioner Dorsey moved to grant Mr. Wilke an additional five (5) minutes of testimony time, seconded by Commissioner Nevill, voice vote, motion carried with three in favor, and two opposed.

Mr. Wilke discussed a letter from ISDA which discussed mitigation by implementation of best management practices listed in the siting report. The applicant will control odors by pen management, drainage, and removal of manure. Pen density will control moisture. Water trucks can be used if needed to control dust. Habitat management will help control flies (dry scrape). The site has been historically used since 1907 for cattle. Mr. Wilke stated 156 letters of support have been received for the CAFO. All criteria for approval have been met. The applicant has reviewed the conditions and agreed with them.

Commissioner Nevill asked about drainage and whether the intent was that manure would never enter the drainage ponds. Mr. Wilke replied that the drainage ponds were only for storm water runoff. There will be no stormwater runoff that would leave the site. Commissioner Nevill asked if the remaining land



would remain in pasture. Mr. Wilke stated that it would. Commissioner Nevill asked about the history of the site and at what point some of the neighbors moved in and if any predate the use. Mr. Wilke stated that the Cardoza's purchased their home in 2019 and the Case family has been in the area for quite some time. Commissioner Nevill asked what would happen to the pens that don't meet the 50 ft. setback. Mr. Wilke replied that they would be adjusted to meet the setback and it is also a condition of approval.

Commissioner Sheets asked if Mr. Wilke had opportunity to read the letters that were submitted for the request. Mr. Wilke stated that he had. Discussion ensued regarding snow geese and how they can be impactful to ag zones at times. The proposed use would not impact the migration of waterfowl. Mr. Wilke discussed the concerns of neighbors and can provide information regarding property values. Commissioner Sheets asked about the outreach Mr. Wilke or his team had with the area property owners. Mr. Wilke replied that the only contact he had was at the neighborhood meeting. He was unsure about the rest of his team.

Commissioner Villafana stated a lot of the concerns expressed by neighboring property owners are centered around smell manure, etc. He asked where the compost lines would be located? Mr. Wilke stated they would be stored onsite in pens. Each pen would have a mound and will be hauled directly from the site to an offsite location for export. Commissioner Villafana asked that if the ponds ever failed would it be plumbed to pivots. Mr. Wilke stated, no, that is not currently planned and the Engineer can speak to it.

Commissioner Sheets asked if there would be new additional heavy equipment on site, what was anticipated and what are the mitigation methods. Mr. Wilke stated there may be beeping during feed yard operation, however, it is not a huge feed yard. There will be equipment associated with the agriculture, such as combines, hay swathers, etc.

Chairman Sturgill asked if there was a motion to accept the late exhibits that Matt Wilke wanted to submit.

**MOTION:** Commissioner Dorsey moved to accept the late exhibits. Motion fails for lack of a second.

**VALENE CAULHORN – IN FAVOR – 213 CANYON CREST Ste. 100, TWIN FALLS, ID 83301**

Ms. Caulhorn is a licensed professional engineer in the State of Idaho working for Ag professionals and has been working on the feedlot design. There are Best Management Practice in place, specifically lining the ponds. There are three ponds on site and are designed to meet IDAPA requirements (Rules Governing Beef Cattle Operations). There are berms located along the Allen Drain as backup. There is a nutrient management plan on site being implemented and the NMP was written for the expansion. The waste management addresses odor, dust, and pest management. They have met with the highway district and Oregon Department of Transportation. The hours of operation are anticipated to be from 6 a.m. to 5 p.m. however, as with any agricultural operation there may be earlier or later hours. Currently there are five employees, with the expansion they anticipate increasing that number to nine. This number does not include truck drivers or seasonal employees. These numbers were included in the traffic count.

Commissioner Nevill inquired about mounding vs. dry scraping. Ms. Caulhorn explained that the pens would be scraped and piled in the middle during the winter months and first thing in spring they will be cleaned and plowed into fields, this also happens in the fall. It will be hauled 2-3 times a year. It is not anticipated that compost would be bagged and sold. However, if there are any 3<sup>rd</sup> parties that would like to take manure they are free to do that under the Idaho Right to Farm.

Commissioner Nevill asked about 100-year flood events and the design of the drainage ponds. Ms. Caulhorn noted that was not required by the State Department of Agriculture. However, it was her guess with winter storms they would be able to hold the 100 year, especially with the berm. Commissioner Nevill asked about the berm to protect the Allen Drain and whether or not it is upslope. Ms. Caulhorn discussed the slope of the property in various location. Commissioner Nevill stated that the Snake River is the lowest point and if there was a catastrophic event; has there been any consideration about berming so that it cannot go across the road. Ms. Caulhorn said it would be have to be a 1000- or 2000-year storm event to get to the Snake River.

**TODD LAKEY – IN FAVOR– 12905 Venezia Ct., Nampa, ID 83651**

Mr. Lakey noted that the opposition submitted documents from the Peckham Rd. feedlot case, those are irrelevant. Each case is unique and different. Mr. Lakey stated that he also represents the Peckham feedlot owners. The court recently ruled in their favor and the counties favor on November 2<sup>nd</sup> and denied the petition for judicial review from the opponents. Mr. Lakey noted that the property and area are zoned agricultural. Mr. Lakey read the definition of agricultural land from the comprehensive plan. Mr. Lakey stated that dairies and feedlots are located in the agricultural zones, it's where they should be located and expanded. There are similar intensive agricultural uses in the area. This is the optimal location for this generational feedlot to be expanded. The use conforms with the comprehensive plan and future land use map. Mr. Lakey discussed the comprehensive plan policies that align with the use. Mr. Lakey noted the numerous letters of support. The use won't be injurious to other property in the immediate vicinity and won't change the essential character of the area, the character of the area is agriculture. The applicant has made many concessions in regard to design; pulled the feedlot back from the drain, reduced numbers of cattle 6,000 to 3,700, setbacks, design, mitigation, etc. Mr. Lakey stated that the siting team high risk score is solely based on the site and does not consider the design, implementation of mitigation plan and management practices.

Commissioner Villafana asked about the positive economic impact this feedlot would have to the Wilder area or Canyon County in general. Mr. Lakey stated that an economic study was not done. However, when you consider the use, it's not just the 3<sup>rd</sup> parties taking manure that are benefited, it's the purchasing of equipment, supporting the hop growers, which supports their employees also, the impact is broad.

**CHYLECE EDGAR – IN FAVOR– 31301 RED TOP ROAD, WILDER, ID 83676**

Ms. Edgar read a statement of support from Obendorf Farms. Ms. Edgar also read a neutral statement provided by Andy Bishop. Andy Bishops' statement discussed the history of the property. The history was owned their grandparents and parents and has always been a cow /calf operation [mid 1950's] Their grandparents built the silage pit and put the feed mill in in the late 1950s.

**DEBBIE CARDOZA – IN OPPOSITION– 31252 PECKHAM RD, WILDER, ID 83676**

Ms. Cardoza noted her property shares a common boundary with AK feeders to the west. Ms. Cardoza stated that Exhibit 61b is mis-identified, the document is the amended memorandum decision and order granting petitioner's petition for judicial review which was in the index of the staff report. Ms. Cardoza read the "purpose" for conditional use permits from the Canyon County Zoning Ordinance. The proposed use will destroy their property. AK Feeders operation is already violating their constitutional right to use & enjoyment of property. Ms. Cardoza stated that the dust and odors already have a negative impact, and allowing additional cattle will make matters worse. Ms. Cardoza noted the siting team report rating of "high risk." The ground is sand and gravel, and will impact wells. The first encountered groundwater is shallow at 0-25 feet. Ms. Cardoza stated her well is only 6.5 ft deep and approximately 100 ft. from the site's fence line. Ms. Cardoza stated her well would be destroyed in days and requested denial. Further concern was noted about the area's water and property values. Ms. Cardoza stated that the P&Z does

not have the right or authority to do this under the constitution [ Exhibit 61B]. Ms. Cardoza stated that the record is incomplete as documents were not put in the record as requested in Exhibit 61.

Ms. Cardoza's 3 minutes of testimony ended. She requested another 1.5 minutes.

**MOTION:** Commissioner Sheets moved to grant Ms. Cardoza an additional 1.5 minutes of testimony time, seconded by Commissioner Villafana voice vote, motion carried.

Ms. Cardoza continued her testimony in regard to documentation not put into the record in regard to Sunnyside Dairy in Weiser that contaminated wells. Ms. Cardoza discussed the siting team report which states there are no clay layers to stop contamination. The average nitrate within a five-mile radius of the site is 5.3 mg/L. She noted that 25% of test wells already have high nitrates and this does not consider all private wells in the area. Ms. Cardoza disputed staff's statement that the property was not located within a nitrate priority area. She stated that DEQ's entire map wasn't used. Ms. Cardoza stated that based on their constitution and supreme court president outlined on pg. 15 of 61B, the application must be denied. The record is incomplete and if the hearing is continued she asked that record and testimony be kept open.

Ms. Cardoza did not wish to stand for questions.

**CHRISTINA MARSTON – IN OPPOSITION– 31396 RED TOP RD. WILDER, ID 83676**

Ms. Marston lives north of the subject property. Her property has been in the Marston family for over 100 years. She has owned the property in 2005. She has grown up on a farm that operated a cow/calf operation and row crops. They are a pro agriculture family, but a are for smart agriculture. Ms. Marston noted that the applicant flooded the Commission with 156 petitioners in support. Most of the petitioners don't live near the operation. 14 homeowners that live near the site sent letters in opposition. Ms. Marston felt that the report rebutted their concerns. Red Top Rd. and Peckham Rd. are dangerous roads. She discussed accidents that have taken place in the area, including one she was personally involved in when she was ran off the roadway. She stated that the highway district commissioners are not un-biased. Mr. Levitt tried to put in a multi thousand head pig operation and Andy Bishop once owned the land that AK feeders is located on . The proposed site has been deemed high risk, is next to the Snake River, is in a nitrate priority area, high water table, blow sand, with multiple drainages running through it. How can the neighbors not be worried about their wells? Ms. Marston stated that AK Feeders will violate their constitutional rights to the use and enjoyment of their properties and negatively impact their property values. Ms. Marston stated that based on Idaho Secretary filings Mr. Dapeneddie is not an Idaho or Canyon County resident in addition the parcel of land in this application is owned by a foreign entity. Ms. Marten believes if you were to allow this application the profits would go to California and the feed lot will destroy the homes and properties of lifetime Idahoans. Ms. Marten asks to protect their constitutional rights and see the CAFO will cause damage, hazard and nuisance to this community and to protect the Canyon County residence and not residence of other states.

Ms. Marston did not wish to stand for questions.

Chairman Sturgill advised by not standing for questions it can be difficult to tie testimony to criteria for the Commissioners decision process. Ms. Marston explained they were told not to stand for questions because the Commissioners would try to discredit them.

**DEREK MARSTON– IN OPPOSITION– 31396 RED TOP RD. WILDER, ID 83676**

Mr. Marston lives north of the subject property and his family has lived there for over 100 years. The

changes AK Feeders have already begun have impeded his right of use and enjoyment to his property, in the last year with the major construction it has changed how AK Feeders operate. The changes have increased the smell and increased the cows bawling. Mr. Marston doesn't believe AK Feeders has a right to farm there because his family was there first. Mr. Marston stated that AK Feeders will violate their constitutional rights to the use and enjoyment of their properties and negatively impact their property values and destroy their wells. Mr. Marston addressed the DEQ map, he showed it to a few Environmental Engineers at Power Engineers where Mr. Marston works and they indicated there is probably not enough well sites tested close enough to this area and they should request additional testing. He is concerned if the head of cattle was counted correctly because of the acreages that has been converted to growing Hops as well is concerned about the 25-year storm.

Mr. Marston stood for questions.

Commissioner Nevill asked how deep Mr. Marston's well is. Mr. Marston advised it is 90 foot deep. Commissioner Nevill asked where his pump sits in the well. Mr. Marston stated he pumps 50 feet of the casing but they went 90 feet to get to it. Commissioner Nevill addressed the noise testimony stating they could run 2,000 cattle or so without change so he is wondering if he is running less than a thousand right now in the feedlot but they could double that by agreeing to go to pasture grazing, would that increase or decrease the noise for Mr. Marston. Mr. Marston stated the noise is the bawling, when they were grazing before there wasn't as much bawling and now if how they are doing it there is more noise, he believes an increased headcount will make it worse.

Commissioner Sheets asked if there is a concern about vehicle noise or if there has been an increase. Mr. Marston stated with the shape of his land he hears all the noise from his road so any increase is bad.

**RALEIGH HAWE – IN OPPOSITION– 31453 PECKAM RD. WILDER, ID 83676**

Mr. Hawe and his wife have lived on the property south from AK Feeders for 29 years. Mr. Hawe stated the google map showing proof of a feedlot in 1994 is not adequate evidence of a feedlot being there. Mr. Hawe and his wife bought their property in 1994 and at that time the property AK Feeders is on was a cattle and bull operation, they had a sale once a year, there was no feedlot. AK Feeders will violate their constitutional right to the use and enjoyment of their property and destroy their properties values. Mr. Hawe stated the feedlot is high risk. This area has a high-water table and the toxic nitrates from the cattle will contaminate their wells and the Snake River and destroy their properties. Mr. Hawe stated The Supreme Court said substantial rights were harmed when property values are impacted or when there is an interference with use or enjoyment of property.

Mr. Hawe did not wish to stand for questions.

**TIM ALDERSON – IN OPPOSITION– 22440 STATELINE RD. PARMA, ID 83662**

Mr. Alderson began with quoting County Zoning regulations state 07-07-01 states that the purpose of a conditional use permit is for "every use that requires the granting of a conditional use permit is declared to have characteristics which require view and appraisal by the Commission to determine or not the use would cause any damage, hazard nuisance or other detriment to person or property within the vicinity." Mr. Alderson states that is what AK Feeders is doing to them. One cow produces about 8 gallons of urine a day times and about 65 lbs. of feces a day times that by the 3700 head of cows. By the Idaho Supreme Court, AK Feeders is wanting to violate their constitutional rights and destroy the property values of the neighbors and local citizens.

Mr. Alderson's 3 minutes of testimony ended. Mr. Alderson requested an additional 5 minutes.

**MOTION:** Commissioner Sheets moved to grant Mr. Alderson an additional 3 minutes of testimony time, seconded by Commissioner Nevill voice vote, motion carried.

Mr. Alderson continued testimony stating ground water is high in the area meaning all the toxic water with urine and feces waste will flow into their aquifer causing all their wells to be contaminated. The toxic nitrates are the common chemical that destroys wells, the average toxic nitrate level in their ground water within a 5-mile radius is 5.3 milligrams, at 10 milligrams the ground water is poison. Mr. Alderson stated based on Idaho Secretary's base findings the owner of AK Feeders is not a resident of Canyon County or Idaho. Mr. Alderson moved to Idaho in 1976 and at that time the Snake River was as clear as the Boise River is now but today the Snake River is terrible with moss beds everywhere you aren't able to run a jet boat and the river is incredibly polluted. Mr. Alderson stated according to Buck Ryan from the Snake River Water Keepers the primary pollution to the Snake River from Idaho Falls to Brownlee Reservoir is CAFO's. Also, when speaking to Emily Montog with Department of Environmental Quality and Mitch Renero with Best Management Practice, these agencies monitor CAFO's along the Snake River for pollution violations and they told him there is a huge lawsuit right now going on against the CAFO in Grandview Idaho all three agencies are aware of AK Feeders CAFO proposal and indicate they would be monitoring the progress of this proposed feedlot.

Mr. Alderson did not wish to stand for questions.

**VICTORIA CASE – IN OPPOSITION– 30769 RED TOP RD. WILDER, ID 83676**

Mrs. Case began with her family history. The Case family has lived on the Red Top Rd property since the late 1800's, there is currently 5 generations on their property with her in-laws living there since 1950, her husband for the last 53 years, and she herself has lived there for the last 30 years. Mrs. Case and her family have angus cattle so they are not there to argue against the applicant having his current operation because there is history in this area of people raising cattle and farming but on a smaller scale then the proposed multiple thousand head feedlot. In south of Nampa there is large Feedlots and Dairy's but there is also thousands of empty acres and houses with no wells on them. Mrs. Case stated the area doesn't look like what it used to, there is more houses more traffic and less peace, she would rather look at the tops of head of cow than rooftops. The impact of the proposed feedlot will be damaging on multiple fronts, the road infrastructure is already terrible, Mr. Wilke said there would be no traffic impact, her and her husband have fixed their fence four times and now have a concrete barricade and with a 24-hour 7 day a week operation, they need to be somewhere there isn't homes nearby. Mrs. Case stated there will be devastating further effects on the wells and the 3 drains in that vicinity, one of which has been said dumps into the Snake River, there is many other suitable locations for an operation of this magnitude and it isn't fair to the families that was there before the applicant.

Mrs. Case stood for questions.

Commissioner Nevill asked how deep Mrs. Case's well is and where the pump is trying to gain understanding on several testimony regarding their wells. Mrs. Case stated she believes it is 35 feet where the pump is and the casing goes further down. Commissioner Nevill asked if they have enough water. Mrs. Case confirmed they do. Commissioner Nevill asked if Mrs. Case has any 3<sup>rd</sup> party assessments of the loss of property value because of the siting of a CAFO. Mrs. Case advised she does not have that information. Commissioner Nevill stated there was concern about the increase of the number of cattle so asked if Mrs. Case is ok with a certain number of cattle and if the increase in the number is a concern, if it is what concerns does that number bring. Mrs. Case advised the number is a concern and it brings noise and traffic, traffic being her number one concern. Commissioner Nevill asked if flies or dust were a concern. Mrs. Case confirmed it all is a concern for her at the increased level of cow.

Commissioner Dorsey asked if Mrs. Case could quantify the traffic such as number of loads of cattle from current to the expansion. Mrs. Case stated Mr. Wilke answered that question at 10 extra trucks a day but she doesn't see how that could be true. But it would be probably 3 times more than it is now.

Chairman Sturgill stated during testimony Mrs. Case spoke about cattle operations South of Nampa with thousands of empty acres with no wells. Mrs. Case stated she meant to say no houses. Chairman Sturgill asked for clarification on what causes that effect. Mrs. Case stated in her area the community is already populated and it seems like someone is trying to come in and fit this operation into this small spot when there is so many other places that it could be. Chairman Sturgill confirmed with Mrs. Case that she believes this operation would be better located in that area.

**DEE DEE ALDERSON– IN OPPOSITION– 22440 STATELINE RD. PARMA, ID 83660**

Ms. Alderson stated her property is about a half mile from AK Feeders proposed CAFO, she moved into her home about 4 years ago. Ms. Alderson stated there is already changes being made, the cattle are in the new pens where before they would graze and now you hear them bawling all the time and the smell has increased. Ms. Alderson pointed out right after the neighborhood meeting they immediately started building a CAFO. She is not opposed to AK Feeders having their cows there she is opposed to allow them to have more cows and all in a tight area. It will lower her property values and being a realtor for many years she knows nobody wants to live next to a feed lot because they smell. Feedlots belong in the middle of nowhere.

Ms. Alderson stood for questions.

Commissioner Nevill stated he is trying to get a better quantification of the loss of property value. Commissioner Nevill asked with Ms. Alderson being a realtor in the past perhaps she can give better explanation. Ms. Alderson stated when you take a client out to look at a property, they have their list of wants. So, when you look at a list of properties, any realtor can pull this up, they put the wants then for example a house that is 1400 sq. feet and has 2 acres on it with a garage and take a look at the price that is next to a feedlot and one that isn't. The price difference will show. Commissioner Nevill asked if Ms. Alderson can give a guess if you lose half the value or what the quantification is. Ms. Alderson stated if she were to guess you are losing at least a third of your property value.

Commissioner Sheets asked if there is an appreciable difference in property value loss in an operation that is a thousand head compared to a three thousand head operation. Ms. Alderson stated there was because when you drive up to a place where there are cows grazing compared driving up to a place where cows are pooping on cement, you are going to keep on driving for the smell and the looks.

**SUSAN ISAAK– IN OPPOSITION– 31492 RED TOP RD. WILDER, ID 83676**

Ms. Isaak advised her and her family live across the street from AK Feeders. Ms. Isaak addressed that exhibit 61 is incomplete because it does not include all records for the CU2020-0001 case and the lawsuit that followed as requested. The reason for the request was because they planned on using some of those documents for this hearing for various reasons so they believe the information is cherry picked and inaccurate. Ms. Isaak believes the inaccurate information in the FCO's are, how the CAFO's are regulated by the STA, AK Feeders being consistent with the 2020 comprehensive plan, the word mitigated, line regulation ponds being regulated by the ISDA, that you are led to believe the location is not in a high nitrate area.

Ms. Isaak's 3 minutes of testimony ended. Ms. Isaak requested an additional 2 minutes.

**MOTION:** Commissioner Sheets moved to grant Ms. Isaak an additional 2 minutes of testimony time, seconded by Commissioner Nevill voice vote, motion carried.

Ms. Isaak continued her testimony. Ms. Isaak believes it is untrue that it will not affect or damage the area and now has evidence proving it will. There constitutional rights have been denied because the complete testimony was denied by not putting the documentation that was requested into the official file. AK Feeders is already violating their constitutional right to the use and enjoyment of their property and destroy their properties values.

Ms. Isaak did not wish to stand for questions.

**MATT WILKE- REBUTTAL – P.O. BOX 7, MIDDLETON, ID 83644**

Mr. Wilke addressed that they have listened to the neighbors they conceded from going to 6,000 to 3,700 cows because of the neighborhood meeting, AK Feeders is proposing massive setbacks, professions have spoken on this project that know about the aquafer and the data, knowing how to line the ponds to prevent any intrusions into the aquafer such as nitrates. There is no proof this is a toxic feed yard. AK Feeders will benefit a lot of people. Mr. Wilke stated he is a licensed broker in the State of Idaho and can give prices of property value pretty well especially in Ag areas Mr. Wilke provided examples and prices from past years. There isn't a significant change to anything in the area such as the traffic, property value, and cows.

Commissioner Dorsey asked what the added value of AK Feeders property would be if the feedlot would get approved or the decrease if not approved. Mr. Wilke stated the value increase would definitely go up if it was approved and if not approved it would hinder operations and would not be good for the County.

Commissioner Nevill stated from previous testimony they mentioned elevated nitrate level would destroy the neighbor's wells. Commissioner Nevill asked if elevated nitrate level in a well would destroy the value or are there ways to mitigate the elevated nitrate level to allow you to maintain the property. Mr. Wilke stated nitrates are not a big deal in well water in the Valley and typically you can do a reverse osmosis system. He doesn't see nitrates to be a big deal.

Deputy Prosecuting Attorney Zach Wesley had a few issues of evidence that needed to be cleared up for the record. The first was that there were several participants in the hearing that had transcribed copies of their testimony they read from and provided them to staff presumably to enter into the record. If we could have a motion on those as to whether they are going to be entered into the record exhibits or not would be helpful.

Chairman Sturgill stated he believes all the participants that provided a written testimony was reading from the testimony so that might cover it but asked if there was a motion. No motion followed.

Deputy Prosecuting Attorney Zach Wesley addressed the second issue of evidence was raised a couple of times, when the planner and the notices go out asking for comments those comments that are received are marked with exhibits and automatically set up for the record in advance, a couple of those letters included requests to add documents from other county files or from court files into the record, he thinks in particular there was two requests to enter the complete file from CU2020-0001 which is the Peckham Road Trust case and then to enter in the complete legal file from CB142110123, both of those files are going to be over 2500 pages, potentially larger. Deputy Prosecuting Attorney Zach Wesley thought it was an important question to be addressed to the Commissioners if they want to include those into their

record.

Commissioner Sheets asked if those documents are accessible to the public. Deputy Prosecuting Attorney Zach Wesley stated they could be accessible through the County doing a public record request also the ones through the court could be accessible through the request of the court. Commissioner Sheets confirmed what they received was a request for staff to include these documents into record by a comment that was submitted. Commissioner Sheets stated he understands that the people that are asking for the burden of truth should be able to provide those documents not necessarily give the burden to the county. Deputy Prosecuting Attorney Zach Wesley stated that is correct, with these hearings that is the typical procedure. Commissioner Sheets asked as an example if he wanted to request for the entire Encyclopedia of Britannica be added to the report, they wouldn't do that. Deputy Prosecuting Attorney Zach Wesley stated that is correct but he could add a copy of the Encyclopedia of Britannica to his comments to be submitted into the record. Commissioner Sheets stated he is not inclined to support supplementing this record with an entire case file with a prior hearing as well as an entire case hearing from a civil court proceeding.

Chairman Sturgill weighed in because he was the only Commissioner present that participated in the Peckham case and that was thousands of pages into evidence and he believes it was three hearings with Planning and Zoning before it was concluded and frankly without knowing what in the case they need to reference, in his opinion it is an unfair burden to Planning and Zoning to review thousands of pages from a prior case without knowing specifically what they are to reference and understand. Chairman Sturgill will entertain a motion but he isn't sure what it would benefit.

Commissioner Nevill asked if the fact that the county was not going to honor the request get conveyed to the requester.

Director of Development Services Sabrina Minshall advised when staff receives a public comment through part of that process it is not a direction to staff but the comment is put into the record. Commissioner Nevill advised he remembers seeing in the exhibit 61 the request so they got that and they are aware of the fact that someone asked. Commissioner Nevill stated that they got the request but it wasn't necessary to honor the request because they asked for something that staff doesn't normally do. Director of Development Services Sabrina Minshall clarified the exhibit in reference is a comment on the case file, Staff does not go in and respond to everything in each individual record so yes there is no necessity to staff to respond to any part of comments because comments are part of the record that the Commissioners review. Director of Development Services Sabrina Minshall advised if the Commissioners wanted to request additional information to be added they could continue the case and do so.

Planner Debbie Root stated at the time exhibit 61 was submitted to Staff, they also got submitted four court documents and could have through the public request could have requested those same documents and provided them similarly to the court documents they provided to Staff.

**MOTION:** Commissioner Nevill moved to close public testimony on Case CU2022-0036, seconded by Commissioner Sheets, voice vote, motion carried.

**DELIBERATION:**

Chairman Sturgill began with asking if anyone has any findings they would like to modify based on evidence they heard.



Commissioner Sheets stated with going through the findings he believes they reflect what was in the record and he thinks they match what he heard. His recommendation for the Commission going forward is see if there are conditions they need to insert, modify or work with to adequately condition this conditional use permit. He agrees with the findings.

Commissioner Dorsey agrees with the findings and conditions, that the findings and conditions were very well thought out and backed by state agencies that regulate these types of operations.

Commissioner Nevill stated there is one condition that he would like them to review, condition 11. Commissioner Nevill stated he believes evidence established that the Allen drain is fairly safe because of berms and the capacities of the ponds, it doesn't say anything about the Snake River, he would feel more comfortable if condition 11 said they can't discharge to the Allen drain or the Snake River to keep everything on the property, he thinks it could be mitigated by a berm. Chairman Sturgill confirmed that Commissioner Nevill is requesting adding the words that the storm water from the feedlot cannot be discharged to the Allen drain or Snake River.

Commissioner Villafana stated he looked through the findings and thinks they are thorough and agrees with them and is in favor with the condition Commissioner Nevill pointed out.

Commissioner Sheets discussed the evidentiary burden, there was a lot of evidence that provided to them that they had the opportunity to review, they had the opportunity to review to hear testimony, ask questions and that is the real reason for the questions, it is getting to the truth of the matter, it is similar to a cross examination, to figure out what is going on, how they can best help, when they have the opportunity to ask questions it helps them understand the evidence and enter into the record to deliberate upon. The statements about constitutional rights being violated and as well property values being decreased, Commissioner Sheets stated knowing how to present evidence of how property values decrease he didn't see that, it was difficult for him to take statements that didn't have evidence that demonstrated the decrease in property values.

Chairman Sturgill stated he is disappointed because there were a few people that had strong views and potential evidence to support either modification of findings or additional conditions of mitigation and unfortunately without getting to ask questions to investigate further it makes it difficult for them.

Commissioner Nevill addressed the lack of evidence with interference of property rights, property rights go both ways, the applicant that owns the land have property rights and the neighbors that live around have property rights. What articles 5 and 14 of the constitution require is no person may be deprived of life, liberty or property without due process, this is what the hearing is all about and they need answers to their questions.

Commissioner Dorsey stated for condition 11 it goes without saying they are not going to discharge into the river.

Commissioner Villafana gave a suggestion to review the farm laws.

**MOTION:** Commissioner Sheets moved to approve Case CU2022-0036, and adopt the Findings of Fact and Conclusions of law prepared by staff, with an amendment to condition 11: the applicant shall not discharge CAFO process water or storm water from the feedlot and or settling the lagoon to the Allen drain or Snake River. Motion seconded by Commissioner Nevill.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Nevill moved to approve the minutes from 10/5/2023, seconded by Commissioner Sheets Voice vote, motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Director of Development Services Sabrina Minshall reminded that they will take additional comments or discussions into the FCO's, legal will review them and bring them back on the second hearing in December. Director of Development Services Sabrina Minshall confirmed with the Commissioners there will be no hearing December 7, 2023. Director of Development Services Sabrina Minshall announced the new Associate Planner Emily Kiester. Associate Planner Emily Kiester introduced herself and gave her professional background. Director of Development Services Sabrina Minshall advised the case load is not slowing down and they are currently only using Planning and Zoning with no Hearing Examiner at the moment. Commissioner Nevill stated it would be helpful to get feedback for the future if cases get appealed or how they can prevent them to get appealed. Director of Development Services Sabrina Minshall advised that discussion will be ongoing and they will work through it.

**ADJOURNMENT:**

**MOTION:** Commissioner Sheets moved to adjourn, seconded by Commissioner Villafana. Voice vote, motion carried. Hearing adjourned at 10:51 pm.

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

Approved this 21<sup>st</sup> day of December, 2023



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Brian Sheets, Vice Chairman

ATTEST



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Amber Lewter – Hearing Specialist



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, December 21, 2023  
6:30 P.M.

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

Commissioners Present : Brian Sheets, Acting Chairman  
Patrick Williamson, Commissioner  
Harold Nevill, Commissioner  
Geoff Mathews, Commissioner  
Matt Dorsey, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services  
Jay Gibbons, Assistant Director of Development Services  
Debbie Root, Principal Planner  
Dan Lister, Principal Planner  
Michelle Barron, Principal Planner  
Emily Keister, Associate Planner  
Amber Lewter, Hearing Specialist

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

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

Director of Development Services Sabrina Minshall advised there is a request for a continuance on an item and the Commissioner can amend the agenda or address it when they get to that case. Acting Chairman Sheets asked if there was a motion to amend the agenda. Commissioner Nevill stated they could amend the agenda to discuss if they are going to continue it and if the decision is they will hear the case then put the case back to where it originally was on the agenda. Acting Chairman Sheets stated the agenda has been set and noticed and would not be in favor of amending the agenda, if there is good reason to continue the case, those will be brought up during that portion of the hearing. The issue of continuance died due to lack of a motion by the commission.

**Item 1A:**

**Case No. CU2022-0036- AK Feeders** - Approval of revised FCO's.

Commissioner Nevill stated he has a suggested change on page 13 finding 9, it is a quote, there needs to be a closed quotation mark. Acting Chairman Sheets agrees.

**MOTION:** Commissioner Nevill moved to approve & sign the revised Findings of Facts. Motion seconded by Commissioner Dorsey. Commissioner Williamson and Commissioner Mathews abstained. Voice vote, motion carried.

**Item 2A:**

**Case No. SD2021-0058- Ridgeline Vistas Subdivision:** The applicant, Ridgeline Vistas, LLC, represented by KM Engineering, LLP, is requesting approval for a Preliminary Plat, Irrigation Plan, Grading and Drainage Plan, and Hillside Development Plan subject to conditions of development in DA-21-033 recorded as instrument #2021034824. The proposed development, Ridgeline Vistas Subdivision on

approximately 189.84 acres of conditionally zoned "CR-R-R" (Rural Residential) property. The proposed development consists of twenty (20) residential lots with an average lot size of 8.92 acres and one (1) common road lot. The subject property is located to the east of 11509 Shalako Street, Caldwell, Idaho and is also referenced as Parcels R37369 (a portion of the SE ¼ of Section 06, Township 5N, Range 2W) and R37368 (a portion of the SW quarter of Section 05, T5N, R2W, BM, Canyon County, Idaho).

**Planner Debbie Root** viewed the Staff report for the record.

Commissioner Nevill stated he is concerned that 10 years from now the homeowners in High Plains and Ridgeline will be in trouble when these things fall apart because it is difficult for the County to enforce some conditions. Commissioner Nevill asked if they transfer to their own domestic well will they still be upheld to the rule of Idaho's code that says you can only irrigate a half acre. Planner Debbie Root advised these are legitimate ground water rights and they will be transferred to the wells. Commissioner Nevill expressed they have had issues in the past enforcing sprinklers in the home and asked if the developer is going to build every home. Planner Debbie Root advised she is not sure but the condition indicates that they must comply with the agency requirements and every building permit is approved by the fire district. Commissioner Nevill stated that the applicant is willing to meet the development agreement through the CC&R's, that is a concern because CC&R's go away. Commissioner Nevill asked if this will be on the plat. Planner Debbie Root stated we cannot enforce the CC&R's but they can do their best to enforce the conditions on the preliminary plat and development agreement that applies to the development. Commissioner Nevill asked for clarification that there is an agreement between High Plains and Ridgeline that exists already or a proposed agreement. Planner Debbie Root advised that would be a question for the applicant. Commissioner Nevill asked if the individual owner has to come up with drainage on their own lot. Planner Debbie Root advised every lot will have to retain their storm water drainage and irrigation.

Commissioner Williamson asked for clarification on irrigation ground water and domestic well water rights. Planner Debbie Root states it is her understanding that the half acre is a domestic water right but not a deeded water right and then the ground water right is an addition.

Acting Chairman Sheets asked if there is an existing agreement between High Plains and Ridgeline for shared access. Planner Debbie Root stated she is not aware of a recorded agreement but would be a better question for the developer.

**Acting Chairman Sheets** affirmed the witnesses to testify.

**Testimony:**

**Stephanie Hopkins (Representative) – IN FAVOR – 5725 N Discovery Way, Boise, ID, 83713**

Ms. Hopkins stated that Planner Debbie Root explained everything well. Ms. Hopkins stated the property was originally rezoned in 2021 to rural residential. The average lot size will be 9 acres, they are proposing individual well and septic for each lot in the development. They met with Southwest District health and will keep coordinating with them. A portion of the lot is zoned A, they did a flood study which was provided and they will work with FEMA. Irrigation water will be threaded into the individual wells. Ms. Hopkins stated preservation of land was a large topic, although some of the lots are steep and will be difficult to be used for agricultural purposes they still have some options, 119 acres which accounts for approximately 60% of the development can be used for agricultural purposes such as, crop cultivation, livestock grazing, orchards, vineyards, nurseries and bee keeping. A water study was completed for the water rights and how they would be elevated to different lots within the development, there are two water irrigation

rights, each water rights can be distributed to the lots differently for example the steeper lots will receive less water whereas the flatter lots will receive more water to irrigate. Ms. Hopkins stated she agrees with Staff and the conditions.

Commissioner Dorsey asked with the water rights getting broken up per parcel will the existing irrigation well be the fire well. Ms. Hopkins confirmed that is correct. Commissioner Dorsey asked what water right the existing well have. Ms. Hopkins advised .11 csf not to exceed 13 thousand gallons per day from the existing well. Commissioner Dorsey asked if each lots owner is the one that needs to come up with a plan on how they are going to incorporate agriculture use. Ms. Hopkins stated that is correct the CC&R's encourage agricultural use but doesn't dictate what use they do. Commissioner Dorsey asked if it is the same land owner that transferred all the building lots off to the highland subdivision. Ms. Hopkins stated she doesn't believe so.

Acting Chairman Sheets asked how the lots on the north east side are going to get up to their property with the slope. Ms. Hopkins advised Mr. McCarthy can better answer.

**Matt Drown – IN FAVOR – 2150 W Pacific Ridge St, Eagle, ID, 83616**

Mr. Drown explained they applied and got approved for a specific fire flow permit for fire protection back in 2022. Mr. Drown stood for questions.

Commissioner Dorsey asked how long a thousand gallons per minute can go. Mr. Drown stated until the fire goes out.

Commissioner Nevill stated he has concerns about the sprinklers being in the homes and asked if Mr. Drown is going to be the developer and the builder. Mr. Drown explained he may build some of the homes, but in order to get approved it is in the plans to have the fire suppression sprinklers. Commissioner Nevill expressed he isn't in favor of stating something is going to happen because he has seen in the past the houses get built without the sprinklers.

Acting Chairman Sheets asked if Mr. Drown has got to review the conditions of approval and if he has any issues with them. Mr. Drown stated he has reviewed them and has no issues.

**Todd Lakey – IN FAVOR – 12905 Venezia Ct, Nampa, ID, 83651**

Mr. Lakey explained as part of the conditions of approval they developed the Ag plan which is exhibit 9, it notes several things such as how they are handling irrigation water for each lot, utilizing 2 acre building envelopes, and describes some of the potential uses. Mr. Lakey stated this land is a lot in the original High Plains project so they are subject to their CC&R's and HOA but they are also doing their own CC&R's and HOA for the 20 subject properties. Mr. Lakey explained that the original High Plains residence will not be subject to the new CC&R's and HOA such as the fire hydrant in question.

Mr. Lakey's 3-minutes of testimony time ended. He requested an additional minute.

**Motion:** Commissioner Nevill moved to grant an additional minute of testimony time. Seconded by Commissioner Williamson. Voice vote, motion carried.

Mr. Lakey continued testimony. Mr. Lakey advised it is up to the land owner to submit an Ag plan and they are required within the CC&R's to implement and maintain that plan. The plans will be reviewed and approved by the HOA.

Commissioner Nevill clarified the High Plains HOA already exists, the new development Ridgeline will be subject to the existing CC&R's and HOA as well as their own CC&R's and HOA. Commissioner Nevill asked about having a road user's agreement. Mr. Lakey stated a road user's agreement is already part of the CC&R's in High Plains. Commissioner Nevill asked how they are going to resolve the issue of having 41 lots with one access. Mr. Lakey stated that was a subject of discussion with the fire district and they agreed to the conditions that are in the CC&R's. Mr. Lakey pointed out that under state code these lots are exempt but they still came up with an agreement with the fire department to widen and improve the road, include the sprinklers in the homes, as well as having a fire hydrant. Commissioner Nevill clarified that it is Mr. Lakey's testimony that the sprinklers will mitigate the concerns with the response time being distant.

Acting Chairman Sheets stated he knows there are fires out there and difficulty getting fire equipment to the lots with the slopes. Acting Chairman Sheets asked Mr. Lakey if it is his testimony that the agreements they have made with the fire district will mitigate the risk to those potential properties. Mr. Lakey confirmed that it is his belief that the widening of the road, sprinkler requirement, hydrant requirement, and the requirements of the homes and landscape being constructed with materials from the wildlife interface standards will mitigate the concerns.

**Kevin McCarthy – IN FAVOR – 5725 N Discovery Way, Boise, ID 83713**

Mr. McCarthy stood for questions.

Commissioner Nevill asked how he is going to get homeowners to the lots that are on a high slope. Mr. McCarthy stated they will need to look at different ways to get a road there that comply with the code, which will require some grating. Commissioner Nevill asked about turn arounds for the fire district. Mr. McCarthy stated that will be incorporated into the building plan. Planner Debbie Root advised that is why the County Engineer required as a condition that the grating and drainage plans will be required for everyone of the lots at the time of development. Commissioner Nevill asked what the plan is for the natural drain going through lot 1, if it is going to be stopped or conveyed. Mr. McCarthy stated it can't be stopped but they have to contain all the drainage on their lots. Mr. McCarthy explained the lot next to theirs has an existing home in High Plains that was built in a flood plain, they will be able to improve the flooding going to that property from the property they can control.

**Andrea Vance – NEUTRAL – 12101 Shalako Rd, Caldwell, ID, 83607**

Ms. Vance requested to go after Opposition testimony.

Acting Chairman Sheets agreed to move Ms. Vance testimony to after Opposition.

**Eileen Gardiner – IN OPPOSITION – 12181 Shalako Rd, Caldwell, ID, 83607**

Ms. Gardiner expressed her concerns with 20 additional homes being added to the already 21 homes in the subdivision because there is only one access to the public road. Another concern is the irrigation plan for the proposed development not having water rights to all the properties. Ms. Gardiner questions how the 20 proposed homes can be a part of High Plains development and a separate development as well.

Ms. Gardiner's 3-minutes of testimony time ended. She requested an additional 2 minutes.

**Motion:** Commissioner Nevill moved to grant an additional 2 minutes of testimony time. Seconded by Commissioner Dorsey. Voice vote, motion carried.

Ms. Gardiner continued testimony. Ms. Gardiner advised historically the lot has been a potato field. Ms. Gardiner went over the natural wildlife in the area that would be affected with the additional homes being added. They include the long-billed curlews, deer, elk, antelope, golden eagles, and bald eagles.

**Bill McFarland – IN OPPOSITION – 11791 Rio Lobo Rd, Caldwell, ID, 83607**

Mr. McFarland expressed that it would be nice to see what Mr. Lakey said in writing. Mr. McFarland provided his history of 30 years as a captain in the fire department and has been to wildlife fires in California, so he is aware that this is a bad area for fires. Mr. McFarland stated the fire hydrant will never be used as an attack engine hydrant, it will be used to fill up the tank after. With the delayed response times for fire services he believes the hydrant and the sprinklers in the homes are a good idea. Mr. McFarland stated he has seen the flooding on the property and doesn't know how they are going to contain it. He expressed that if the pump were to break it would flood a lot of homes. Mr. McFarland stated that the pump house and pump is in bad condition, it has been shot at and will not last much longer.

Acting Chairman Sheets asked if the pump is a drainage pump or a well pump. Mr. McFarland advised it is a well pump.

**Mike Wieland – IN OPPOSITION – 29122 High Plains Rd, Caldwell, ID, 83607**

Mr. Wieland clarified that the Idaho Code that was being referred to is 41-253 that exempts them from the secondary access road and the hydrant. The International Fire Code Appendix D also exempts them. Mr. Wieland referred to exhibit 8 where the fire department did not ask for a hydrant, he doesn't understand if the hydrant isn't required why they are proceeding with one. Mr. Wieland believes having two separate HOA's in addition to all being a part of one HOA is going to be an issue with paying for the well.

Commissioner Nevill clarified that Mr. Wieland does not want a hydrant because it is not required. Mr. Wieland confirmed he also doesn't want to incur the cost for one. Commissioner Nevill asked if there was an existing fire suppression system and if there is, if Mr. Wieland is comfortable with it. Mr. Wieland stated there isn't one other than the fact that their properties are large and the weeds are so low that the fire would go out before getting to their properties. Commissioner Nevill asked if it was Mr. Wieland's testimony that there is no need for the pump. Mr. Wieland confirmed.

Commissioner Williamson stated it is his understanding that Ridgeline Development would have their own sub set of rules that only apply to them and the High Plains Development would be grandfathered in to their set of rules that Ridgeline also has to abide by. Mr. Wieland stated that is his understanding as well but he is concerned about the legality how that would work.

**Melissa Wieland – IN OPPOSITION – 29122 High Plans Rd, Caldwell, ID 83607**

Ms. Wieland stated there was a late exhibit from Lynn Warren who is the HOA president, she is the treasurer. Ms. Wieland read the late exhibit into testimony, "The private road and driveway requirements were a topic of discussion at the Canyon County access workshop that occurred on August 17, 2023. The October minutes also captured references below", Ms. Wieland stated she doesn't have time to read all of it but Mr. Warren's questions are, "If the current requirements are revised or a new code adopted will the developer still be required to update Shalako to the 24-foot width and the current minimum standards and what is the timing for the requirements to bring Shalako (the existing private road) to the minimum requirement".

**Andrea Vance – NEUTRAL – 12101 Shalako Rd, Caldwell, ID, 83607**

Ms. Vance believes having two HOA's within the community will create division with confusing guidelines,

that it doesn't build a community, it tears it down. Ms. Vance would like clarification if the hydrant is or isn't required as well as the necessity of having two HOA's.

Commissioner Dorsey asked if Ms. Vance would be opposed to the hydrant if they would not have to pay for it. Ms. Vance stated she would still be opposed because it tears down the responsibilities who everyone shares within a community, they are going to be a part of the community but then also have a separate fee imposed to them and it isn't required.

Commissioner Nevill stated he believes in the fire departments exhibit they say that the fire hydrant has to be present or they will not approve the development, he is interested in the rebuttal to see if it is required. Ms. Vance stated she is asking for it to get reviewed because it is not required by state code and law. Ms. Vance is also concerned with the end of Shalako Road showing that it is a temporary turn around because the land beyond that is not public land, it is owned by Little Enterprises. If Shalako were to be extended at a future date, this would increase traffic. Ms. Vance would like that turn around to be a permanent end point.

Commissioner Williamson clarified if the fire district says they need a fire hydrant, regardless of state code, that is the fire districts determination and the Commissioners cannot pull that out. Ms. Vance stated she just wants it clarified if the fire district is requiring the hydrant or not.

**Todd Lakey – REBUTTAL – 12905 Venezia Ct, Nampa, ID, 83651**

Mr. Lakey stated some of the opposition testimony was related to the land use which already has been decided. Mr. Lakey explained they are required to improve the entire existing road, this will need to be done before final plat and in performance with code. Mr. Lakey expressed there is no confusion regarding HOA's and CC&R's, they are subject to High Plains CC&R's and they cannot change them. However, there will be additional requirements for the additional 20 lots. The owners understand the sub set when they purchase a lot. Mr. Lakey addressed the fact that they are exempt but regardless they met with the fire district to gain their support. In the fire districts letter, exhibit 16, notes that it is exempt, it also notes that the drivable surface for the road needs to be 24 feet per the fire code, residential homes will be equipped with the sprinklers and one hydrant will provide at least one thousand gallons per minute and that the 2018 Wild Land Urban Interface code needs to be complied with. Mr. Lakey expressed these are all conditions of approval. Mr. Lakey stated the well has been there a long time and the pump was put in 2014, it has been tested and works fine, but they are required to establish that it does work before the project can move forward.

Commissioner Williamson asked if the code changes would they need to follow the old code or the new code for the road width concern. Mr. Lakey stated they are subject to the code that exists at the time they apply. Commissioner Williamson asked about the temporary termination of Shalako Road. Mr. Lakey stated that road has to be to the fire district code and will not be temporary.

Commissioner Nevill asked what the process will be to certify the pump. Mr. Lakey stated he has to provide proof that it is operational and meets the gallons per minute for the County's requirements. He isn't sure of the process itself on who signs off on it.

Commissioner Dorsey asked who owns Shalako Road because it is a private road. Mr. Lakey stated the road lot is owned by his client and once the road is improved it will get turned over to the HOA so the maintenance and shared cost would get turned over to the HOA and they will be owners of the road lot. Commissioner Dorsey asked for clarification on which HOA would own the road. Mr. Lakey advised the ownership would be turned over to the High Plains development of the portion of the road that they all



share, the part of the road that goes to Ridgeline would go to Ridgeline to obtain ownership of, unless High Plains wants to own the whole thing. Commissioner Dorsey asked who would make the determination if the end of Shalako would allow use for the Little Enterprises. Mr. Lakey stated it is a private road therefore the owners of the private road would make that determination.

Planner Debbie Root stated that the rebuttal covered all the questions that came up during testimony.

Acting Chairman Sheets asked if the Little Enterprises access their properties from a different road. Planner Debbie Root advised many of the properties would be considered land locked and that they do have other access points.

**MOTION:** Commissioner Williamson moved to close public testimony on Case SD2021-0058, seconded by Commissioner Mathews, voice vote, motion carried.

**DELIBERATION:**

Acting Chairman Sheets asked if the Commissioners had any changes or discussions.

Commissioner Nevill stated the land use has already been decided and restricted to specific development agreement and staff has provided an additional 14 conditions of approval, the applicant agrees to all the conditions. Commissioner Nevill has concerns about CC&R's and HOA's because they can change but with what they have in front of them he is satisfied that they have done their due diligence and comfortable recommending approval.

Commissioner Mathews stated he is concerned with having two HOA's because it is going to create problems. Acting Chairman Sheets asked if he had any recommendations. Commissioner Mathews expressed he would like to see it all under one HOA. Acting Chairman Sheets stated it is his understanding that having the separate HOA's is a way to deal with infrastructure there related to specific proportional use of water use and fire suppression. Commissioner Sheets doesn't believe the County has the capability or jurisdiction to enforce the organization of distribution of costs. Commissioner Mathews agrees he doesn't believe they can either, he believes the applicant needs to figure that out upon themselves.

Commissioner Dorsey agrees they have done everything they can with the codes they have to follow. Commissioner Dorsey made a statement that he doesn't believe having rural subdivisions is preserving Ag land.

Commissioner Williamson recalled when the rezone came through preserving Ag land was on the top of the agenda and the concerns brought forward are valid, he just doesn't see a way that the Commissioners can mitigate them so recommends everyone involved having more communication. Commissioner Williamson stated by the codes they have to follow the development meets all of them.

**MOTION:** Commissioner Williamson moved to approve Case SD2021-0058 based on the Findings of Fact and Conclusions of Law and conditions of approval and recommends approval to the Board of County Commissioners. Seconded by Commissioner Dorsey.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**Item 2B:**

**Case No. CR2023-0008- Zion Ventures, LLC:** The applicant, Zion Ventures, LLC, is requesting a

conditional rezone of a 30.42-acre parcel from an "A" (Agricultural) zone to a "CR-C-2" Zone. The request includes a development agreement limiting the use to an outdoor storage facility for the storage of recreational vehicles, campers, boats, trailers, and trucks. The subject property is located at 19933 Midland Blvd., Caldwell, also referenced as Parcel R34295, a portion of the NE¼ of Section 29, T4N, R2W, BM, Canyon County, Idaho.

**Planner Dan Lister** reviewed the Staff report for the record.

Commissioner Nevill stated on exhibit 4C1 the Caldwell Rural Fire District stated there should be fire hydrants out there and he isn't seeing a plan for one. Commissioner Nevill asked if there is a plan for fire fighting water anywhere. Planner Dan Lister stated he hasn't seen one. Planner Dan Lister stated there is a condition to work with Caldwell Rural Fire District to meet international fire code for this request. Commissioner Nevill asked if there is an international fire code for fire hydrants. Planner Dan Lister expressed not that he knows of. Commissioner Nevill asked if there is any condition that they have to come up with a drainage plan. Planner Dan Lister stated there is a comment letter with one of the consulting engineers asking one of the conditions to be providing an engineered storm water collection disposal plan and demonstrate applicable DEQ requirements and standards, which has been included in as one of the conditions. Commissioner Nevill stated the City of Caldwell doesn't allow the requested use on the highway corridor and recommend denial. Commissioner Nevill asked how we got to approval with the City recommends denial. Planner Dan Lister stated one of the reasons staff is recommending approval is because the County's Comprehensive Plan applies to the impact area in addition the City's Comprehensive Plan it supports a community commercial which would support this use if it was annexed into the City. Commissioner Nevill stated our comprehensive plan states we need to preserve agriculture. Commissioner Nevill asked if this is still in productive agriculture. Planner Dan Lister confirmed the land is still in productive agriculture as well as surrounded by agriculture. The plan does show this is a growth area for commercial and industrial uses. There are industrial uses that have been approved across the street. Planner Dan Lister stated the applicant has agreed that the type of use they are doing won't require a lot of improvements as well as not hindering other improvements such as widening the highway or allowing the City to provide services.

Acting Chairman Sheets asked about City of Caldwell's highway corridor designation on exhibit 3E-1 and it is surrounded by subdivision on both sides, how does this work with the plan for a highway corridor. As well as if you look at the aerial maps they are still in Ag production but in there is preliminary subdivisions that have been approved. Planner Dan Lister stated when doing the analysis, they were looking at the future plan and again services are not out there and there is no time frame on when services will be available, the property is adjacent to railroad tracks and industrial uses and therefore staff was looking at this as a potential buffer for in between use of the high density residential to the industrial. Acting Chairman Sheets asked if this is a rezone request only and a conditional use permit would follow. Planner Dan Lister advised the rezone into a C2 zone allows storage use as an allowed use.

Commissioner Williamson asked when the adjacent properties were annexed into the City. Planner Dan Lister advised 2006 and services are still three thousand feet away.

**Acting Chairman Sheets** affirmed the witnesses to testify.

**Testimony:**

**Riley Verner (Representative) – IN FAVOR – 19933 Midland, Caldwell, ID, 83605**

Mr. Verner requested a power point to be submitted as a late exhibit.

Commissioner Williamson asked if there was anything they didn't see during Planner Dan Lister's presentation. Mr. Verner stated it is a lot of the same. No motion was made to accept the late exhibit. Mr. Verner proceeded with testimony.

Mr. Verner stated the project will be completed in two phases, the Northside being the first and the Southern half being the second phase. They have one neighboring parcel who they met during the neighborhood meeting and intentionally did not put any parking stalls in the design next to their property line and instead landscaped. Mr. Verner stated it will be owned and operated by himself, there will be entrance keypad gate, the house on the property will remain as an onsite. The middle access will be primary and the access to the south will be secondary emergency access. Mr. Verner agrees with Highway Department District 4. Mr. Verner stated they are one of the few designated areas in Canyon County's comprehensive plan that is designated for commercial, the proposed storage units are allowed in the C2 zoning. Mr. Verner understands Caldwell asked for the rezone to not be approved but they are not providing any services and they are meeting what Canyon County has designated the area as. Mr. Verner is agreeable to the conditions and is willing to annex to the City of Caldwell once services are available. Mr. Verner believes this plan is agreeable to the comprehensive plan.

Commissioner Williamson asked if the plan is to eventually switch from having an office space to storage units, where are people going to go to get a storage unit and talk with someone. Mr. Verner explained it will be remote with someone answering a phone line, online with a code generated, or someone meeting onsite by appointment.

Commissioner Nevill asked what the solution is going to be to provide fire fighting capability. Mr. Verner advised he will sit down with the Fire Department to work out the details and that he is agreeable to Staff's condition to meet the International Fire Code. Commissioner Nevill asked what the demand is for RV storage currently. Mr. Verner stated the demand is significant, the current RV storages are at capacity or close to it because a lot of people are moving to Canyon County and not a lot of homes are built with RV space, plus you have CC&R's that restrict the parking of recreational vehicles at your residence. Commissioner Nevill brought the attention to the Soil Conservation District having the land classified as class 2, he asked what the justification is of taking prime Ag land. Mr. Verner advised the land is in Caldwell's impact area and right for development with it pushing in that direction and with Canyon County's Comprehensive Plan they have designated area to protect and preserve farmland and this land was not one of those areas, it was designated commercial. Commissioner Nevill asked if Mr. Verner agrees that the development should occur when it is time because the area still has a lot of active agriculture. Mr. Verner agreed that a lot of the land in the area is productive Ag land, he pointed out most of the land isn't owned by farmers and instead leased out to farmers, so he doesn't foresee the area being farmed in the nearby future. Commissioner Nevill asked if Mr. Verner owns the property and leasing it out to a farmer and if he is if the farmer will continue to farm as long as possible. Mr. Verner confirmed and agreed the land needs to be farmed as long as possible, he stated the land is a priority growth area.

Commissioner Williamson asked if Mr. Verner understands he has to follow the conditions in exhibit 4C the letter from the Caldwell Fire District stating fire hydrants need to be present. Mr. Verner stated the condition in the development agreement is they meet the International Fire Code and agrees with meeting the International Fire Code. Commissioner Williamson asked for confirmation that the fire hydrants will be put in and the well can withstand the per minute requirements. Mr. Verner stated he will if the International Fire Code requires it.

Commissioner Dorsey confirmed Mr. Verner is going to follow the International fire code, not what

Caldwell Fire Department is asking for. Mr. Verner confirmed that is correct.

Acting Chairman Sheets asked if Mr. Verner is going to be operating the business and if he has other storage facilities he operates. Mr. Verner confirmed he will be operating the business and this is his first storage project.

**Kevin Chester – NEUTRAL – 19757 Midland Blvd, Caldwell, ID 83605**

Mr. Chester stated he is concerned with fire because RV's can be a tinder box and requests that there is adequate protection. He is also concerned with exhibit 2C, it looks as if there is a road close to his house and would like confirmation if it is an emergency exit or something else. Mr. Chester stated if this project gets approved his property will be surrounded on 3 sides by commercial properties and one of the reasons he bought the property was being surrounded by Ag land. Mr. Chester believes it is to soon to develop and remove the Ag land at this time.

Commissioner Nevill asked how long Mr. Chester has lived at his property and in that time what kind of crops has been produced on this site. Mr. Chester advised he has lived on his property for 5 years and he has seen them rotate between corn, wheat and beets. Mr. Chester stated it has been very productive crops. Commissioner Nevill asked for confirmation that Mr. Chester is surrounded by active agriculture. Mr. Chester confirmed. Commissioner Nevill asked if the farmers are still able to go down the roads and move equipment. Mr. Chester stated he hasn't seen anything to oppose that so he assumes it is fine. Mr. Chester expressed he has heard concerns from farmers about the shrinking of Ag land.

**Riley Verner (Representative) – REBUTTAL – 19933 Midland, Caldwell, ID, 83605**

Mr. Riley stated that Winco Foods is in the planning process, big box retail and apartment complexes have all been approved in this area which will change the nature of the area as well as ITD expanding to 5 lanes within the next 2-3 years. The area is primarily Ag currently, but Mr. Verner believes that will all quickly change. Mr. Verner confirmed that the access to the north is an emergency access.

Commissioner Dorsey asked for clarification because Mr. Verner is stating this is not Ag land, yet he received the Ag land exemption, doesn't want to pay City taxes for any infrastructure and with the development he still wouldn't want to be annexed into the City to pay those taxes. Mr. Verner stated his project doesn't require utilities or sewer hook ups so there is no desire to pay for services they aren't connecting to. His desire is to have it be commercial which is designated in the Comprehensive Plan. Commissioner Dorsey asked if he would be paying commercial taxes. Mr. Verner stated his assessment value would go up significantly.

**MOTION:** Commissioner Williamson moved to close public testimony on Case CR2023-0008, seconded by Commissioner Mathews, voice vote, motion carried.

**DELIBERATION:**

Commissioner Mathews stated with the City of Caldwell surrounding the development and their intent for the property with our working agreement with them he is in opposition, he believes this project is premature and would like to see the property stay in Ag for as long as it can.

Commissioner Williamson agrees with Commissioner Mathews but also questions the future land use, that the City of Caldwell wants to put there is potentially residential so having commercial as a buffer makes more sense. His understanding is this area is very productive seed crop ground and Idaho is an international producer of a lot of seed crops. Commissioner Williamson believes this project is to early and the surrounding area still has a lot of productive Ag.

Commissioner Nevill stated he is not in favor and believes it is too soon. The land is still in productive agriculture.

Acting Chairman Sheets stated he knows the area and it is not going to stay in Ag very long, it is going to turn into apartment buildings, and houses, he doesn't believe they will be able to keep it in Ag very long and understanding that he believes that this is a good use for the land. Acting Chairman Sheets would approve as is.

**MOTION:** Commissioner Nevill moved to deny Case CR2023-0008 to modify findings of fact number 2 to state that it is not a more appropriate use, number 3 that it is not more compatible with the surrounding land uses, and number 4 stating that it will negatively affect the character of the area. Commissioner Mathews Seconded.

**Discussion on the motion:**

Planner Dan Lister asked the Commissioners to provide the evidence for each one of the findings they want modified.

Commissioner Nevill stated the evidence for findings 2 is it is currently productive Ag land and until it is unable to be active Ag land because it is encroached upon, the answer is it is not more appropriate. Findings 3 the evidence from the staff report and testimony that all of those productive fields in that area are still in Ag production and if anything would detract the farmers ability to move machinery and to farm would make it not compatible. For Findings 4 the evidence is from the pictures they have viewed and testimony received, that the land is surrounded by productive agriculture and anything not conducive to production agriculture would negatively affect the character of the area.

Roll call vote: 3 in favor, 2 opposed, motion passed.

**Item 2C:**

**Case No. RZ2021-0030 & SD2021-0018- LGD Ventures / Goldberg / Lewis Heights:** The applicant, Darren Goldberg, LGD Ventures, LLC, is requesting a conditional rezone of parcel R30117 from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. Included with the conditional rezone is a development agreement. The request also includes a preliminary plat (with irrigation and drainage plan) for Lewis Heights Subdivision. The subdivision consists of 31 buildable lots and 9 common lots. The 78.5-acre property is located on the south side of Lewis Lane, approximately 1300 feet east of the intersection of Sky Ranch Road and Lewis Lane, Nampa, Idaho. The property is located in a portion of the NE1/4 of Section 13, T2N, R3W, B.M., Canyon County, Idaho.

**Declaration:** Commissioner Nevill declared he lives within 1 mile of the subject property and familiar with the roads but has not had any discussion with the applicant or spoke to any parties regarding the case.

**Planner Michelle Barron** viewed the Staff report for the record.

Commissioner Williamson confirmed the only comment they have from Highway Nampa District or the School District is exhibit E, attachment 5. Planner Michelle Barron confirmed that is correct.

Commissioner Nevill confirmed what has changed from the last time they heard the case is that there is fewer lots, there is a community domestic well proposal and they are proposing a combined irrigation firefighting system that has gained the Fire Districts approval. Planner Michelle Barron advised that is

correct. Commissioner Nevill confirmed that this land is still in productive Ag land. Planner Michelle Barron stated she hasn't been out there recently but believes there is an operation that is active. Commissioner Nevill asked which access is proposed for the bus stop. Planner Michelle Barron advised the applicant can address that and one of the conditions is that they work with the school district. Commissioner Nevill asked if we know where the closest intact 80-acre field is in this area. Planner Michelle Barron stated she is unsure.

Commissioner Williamson asked about the land nearby that is going through a rezone. Planner Michelle Barron advised it was recently approved. Commissioner Williamson clarified that the property in question is almost completely surrounded by residential use.

Commissioner Mathews asked if we asked for comments from Deerflat Wildlife Sanctuary. Planner Michelle Barron advised this is a conditional rezone so a full political was sent out and they would have been one of the entities that was noticed.

**Acting Chairman Sheets** affirmed the witnesses to testify.

**Testimony:**

**Becky Yzaguirre (Representative) – IN FAVOR – 2471 S Titanium Place, Meridian, ID, 83642**

Ms. Yzaguirre stated this property is encircled by residential development making it a text book example of where development should occur. Ms. Yzaguirre went into the details of the development plan. The property has one existing well with irrigation ground water rights. Adjacent to the canal the property is uphill and has no surface water rights. The project consists of 31 buildable lots and 9 common lots with a minimum lot size of 1.6 acres and a max of 2.79 acres with an average of 2.3 acres. The lot sizes are compatible with the adjacent properties which average 2.2 acres. The development will have a community well and a community fire suppression system, each home will have fire sprinklers and individual septic systems. Ms. Yzaguirre advised the design has been updated from the last Planning and Zoning hearing to address the feedback that was received, key changes include, reduction in lots, community water system, fire suppression system with home sprinklers, the storm water management plan has been reevaluated to insure it can hold the 100-year flood event, the common lot south of the canal they plan to sell it to the Taylor Dean property owners. Ms. Yzaguirre stated in the common area, the landscaping will be minimum and consist of drought resistant plants and trees. Most of the landscaping will be located along Lewis Lane to provide a screen for the neighbors to the north. There is also a plan to install a 6-foot safety fence around the canal. The community fire suppression system will be set up on common lot 17 delivering 500 gallons per minute to a hydrant across the development. There will be two wells, one will be running at all times and the second will serve as a backup. The existing well on the property will be used for fire flow and pressurized irrigation. Ms. Yzaguirre advised the reason for wells drying up South of Lake Lowell is due to high capacity agricultural wells. They operate around the clock which temporarily lowers the water in the area and the shallow wells in the area may run dry during irrigation system. The development plan will be using less water. Ms. Yzaguirre believes the development aligns with Canyon County's comprehensive plan for rural residential development.

Commissioner Williamson asked for clarification that Ag is the cause for wells going dry in the area. Ms. Yzaguirre deferred the question. Commissioner Williamson asked where the bus stop will be located. Ms. Yzaguirre advised they will work with the bus company to determine the location of the bus stop. Commissioner Williamson asked the location of the hydrant. Ms. Yzaguirre deferred the question. Commissioner Williamson stated they are being proactive with the fence around the canal.

Commissioner Nevill asked for confirmation that they are proposing a combined irrigation and fire fighting water system. Ms. Yzaguirre stated that is correct. Commissioner Nevill asked if it is intended there will be enough flow so they will always be able to meet the fire fighting need even if it is at the height of the irrigation season or if there is a switch from one to the other. Ms. Yzaguirre deferred the question. Commissioner Nevill stated there has been issues with combined systems in the area. Commissioner Nevill confirmed they will have the home fire sprinkler requirement on the plat. Ms. Yzaguirre confirmed that is correct and will be enforceable by going through the building department and occupancy code, through the County process. Commissioner Nevill asked if this is still productive Ag land. Ms. Yzaguirre stated no, it is moderately, as well as surrounded by homes on all four sides so it makes sense to cluster the development.

Commissioner Mathews stated in 2022 when it was denied, it was denied because it would have a negative effect of the character of the area, even though it is designated as residential on the future land use map, however there is areas of agriculture including a large dairy operation. Commissioner Mathews asked what has changed since the denial. Ms. Yzaguirre stated there is going to be more residential homes now in that area. There will be conflicting uses in the area if this land continues to be farmed, it makes sense to cluster the development. Commissioner Mathews asked where the dairy is located. Ms. Yzaguirre stated that it is farther south.

Commissioner Dorsey asked for clarification about the testimony stating the homes will use less than Ag land if that was based upon the consumption of the home and disregarding the landscape. Ms. Yzaguirre deferred the question.

Planner Michelle Barron supplied the map for the location of the Dairy. It was presented to be further than 2 miles away.

**Zane Cradic - IN FAVOR – 332 N Broadmore Way, Nampa, ID, 83687**

Mr. Cradic addressed the questions regarding the fire hydrant. Stating the fire hydrants are going to have a minimum spacing of 500 ft throughout the development but the locations are subject to change while they do final design. Mr. Cradic addressed the changes from when they were before Planning and Zoning previously. They increased lot sizes, added the community well system, added the fire hydrant suppression system, verified they have ample room for the storm water storage, and added the “thumb” to the HOA agreement that they will maintain that area until it is sold off.

Commissioner Nevill asked for explanation on how the combined fire suppression and water irrigation system is going to work. Mr. Cradic deferred the question.

Commissioner Williamson asked about common lot 21C, “the thumb”, that it was requested not to be a part of the HOA. Mr. Cradic stated it will be maintained by the HOA until it gets sold off. Commissioner Williamson asked if they can’t have a bridge to access the lot but they have to maintain it, how do they have access to the lot. Mr. Cradic stated the road for the canal is on the south side of the canal, they would have to get permission through the irrigation district to do so.

Commissioner Mathews asked about the wells. Mr. Cradic advised there will be 3 working wells on the property and in any given time only 2 actively working.

**Darren Goldberg – IN FAVOR – 35 Greenhorn Rd, Hailey, ID, 83333**

Mr. Goldberg introduced himself as part of the managing team of LGD Ventures and owner of the current property in question. Mr. Goldberg explained when the future comp plan came out showing the parcel as

residential and with the land getting harder to farm and no longer to get market rent for the farm, he decided to proceed with the rezone process. The intent is to create a subdivision that is consistent with the surrounding rural residential in the area. Mr. Goldberg asked to consider the development on facts and the recommendation from staff.

**Terry Scanlan- IN NEUTRAL – 412 E Parkcenter Blvd, Boise, ID, 83706**

Mr. Scanlan stood for questions.

Commissioner Nevill asked how the combined fire and irrigation system works. Mr. Scanlan stated the well is going to be able to produce 500 gallons a minute of pressure and two water lines going away from the well. One that goes to pressurized irrigation will have a pressure sustaining valve on it so that it is always maintains an upstream pressure on the well side. The other line will be a deep buried line that can stay active during the winter and go to the fire hydrants, if the fire hydrants open, it will lower the pressure on the well side causing the pressure sustaining valve to close, causing all the water from the irrigation to go to fire protection. Commissioner Nevill asked for confirmation that it is one or the other and that both sides aren't going to be running at the same time. Mr. Scanlan stated it is 500 gallons of pressure per minute and typically when using a fire hydrant, it will take all 500. Commissioner Nevill confirmed it is all automatic and no one has to change it manually. Commissioner Nevill asked what the testing frequency is. Mr. Scanlan advised that would be up to the fire district but typically once a year.

Commissioner Dorsey asked if the claim stating they will be saving more water than the Ag land if that is based on the house usage or based upon overall house plus the 2-acre lot. Mr. Scanlan stated it is based on the overall and gave an example stating it is about 77 acres irrigated now and post development it will be about 55-60 acres irrigated because you lose irrigated land to the roads, driveways and houses. Commissioner Dorsey stated it doesn't account for the grass landscape that is going to use more water than other crops because it is going to be irrigated all the time to keep the grass green. Mr. Scanlan stated blue grass uses the same amount of water as alfalfa. Commissioner Dorsey stated it is his experience that although they are not going to use as much irrigation as a farmer at one time, a homeowner is going to use more water on their grass.

Commissioner Williamson asked if the irrigation and fire suppression well is going to be VFD. Mr. Scanlan stated it would. Commissioner Williamson asked how many inches of water 31 homes will use with domestic and lawn irrigation compared to a farmer running the whole thing for land irrigation. Mr. Scanlan stated it will be reduced in irrigation water by 21 million gallons and the domestic in-home use will add 3 million gallons so the net savings is going to be 18 million gallons. Comparing the different crops against grass will differ, grain there won't be a savings, comparing against alfalfa there will be water savings. Commissioner Williamson stated there is comments using some of Mr. Scanlan's previous testimony from past hearings talking about conflicting information. Mr. Scanlan stated he isn't sure what Commissioner Williamson is referring to but he does know a year or two ago, it was the year wells were going dry at Deer Sky Ranch, there was a comment from Department of Water Resources of what they thought was going on but since that time they have been monitoring water levels.

**Kim Yanecko – IN OPPOSITION – 13038 Skyview St, Nampa, ID, 83686**

Ms. Yanecko stated she represents a lot of people so will request 10-minutes of testimony. Acting Chairman Sheets stated everyone has 3 minutes. Ms. Yanecko stated she has always had 10 minutes and has done her presentation based on the fact that at BOCC she has always had 10 minutes. Acting Chairman Sheets advised besides the applicant and the rebuttal, everyone gets 3 minutes, if more time is needed, additional time can be requested. Ms. Yanecko advised the order of testimony she would prefer. Ms. Yanecko asked for additional exhibits. Acting Chairman Sheets when they are presented they will decide



if they want to enter them into the record.

**Claudia Haynes – IN OPPOSITION – Deersky Ranch Rd, Nampa, ID 83686**

Ms. Haynes introduced herself as one of the directors of Canyon County Alliance for Responsible Growth, representing 65 families of the area. Ms. Haynes stated she submitted an exhibit which is in the staff report, at the time she did not know she also had to turn in the evidence of what she stated in her exhibit. Ms. Haynes asked to submit a late exhibit which is the evidence to her previous written statement. Acting Chairman Sheets asked what the evidence contains. Ms. Haynes advised there is a map from water resources, rules, laws and documentation for evidence of her written statement that was provided.

Commissioner Williamson stated this is a 762-page document and asked how many pages and how long will it take to process the additional exhibit. Ms. Haynes stated no time because everything in there is already written in her exhibit she originally provided. Acting Chairman Sheets advised if they accept the exhibit they are still deciding tonight, they will not be able to review the documents. Ms. Haynes stated she understands and there is no new information that the Commissioners haven't read, just proof of what she wrote is true.

Planner Michelle Barron advised the exhibit would be exhibit J.

**Motion:** Commissioner Nevill moved to accept exhibit J. Seconded by Commissioner Dorsey. Voice vote, motion carried.

Ms. Haynes stated the map from the Department Water Resources has an area that indicates there is a problem with water south of Lake Lowell and it has to do with agricultural wells. The hydrologist report is saying there is poor soil in the area, the season fluctuation is 150 feet, the wells are to close together in the subdivision, the clay soil is not permeable, there are pits and tectonic cracks in the ground, there was a drought this year, the zones are collapsing, there are large scale farms in the area, the engineer Devin put in exhibit C2. Ms. Haynes 3 minutes testimony time ended, she asked for an additional 2 minutes of testimony time.

**Motion:** Commissioner Nevill moved to allow two additional minutes of testimony time. Seconded by Commissioner Williamson. Voice vote, motion carried.

Ms. Haynes continued testimony stating in exhibit C2, the engineer indicated when you approve subdivisions in an area and you do average acreage, wells and sewer systems are becoming too close together causing a problem with the quality of water.

Commissioner Dorsey stated water is an issue in the area and with the developers saying they are going to use less water by converting into houses and Ms. Haynes testimony stating the farms are drying up the wells. Commissioner Dorsey asked what Ms. Haynes recommends. Ms. Haynes stated she recommends the land staying how it is. Ms. Haynes stated a lot of people in the area have had to pay to drill their wells deeper.

Commissioner Nevill asked besides the water issues if there are any other issues that should prevent the development from occurring. Ms. Haynes stated the land is producing a good crop of hay. Commissioner Nevill asked if it is productive Ag land. Ms. Haynes stated the land is productive and have been so for the past 23 years that she knows of.

**Kim Yanecko – IN OPPOSITION – 13038 Skyview St, Nampa, ID, 83686**

Ms. Yanecko requested her Powerpoint to be submitted as a late exhibit. Acting Chairman Sheets advised she is able to pull the Powerpoint up and reference it but it may not be submitted into evidence. Ms. Yanecko requested additional late exhibits. Acting Chairman Sheets asked for a brief description. Ms. Yanecko stated one is an email from IDWR received on December 12<sup>th</sup>, 2023 and it is from the director summarizing the well issues in the area. Acting Chairman Sheets offered for Ms. Yanecko to read it allowed in her testimony. Ms. Yanecko would still like it submitted into evidence. Acting Chairman Sheets explained they have deadlines because it makes it difficult to analyze the information when presented late. Ms. Yanecko stated if the Commissioners do not approve it, it will be excluded from the record. Acting Chairman Sheets stated that is correct and the deadlines are there so they have time to review them.

Director of Development Services Sabrina Minshall clarified that testimony can be with a Powerpoint but if the Commissioners are going to reference it, the Powerpoint would need to be submitted into evidence.

Ms. Yanecko advised Commissioner Williamson to ask her about the Taylor Jene parcel to the south, there staff admits there is water availability issues in the summer. The solution from IDWR is to turn your water off for a few hours or few days and it should resolve itself. Ms. Yanecko advised she could give information about her community well in the area. Ms. Yanecko stated there is one monitoring well in the area and drops about 85 feet, it takes 6.5 months to recover and it is only doing so during the summer and spring time. The former County Engineer Devin Krasowski is concerned about the arsenic in the area and there could possibly be interference with the septic that are higher than lower well locations. There has been admittance that the wells run dry but no solution to the problem. Ms. Yanecko would like to know the status of the water study done of the Treasure Valley Aquifer System for the ground water. Ms. Yanecko's 3-minute testimony time ended and requested an additional 7 minutes of testimony time.

**Motion:** Commissioner Nevill moved to allow 7 additional minutes of testimony time. Seconded by Acting Chairman Sheets. Voice vote, motion carried.

Ms. Yanecko continued her testimony stating the email to Claudia Haynes from Nick Miller says, "there appears to be season fluctuations. The water doesn't quickly move into the area. That the pits slowly refill once the homeowners reduce their pumping at the end of the irrigation season and water is able to flow through the clay soils. Pit may be deeper in the last few years maybe due to drought or additional development." Ms. Yanecko stated this was previously denied due to water availability and she hasn't seen any documentation for the contrary. The comments from Nick Miller are concerning to Ms. Yanecko because they contradict what the applicants are saying that there is plenty of water and the aquifer is recharging. In July 2021 engineer Woodward testified that HOA's have a hard time maintaining community wells because it is an expensive infrastructure, in Ms. Yanecko's own community, they do not have how much they are supposed to for maintenance and repairs. The County states this area is not in a high nitrate area but if you look at the 2023 map from DEQ goes one mile beyond calling in stratus 2, they still consider it contaminated soils. In January 2021 Leslie Vanbeck stated, "there is all kinds of conflicting information and I cannot in good faith approve something that might render someone without water and the county does place value in Ag especially when we are in the midst of a transition from one comprehensive plan to another the Ag component will be a valuable part of the comprehensive plan and another one that does have a negative affect of the character of the area, I was very surprised in hearing that South and Southwest of lakeshore which is a large scale agricultural potato, dairy farm, onions, sugar beets, all those high dollar crops they are falling one by one because farmers cannot continue to farm around that kind of residential development." Ms. Yanecko is concerned we are not protecting our Ag.

Commissioner Nevill asked about Taylor Jene. Ms. Yanecko stated Taylor Jean was recently approved, it was originally denied, but it is currently in Judicial review so you cannot consider that property until there

is a final decision. Director of Development Services Sabrina Minshall clarified as far as the County is concerned on a legal perspective, Taylor Jene is approved, if something changes during the judicial review that will get changed depending on what that is. Commissioner Nevill asked about Ms. Yanecko's community well. Ms. Yanecko advised they have two community wells because you have to have the redundant well, they have been in for 20 years, last year there was no water coming out of the faucet, one of the neighbors sent an email out asking everyone to stop water the lawns so she could take a shower. These are half million to a million-dollar homes and having to ask to take a shower. Commissioner Nevill asked about the green area on the map.

Acting Chairman Sheets paused to discuss adding the Powerpoint into evidence. Planner Michelle Barron advised if anymore exhibits will be added she will change Ms. Haynes exhibit number to J1 and then just increase in number each exhibit. With the Powerpoint being J2.

**Motion:** Commissioner Williamson motioned to approve the Powerpoint as exhibit J2 and entered into the record. Seconded by Commissioner Nevill. Voice vote, motion carried.

Commissioner Nevill asked about the green area on the map. Ms. Yanecko stated IDWR in 2013 did an order in state of processing because they wanted to know the impact from 5 open applications from 2008. The green area is the impact area. Noble Farms pull water from the river, they are concerned that they will not be able to do that in the future.

Commissioner Williamson stated he is going to play devil's advocate and with having residential all around the lot, that makes it hard to do a lot of farming practices. Commissioner Williamson asked if consideration has been made about the cost that is being incurred by the farmer because they have to go around the homes and not being able to get as close as they used to with their spray applications. Commissioner Williamson asked how it is beneficial or productive for a farmer to continue to farm this land. Ms. Yanecko stated if you look at the bigger picture the area is surrounded by farm land. Commissioner Williamson stated if you look at a 5000-foot view it is a solid fence of residential. Ms. Yanecko expressed she doesn't want the area to be allow the grow until there is water for everybody daily and year-round. Ms. Yanecko is not opposed to growth she is opposed to irresponsible growth and feels the County doesn't have enough answers and it would negatively affect the surrounding Ag land. Commissioner Williamson asked Ms. Yanecko's thoughts on Nampa School District and 30 plus more homes. Ms. Yanecko stated she believes the Nampa school district is failing students because having a bus stop on a major roadway that is 55 mph and hope that the kids are safe is irresponsible.

**Beverly Cavazos – IN OPPOSITION – 11968 Deer Flat Rd, Nampa, ID, 83686**

Ms. Cavazos stated there is a lot of traffic in the area right now, going 30 mph in a 55 mph, she sees people going around buses when loading and unloading the kids instead of stopping behind them, they do not have the resources to have patrol vehicles out there and with the new traffic that would be added she will not be able to pull out of her driveway safely. Ms. Cavazos expressed she doesn't want to live in downtown Los Angeles and believes that is what this area will turn into if the homes are allowed to be built. Ms. Cavazos stated there was a development that guaranteed there would be sprinkler systems in the homes, when the homes were built, most of them did not have the sprinkler systems, then Canyon County did not make them go back and put them in. Ms. Cavazos does not have confidence in stating there will be sprinkler systems in the homes.

**Wes Weidner – IN OPPOSITION – 12575 Anakate Ln, Nampa, ID, 83686**

Mr. Weidner stated most of what he wanted to discuss has been said but he isn't sure the accumulated effects are being understood, Commissioner Williamson touched on effects of having 30 houses in this

area, the area is productive farmland, the road structure is not capable of handling this type of traffic and the law enforcement is in the state of crisis because of the lack of personnel that they have, the national average is 2.4 officers per a thousand people, Canyon County last summer had .7 officers per thousand, they have hired 6 deputies since then, the law enforcement problem has not been solved. Mr. Weider stated for question 8 the answer is the area infrastructure is not anywhere close to being capable of handling the amount of development that is being proposed. Mr. Weidner asked why we are still looking at the 2020 Comp plan.

Acting Chairman Sheets advised the 2020 Comp plan is still in play because that is when the application was submitted.

**Jeanie Amen – IN OPPOSITION – 9125 Sky Ranch Rd, Nampa, ID, 83686**

Ms. Amen expressed her position is to emphasize the Agricultural interference. Ms. Amen's husband is a crop duster. Last season they lost their well at the end of July and the driller stated that the water went down to a level that prevented the pump from being submerged so it burned up the pump. They got the part replaced but for three weeks the farmers were bringing them water in tanker trucks so they could finish the season. Ms. Amen believes rezones and subdivisions are harming the agriculture operations, her husband has lost two fields that he provided services to and lost thirty thousand dollars as a result. Ms. Amen asks to get a stop light put in before anything gets approved to make the roads safer.

**Dawn Schwab – IN OPPOSITION – 10146 Vista Del Lago, Nampa, ID, 83686**

Ms. Schwab stated everyone has spoken to what she had to say about the water and the roads not being wide enough. Ms. Schwab stated they live in the county so they don't have replenishable resources if you put someone there that doesn't understand that, they don't respect the resources or understand the conservation necessity. Ms. Schwab stated that the traffic is already congested with people passing, including buses when they are stopped at the 3 different bus stops. Ms. Schwab believes adding more people will cause fatalities on the road.

**Amy Weidner – IN OPPOSITION – 12575 Anakate Ln, Nampa, ID, 83686**

Ms. Weidner stated she agrees with the testimony on lack of law enforcement. Ms. Weidner would like to speak on conditional use permits, conditional rezones and homeowners' associations and how ineffective and terrible it is to rely on them. There was a conditional use permit that was approved in 2001, the developer agreed to everything Planning and Zoning said the Board of County Commissioners said, and then did what he wanted regardless. Ms. Weidner has a conditional use permit on a deed restriction that prohibits the challenging of any agricultural activities and that deed restriction is on all 30 lots in her subdivision, then in the CCR's they prohibited livestock. The CCR's stated the community well was to be used for pasture irrigation and fire suppression only, everyone started hooking up and watering their lawns, when Ms. Weidner pointed that out she was told by the HOA Board Directors to mind her own business and leave it alone. Ms. Weidner believes CCR's are just a piece of paper and some will abide by them but most will not. Ms. Weidner has lawsuits against her because she has a farm but she is using her conditional use permit. Ms. Weidner expressed there are no regulatory actions set in place to make sure the conditions are being met.

**Gianni Ramani – IN OPPOSITION – 12605 Anakate Ln, Nampa, ID, 83686**

Mr. Ramani stated the consequences from the proposed subdivision was already covered for the water rights and response times for emergency services. The fire department in the area is volunteers only and at best it takes 20 minutes to respond. Mr. Ramani believes services need to be available before the development because at this time it is the cart before the horse, there will be overcrowding in the already crowded schools and the traffic will be affected, potentially causing serious accidents and fatalities. Mr.

Ramani doesn't believe the 600ft requirement for notifications are effective and believes that the notifications should be sent to everyone in the area.

**Kerry Greenfield – IN OPPOSITION – 102243 Lewis Lane, Nampa, ID, 83686**

Ms. Greenfield stated about two months after she moved into her home they had pump problems. At that time the well driller told her that the whole area is historically plagued with inadequate water and the problem isn't going to go away. Ms. Greenfield referenced a letter that was provided last year from a well driller named Carl Davis, "In his 35 years of experience he witnessed everything southwest of Lake Lowell and specifically Rim Rd going west and Lakeshore going south to be an area of concern when it comes to future growth. The aquifer will not sustain the growth being proposed. More wells will go dry, new wells will have to go deeper and, in the end, whoever has the deepest straw wins." Ms. Greenfield stated the current residence do not have the deepest straws so the burden gets put on them to re-drill there well. Ms. Greenfield stated this area was removed from the impact area on the comprehensive plan which is proof that this area is not conducive to growth.

**Beverly Cavazos – IN OPPOSITION – 11968 Deer Flat Rd, Nampa, ID, 83686**

Ms. Cavazos came forward requesting an additional testimony. Commissioner Nevill advised that there are rules regarding testimony. Director of Development Services Sabrina Minshall clarified to allow another testimony would be a violation of the normal procedures to re-introduce someone. Acting Chairman Sheets agrees and advised Ms. Cavazos she would not get an additional testimony. Commissioner Nevill advised that this is a recommendation and the case will be heard by the Board of County Commissioners so Ms. Cavazos will have another opportunity there to give testimony.

**Zane Cradic – REBUTTAL – 332 N Broadmore, Nampa, ID, 83687**

Mr. Cradic advised the application was submitted in 2021 before the new comprehensive plan was out. Originally it was denied and the complaints were water with too many wells, they came back with a community well and now the complaint is the community well system is too expensive, as a developer they are doing everything they can to meet the requirements. One of the complaints was the wells being too close together and with eliminating 33 wells, that is no longer an issue. Mr. Cradic stated the community well is a benefit even to the surrounding neighbors because of the fact that they are providing fire hydrants that will be accessible to everyone in the area. Mr. Cradic addressed the nitrate area of concern stating that is the buffer that DEQ puts out to monitor from 2014-2020 that line closes to the subdivision hasn't moved. Mr. Cradic stated the biggest concern is water from opposition and with their development they are not going to increase water, they are trying to decrease water. The land has historically had irrigation on this lot and at most they will use what has historically been used for the last 30 years. Mr. Cradic stated the people who would be moving in would be expecting country living with the large lot sizes. The Nampa school district closed four different schools because they don't have enough students so the Nampa school district in general doesn't have the overcrowding issue. In regards to the traffic, anytime there is growth there will be more traffic, they are working with the highway district and providing 50 ft ride away on Lewis Lane for future widening, the intersection at highway 45 is too far away to have ability to do anything there. With the fluctuating ground water, that fluctuation has been known for a long time and they have two years of data showing that the water replenishes. Mr. Cradic believes this is a responsible growth, you wouldn't be able to crop dust this land because of the houses around, it makes sense to have more houses there.

Commissioner Williamson asked if the existing well onsite has had any issues of it running dry. Mr. Cradic advised the farmer has not had any issues on the well construction or the well itself, he did have issues with the pump. Commissioner Williamson stated his understanding on why Nampa School District shut the schools down is due to funding which is different from Mr. Cradic stating it was due to low occupancy.

Mr. Cradic stated to his understanding they had four schools with 50% occupancy and they couldn't afford to keep them open, so it is both. Commissioner Williamson stated that IDWR says to wait a couple hours or days to get the water going again but the graph shows the level gets back up in 6.5 months which is a lot longer than a few days. Mr. Cradic stated that comes down to proper design of the well for the area.

Planner Michelle Barron provided a reminder that this case is based on the 2020 comprehensive plan. If the Commissioners are going towards approval Planner Michelle Barron has some additional conditions that could be added that addresses some of the concerns from testimony.

**MOTION:** Commissioner Nevill moved to close public testimony on Case RZ2021-0030 and SD2021-0018, seconded by Commissioner Williamson. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill stated this is a better application than the previous one, they did try to address the concerns. The one concern that remains is this is productive Ag land and 87% of the population of the County wants preservation. Commissioner Nevill expressed the County cannot afford to lose anymore Ag land even if it is surrounded by houses, this is an intact 80 acres and they have pictures and testimony proving that it is productive. Commissioner Nevill is not in favor.

Commissioner Mathews agrees with Commissioner Nevill. The traffic that comes with development causes conflict for farmers. Commissioner Mathews believes they need to stop approving spot developments and they need to go to areas they need to go. Commissioner Mathews is not in favor.

Commissioner Williamson stated he is still unsure about the adequacy of water. With findings number 5, Commissioner Williamson is leaning toward opposition, there is overwhelming evidence in opposition that the water is not adequate. Commissioner Williamson is still unsure about the school district and hopes that the Board of County Commissioners receive a letter from the school district elaborating if they have the space.

**MOTION:** Commissioner Nevill moved to deny Case RZ2021-0030 based on the Findings of Fact and Conclusions of Law and change the findings for question 2 that it is not more appropriate because it is productive ag land with evidence being photos and testimony, question 3 that it is not compatible based on the evidence (photos and testimony) the land is still in productive ag land, question 4 that it will negatively affect the character of the area with the water issues through testimony and that it is productive agriculture through photos and testimony, and question 8 that it does impact essential services such as schools and emergency services through testimony. Seconded by Commissioner Dorsey.

**Discussion on Motion:**

Commissioner Williamson stated he would put the water in question 5 because it specifically talks about adequate facilities and services including sewer, water, drainage, irrigation and utilities. Commissioner Williamson asked Commissioner Nevill if in his motion he is not having 5 being changed. Commissioner Nevill stated for him question 5 is what is the proposed solution and they have a community well, their proposal should provide adequate amounts, with evidence and testimony from both sides he doesn't want to say the solution won't work. Commissioner Nevill stated they know from other testimony that there are water issues all around the area. Commissioner Williamson stated he understands but while they can't say the community well won't work, they also can't say the community well will work. Commissioner Nevill stated he is fine with adjusting it if Commissioner Williamson wanted to get the wording.

Acting Chairman Sheets advised there is a motion on the floor with proposed changes and asked if there is a second. Seconded by Commissioner Dorsey.

Director of Development Services Sabrina Minshall asked for clarification on which changes are being proposed due to discussion before seconded. Acting Chairman Sheets clarified it was the original motion that Commissioner Nevill proposed and not including question 5 proposal. Planner Michelle Barron asked for details on the proposed changes. Commissioner Nevill provided the details of the proposed changes to Planner Michelle Barron.

Commissioner Dorsey stated for question 4, he doesn't believe there is anyway to mitigate the water issues in the area. The area is predominantly Ag, Commissioner Dorsey knows there are dairies within three quarters of a mile and even a half a mile in the area. Having more houses out there does not make sense.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**Discussion on Motion:**

Acting Chairman Sheets addressed Commissioner Nevill asking to provide what the applicant can do to gain approval. Commissioner Nevill stated the land is productive agriculture and there will come a time where it is no longer productive and will have to become residential, until that time, they wait. Acting Chairman Sheets rephrased that the applicant to gain approval could be to apply at a later time when there is no longer any other use in the area but residential use.

Commissioner Dorsey stated the area is historically bad for water and believes it didn't get mitigated. Acting Chairman Sheets stated offering water management practices will be a way to get approval. Commissioner Dorsey agrees. Commissioner Nevill stated there is intentional recharge. Acting Chairman Sheets asked if there was objection to adding that as a way to seek approval. No objection.

**MOTION:** Commissioner Williamson moved to deny Case SD2021-0018 based on the Findings of Fact and Conclusions of Law. Seconded by Commissioner Mathews.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Nevill moved to approve the minutes from 10/19/2023 with the approved revisions done via email, seconded by Commissioner Dorsey. Voice vote, motion carried.

**MOTION:** Commissioner Nevill moved to approve the minutes from 11/2/2023 with the approved revisions done via email, seconded by Commissioner Williamson. Voice vote, motion carried.

**MOTION:** Commissioner Nevill moved to approve the minutes from 11/16/2023 with the approved revisions done via email, seconded by Commissioner Dorsey. Voice vote, motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Acting Chairman Sheets advised he is seeing more crosses on old Highway 30 and doesn't like the increase of fatal accidents. Commissioner Williamson states there is an impact with the cumulative effects. Acting Chairman Sheets agrees such as developments being approved in the past but not being built yet and not being captured correctly. Acting Chairman Sheets believes if that data could get captured it would be helpful to understanding what is around areas. Commissioner Dorsey stated he

isn't sure why the dairies weren't on the map staff provided. Commissioner Williamson advised that not all dairies are reported.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Dorsey. Voice vote, motion carried. Hearing adjourned at 12:51 am.

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

Approved this 18<sup>th</sup> day of January, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist



# AK FEEDERS, LLC CU2022-0036

# CONFINED ANIMAL FEEDING OPERATION

Planning & Zoning Commission

October 16, 2023

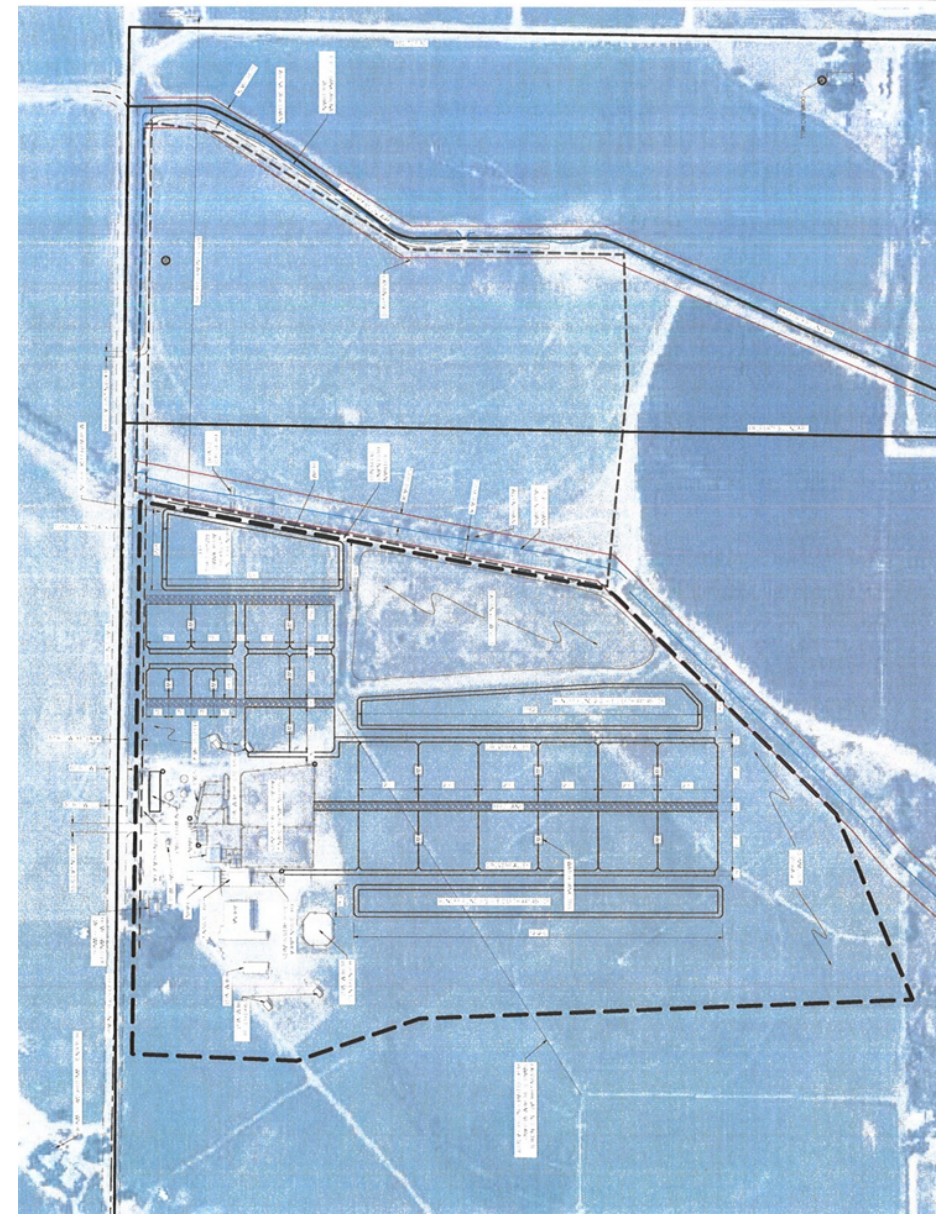


PLANNING STAFF  
PRESENTATION FOR  
CU2022-0036 ON  
OCTOBER 16, 2023

# AK FEEDERS: Request

The applicant is requesting a conditional use permit (CUP) to provide for a 3700 head Confined Animal Feeding Operation (CAFO) for beef cattle on approximately 80 acres of parcel R37348010 (163.23 acres) south and west of the Allen Drain at 21696 State Line Road, Wilder, ID

The property is zoned "A" (Agricultural) and a CAFO is allowed by CUP in the Agricultural zone.



# Confined Animal Feeding Operation

## 08-01-03: PURPOSE:

The purpose of this article is to provide for the orderly placement and regulation of CAFOs in Canyon County, and to require all CAFOs operating in Canyon County to obtain all required permits and be in compliance with all applicable federal and state environmental standards, and to be sited, where appropriate, within the A (agricultural), IP (industrial park), M-1 (light industrial), or M-2 (heavy industrial) zones, and meet certain development standards. (Ord. 07-002, 1-18-2007)

ANIMAL NUMBERS: The minimum number of animals at the facility for the facility to be defined as a CAFO:

- (3) One thousand (1,000) cattle or other mature dairy cows or veal calves. Cattle includes, but is not limited to, heifers, steers, bulls and cow/calf pairs;

## CAFO:

- (1) Confined animal feeding operation, also referred to as "concentrated animal feeding operation", means a facility where all the following conditions are met:
  - A. Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days, or more in any twelve (12) month period; and
  - B. Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the facility; and
  - C. The facility is designed to confine or actually does confine the minimum of animal numbers as listed in the "animal numbers" definition provided herein.



# Canyon County Code: CUP & CAFO Criteria

## CCZO §07-06-07– Conditional Use Permit Criteria

1. Is the proposed use permitted in the zone by conditional use permit?
2. What is the nature of the request?
3. Is the proposed use consistent with the comprehensive plan?
4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?
5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?
6. Does legal access to the subject property for the development exist or will it exist at the time of development?
7. Will there be undue interference with existing or future traffic patterns?
8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)



# AK FEEDERS: CAFO CRITERIA

## **08-01-11: CRITERIA FOR APPROVAL AND DEVELOPMENT STANDARDS FOR NEW FACILITIES:**

(1) Prior to approval of a CAFO siting permit for a new CAFO, and after public hearing, the commission shall find that the proposed new CAFO meets the following requirements:

### A. General Requirements:

1. The new CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.
2. The new CAFO shall comply with and not be in violation of any federal, state or local laws or regulatory requirements.
3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit.
4. A new CAFO shall comply with IDAPA rules governing dead animal disposal.

### B. Animal Waste: (Regulated by ISDA, IDEQ, IDWR)

1. The new CAFO shall comply with the terms of its nutrient management plan for land application.
2. The new CAFO shall be in compliance with all applicable environmental regulations and requirements.
3. All new lagoons shall be constructed in accordance with state and federal regulations.



# AK FEEDERS: Criteria

- C. **Site Setbacks:** An expansion of an existing CAFO, other than a simple expansion of the number of animals, shall comply with the following site setbacks. If the expansion requires a change in only one or more of the following, the particular item shall comply with the particular setback listed below. The site shall not be required to meet new setback requirements unless the requested expansion requires a change in that particular item. For example, if there is no change in the size or location of the ensilage process, an operator need not bring that particular use into conformance with the requirements of subsection C2 of this section regarding setback from an existing residence.
1. The locating of animal waste systems, corrals, wells and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
  2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
  3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
  4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.



# AK FEEDERS: Criteria

Section C continued

5. No new CAFO shall be approved unless the following questions are answered to the satisfaction of the commission or board:
    - (A) Whether the proposed facility will be injurious to or negatively change the essential character of the vicinity.
    - (B) Whether the proposed facility would cause adverse damage, hazard and nuisance to persons or property within the vicinity.
    - (C) Whether studies should be ordered at the CAFO applicant's expense to aid the commission/board in determining what additional conditions should be imposed as a condition of approval to mitigate adverse damage, hazard and nuisance effects.
  6. The animal waste system shall not be located or operated closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
  7. No animal waste system shall be located and/or operated closer than one hundred feet (100') from a domestic or irrigation well.
  8. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
  9. The setbacks contained herein shall not apply to land application.
- D. Exemption To Subsection (1)C Site Setbacks: Certain land parcels may not be conducive to setback requirements due to unique locations, demographics and technology. Where appropriate, the commission may grant an applicant a variance to setback requirements pursuant to section [07-08-01](#) (variance) of this code. If this setback includes animal waste systems, the systems shall meet all state and federal regulations and be approved by the regulatory agency exercising authority. (Ord. 07-002, 1-18-2007)



# AK FEEDERS:

## 08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or **new CAFO complies with the criteria set forth in this article**, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.
- (2) Construction of the new or expanding CAFO must commence within three (3) years of the issuance of the CAFO siting permit and be completed within five (5) years of the same date.





# AK FEEDERS: SITE

- The subject property is located in the southwest corner of Canyon County adjacent to the Idaho/Oregon border and near the Snake River.
- Parcel R37348010 contains 163.23 acres.
- The CAFO is proposed to be situated on approximately 80 acres within the subject property (*yellow boundary is approximate*)



# AK FEEDERS: SITE

- The subject property contains an existing feedlot facility
- In the fall of 2022 the applicant added feedlot capacity to the property.
- Canyon County Code provides for this operation to house up to 999 head of feedlot cattle.
- A CAFO is required for 1000 head of beef cattle confined to a feedlot.



Canyon County GIS Aerial Image 2022



Canyon County GIS Aerial Image 2020



# AK Feeders: Site History



5/9/1994



8/22/2002



8/31/2011



6/23/2009

10/5/2012



# AK FEEDERS: Site History



4/29/2015



6/29/2017

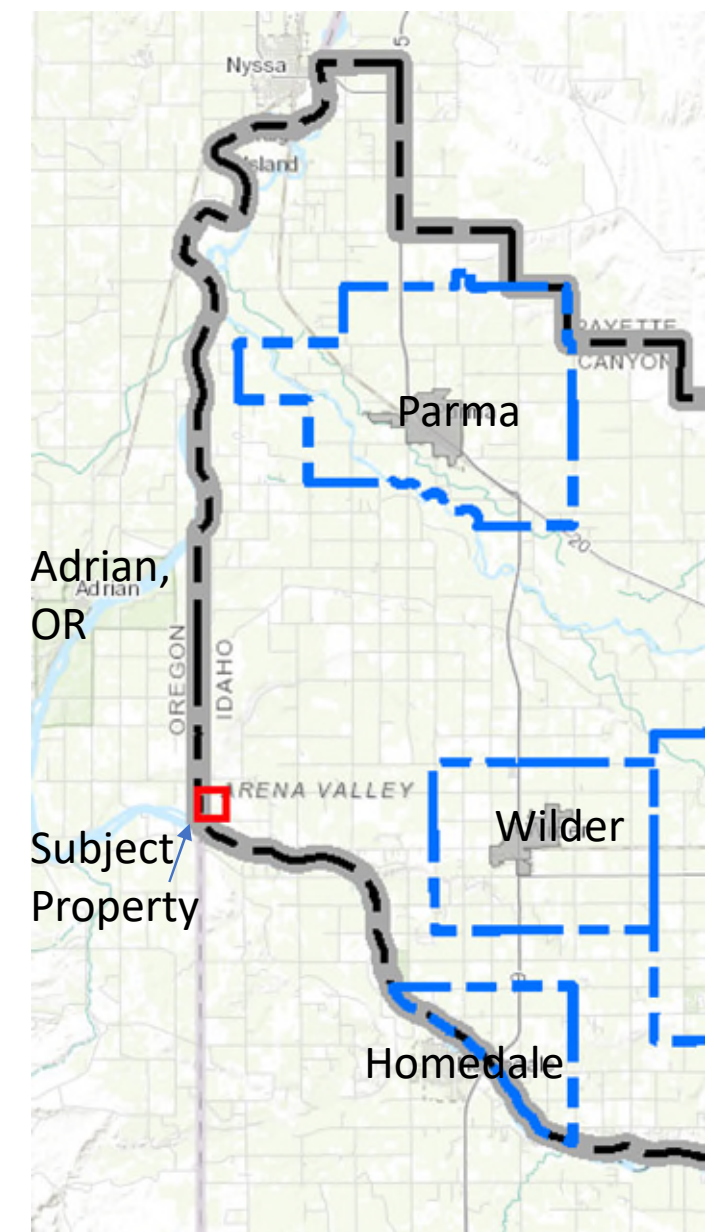


3/26/2021



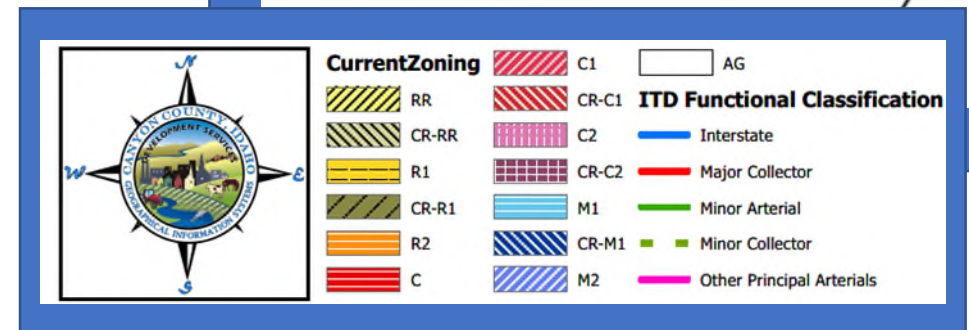
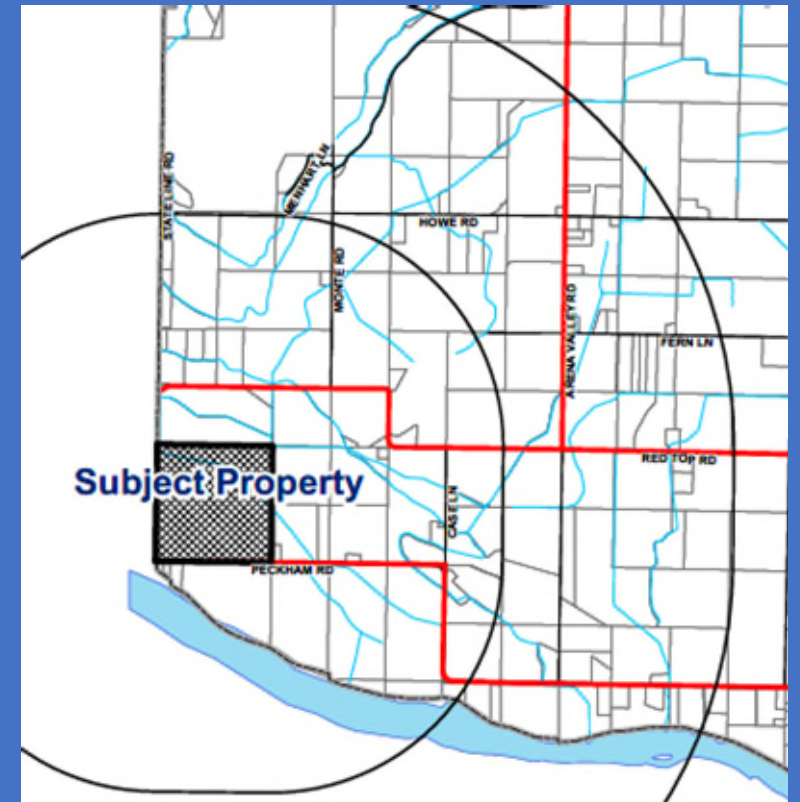
## AK FEEDERS: VICINITY

- The subject property is not in an area of city impact.
- Adrian, OR is approx. 4 miles northwest
- Parma is approx. 7.5 miles north and east
- Wilder is approx. 5 miles east
- Homedale is approx. 5.6 miles southeast

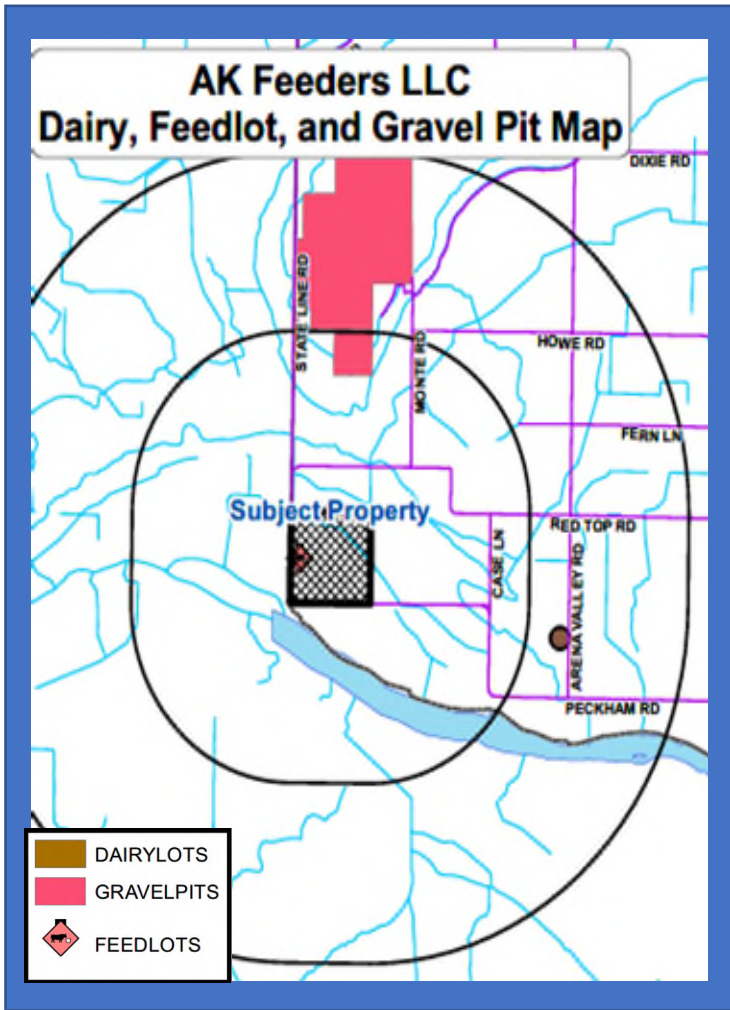


# AK FEEDERS: Zoning & Classification Map

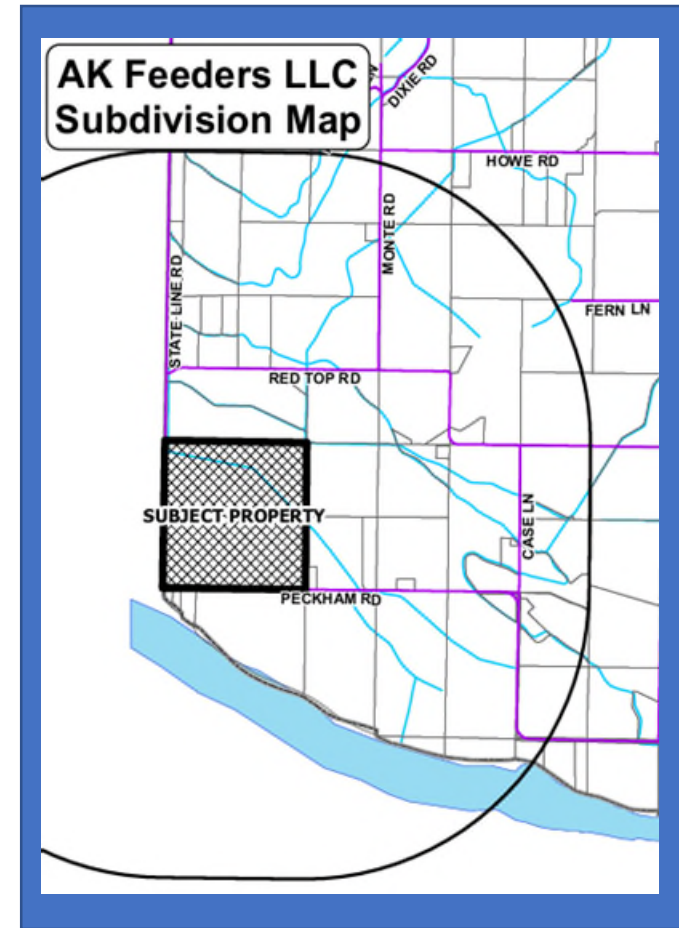
- The Zoning of the subject property is agricultural.
- All properties within the one mile and two mile bands are also zoned agricultural
- Red Top, Peckham and Arena Valley Roads are classified as Major Collectors on the ITD Functional Classification Map
- The 2020 Comprehensive Plan identifies this area as Agriculture
- The predominant use of the properties in this area of the county is Agricultural



# AK FEEDERS: Maps



Not located in a Nitrate Priority Area



No platted subdivisions within one mile or more of the proposed CAFO site.

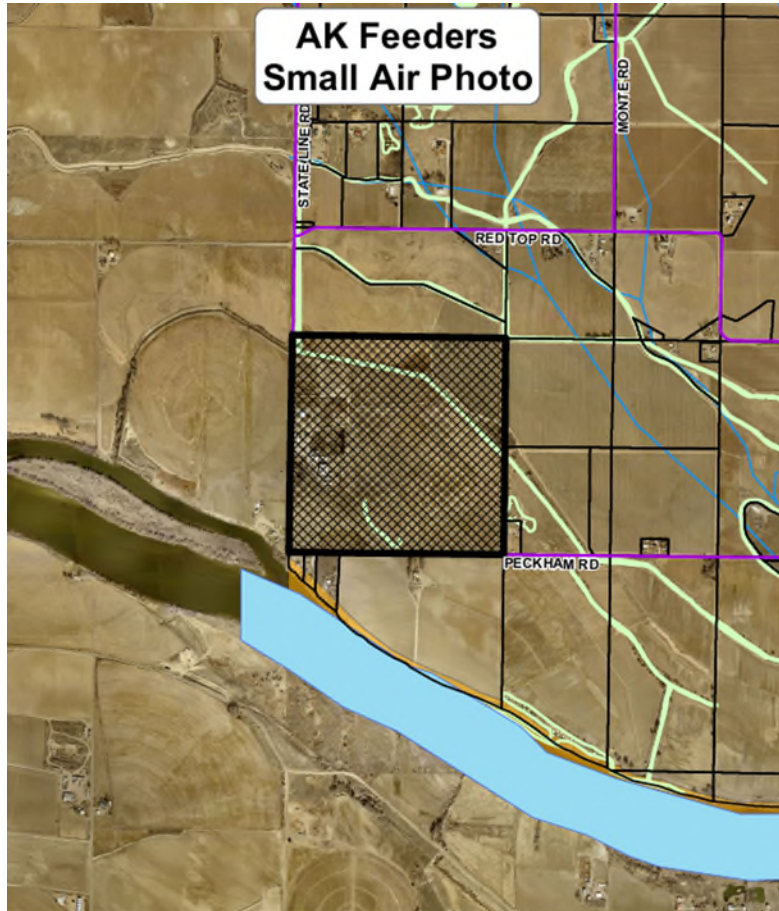


EXHIBIT # 35

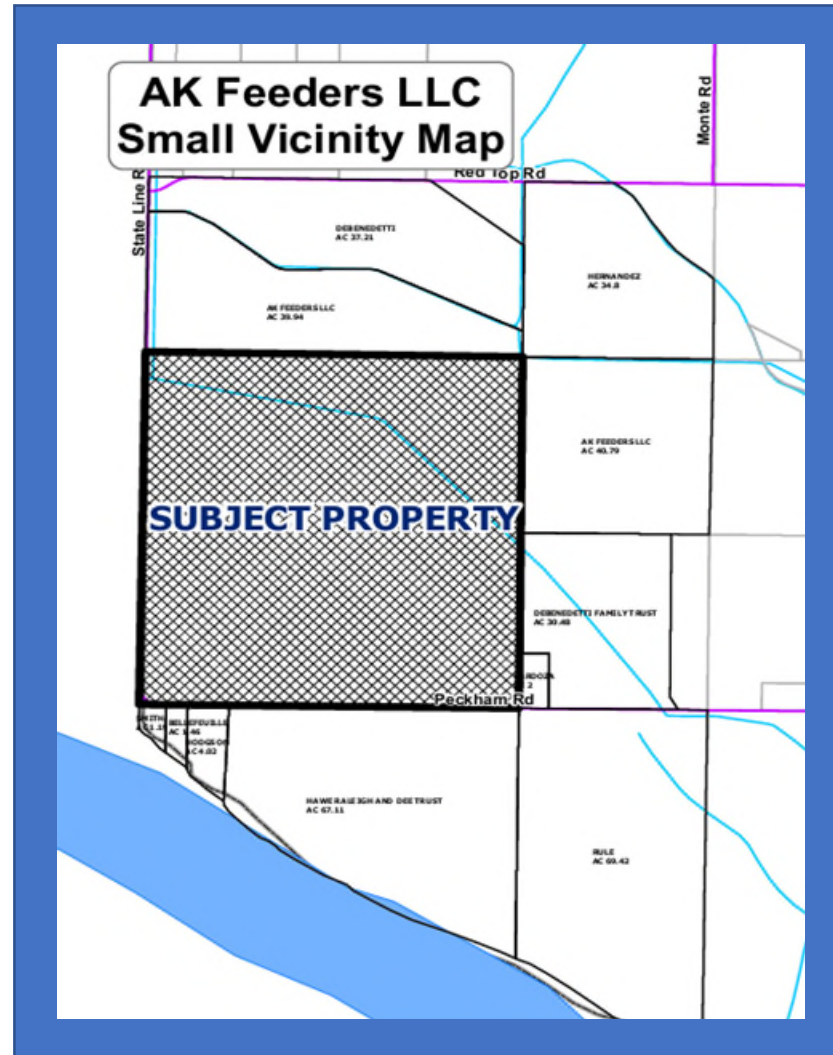
EXHIBIT # 39

EXHIBIT # 41

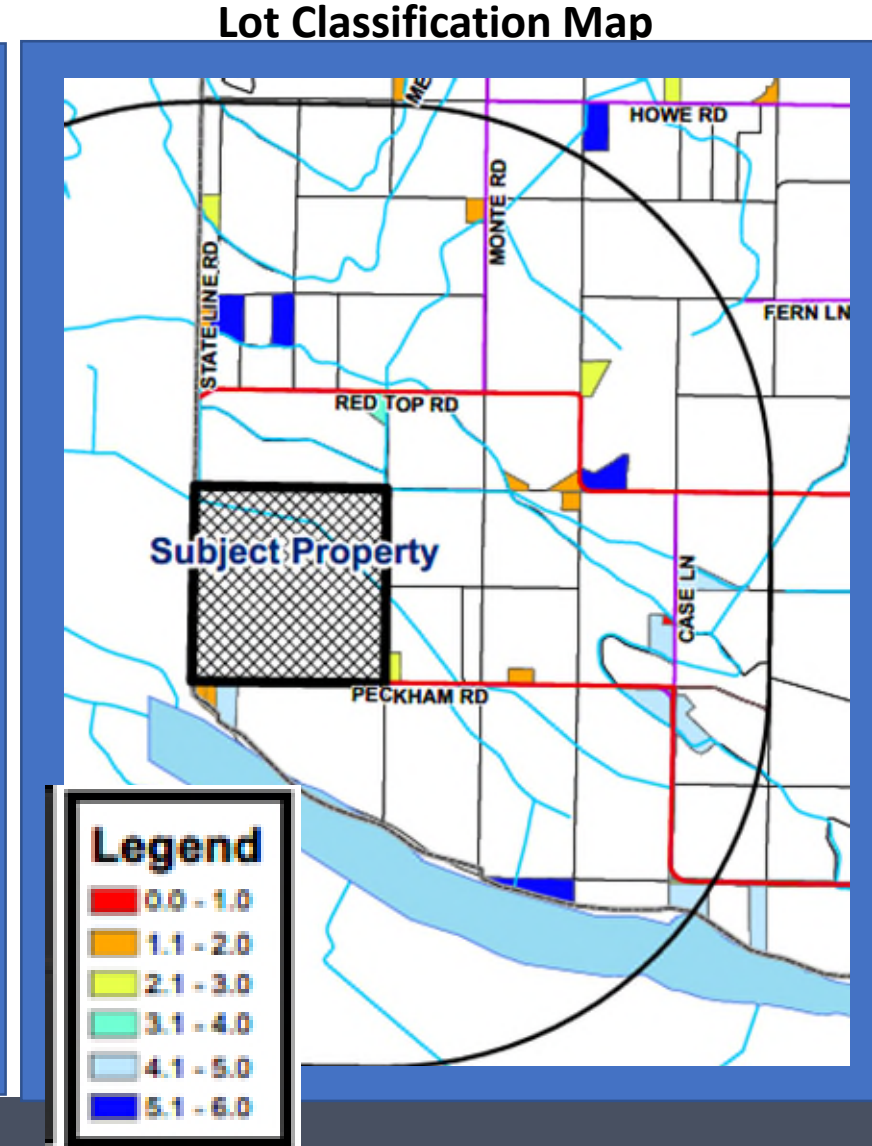
# AK FEEDERS: Surrounding Land Use/Character



AK Feeders  
Small Air Photo



AK Feeders LLC  
Small Vicinity Map



Lot Classification Map



Exhibit # 32

Exhibit # 40

Exhibit # 43



# AK FEEDERS: Comprehensive Plan

The Comprehensive Plan designation for this property and surrounding area is **Agriculture**.

- The 2020 Plan describes the land use classification 'Agriculture' as follows: The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.
- The Plan directs the hearing body to utilize measures such as a conditional use permit with conditions that mitigate potential interference with existing residential uses and potential impacts on ground and surface water. The Plan also directs expansion of agricultural uses and economic opportunities, which as proposed are accomplished in this application.
- Staff provides a thorough review of Plan components in the Draft Findings of Fact and Conclusions of Law for the Planning and Zoning Commission's consideration in Exhibit 2 with considerations of the application, the letters of support and opposition, as well as the Siting Team report with proposed mitigations.



# AK FEEDERS: Comprehensive Plan

## Chapter 13: Agricultural Component

### Goals:

1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.
2. Support and encourage the agricultural use of agricultural lands.
3. Protect agricultural lands and land uses from incompatible development.

### Policies:

1. Preserve agricultural lands and zoning classifications.
2. Develop and implement standards and procedures to ensure that development of agricultural land is compatible with agricultural uses in the area.
3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.
4. Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
5. Recognize that confined animal feeding operations (“CAFO’s”) may be more suitable in some areas of the county than in other areas of the county.





Dairy owned by Jackson Land, LLC and located on Arena Valley Road approximately 1.25 miles east of the proposed CAFO facility on State Line Road



Properties along Case Lane from Peckham to Red Top  
Predominantly Agricultural including crops and grazing



Looking westerly on Red Top at Case Ln intersection



Travelling westerly on Red Top towards sharp curve from Case Ln



Looking west across the Vernon Case property from Red Top

Travelling westerly on Red Top, Case property to left





Travelling west on Red Top, rural development on south side of road.

Agricultural in nature with cows, pastures, semi-trucks and large hay stacks surrounded by agricultural crop lands



AK Feeders Barnyard



Travelling westerly on Red Top Road looking southwest near the northwest corner of 31301 Red Top Road.

Looking across David DeBenedetti property towards the AK Feeders' site on State Line Road.

AK Feeders Barnyard







Travelling west on Red Top Road—looking southwesterly towards the AK Feeders' yard

Across DeBenedetti parcel —Isaak property on north side of road at this location.



Red Top Road near Isaack property looking southeasterly across the valley. The character of the area is predominantly agricultural with pastures, cropland, and hops fields.



AK Feeders Barnyard



31492 Red Top

The Isaack property lies to the north of Red Top Road at this location.



Looking westerly down Red Top Road at 31492 Red Top



Looking northwesterly from 31492 Red Top driveway



Rural development lying north of Red Top Road and north of the AK Feeders' proposed CAFO facility

Looking north and west from Red Top Road towards rural agricultural development and north westerly towards Oregon. The hay stack below is on the west side of State Line Rd in Oregon.



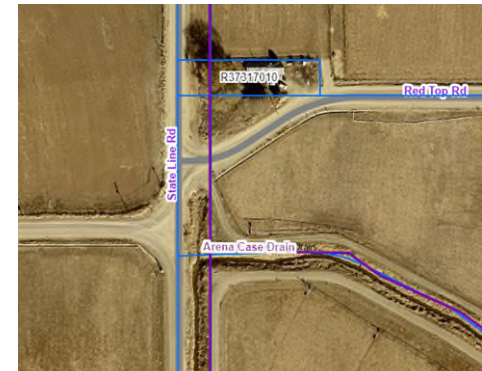


From Red Top looking across 37.21 acre DeBenedetti property and across adjacent 39.95 acre AK Feeders' property both lying north of the Allen Drain. The proposed CAFO is situated on approximately 80 acres south of the Allen Drain. The ranch structures (barnyard) can be seen from Red Top Road inclusive of the covered ensilage pit and barns

To the Right: travelling west on Red Top Road towards intersection of Red Top and State Line Road



Parked on State Line Road south of the intersection of State Line and Red Top Roads. The intersection is offset at this location. State Line continues north in this photo







Looking North on State Line Road  
near intersection of Red Top Road



Looking north easterly from State Line  
Road



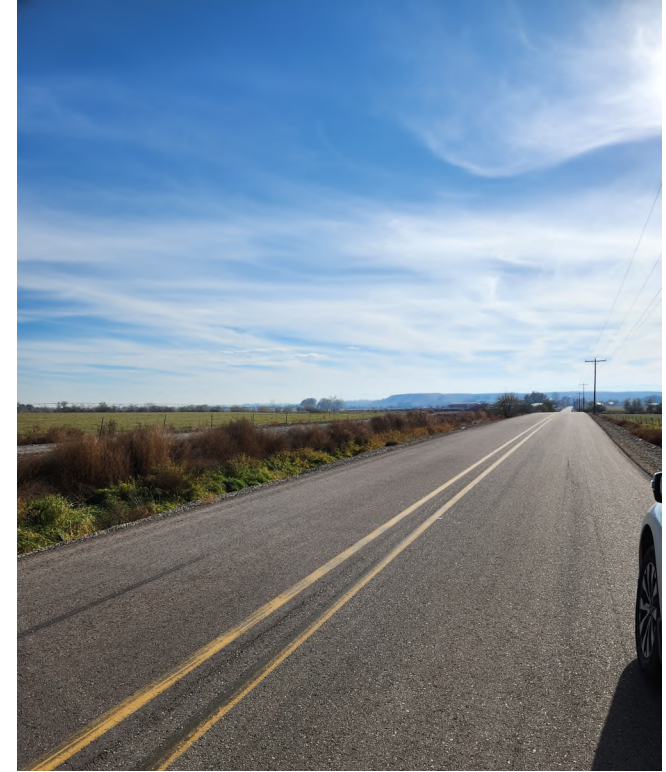
Looking north easterly –moving  
east



Looking Easterly from State Line



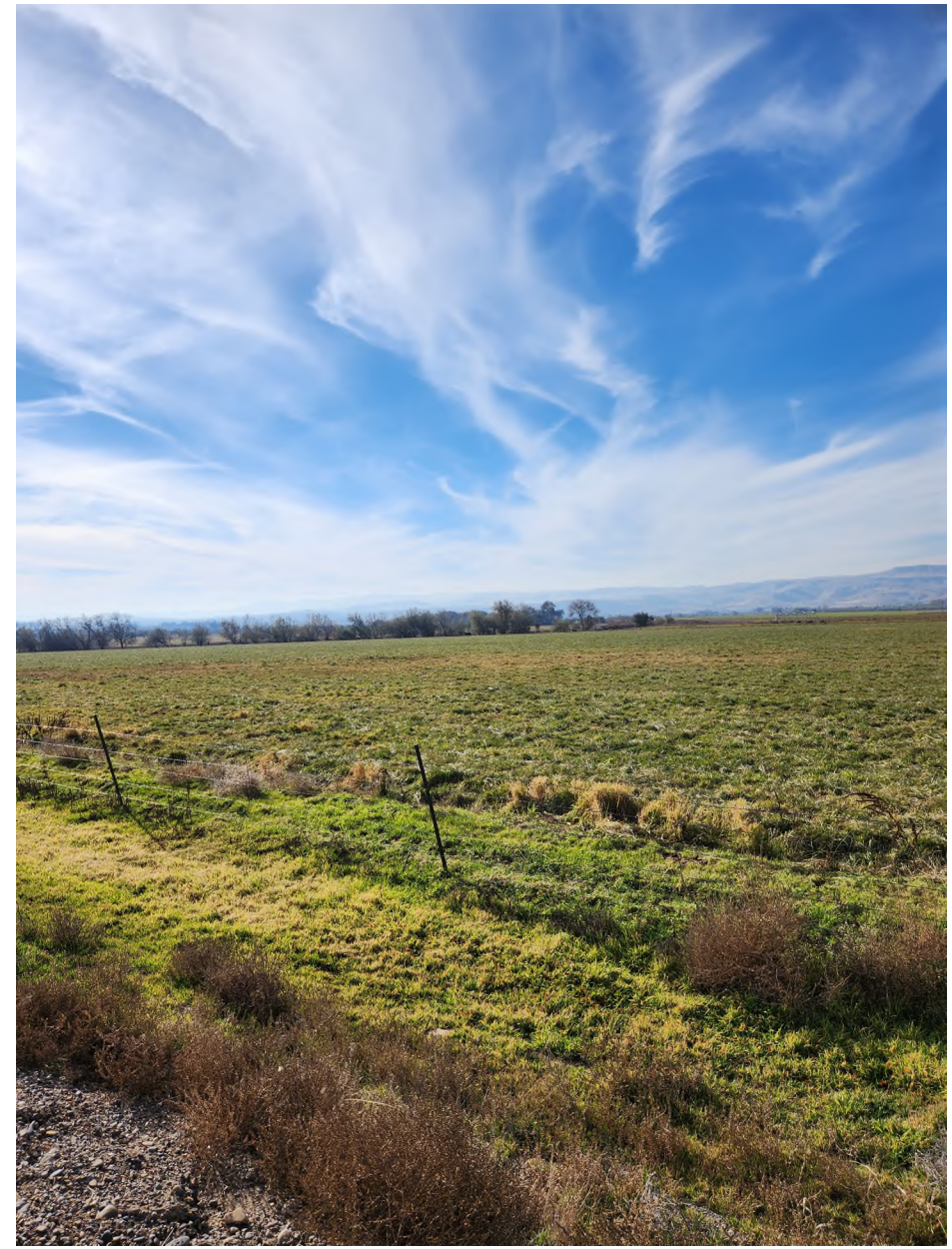
Looking Southeasterly from State Line



Looking South down State Line Road towards the AK Feeder proposed CAFO facility



From State Line looking west –Oregon side



South Westerly from State Line Road



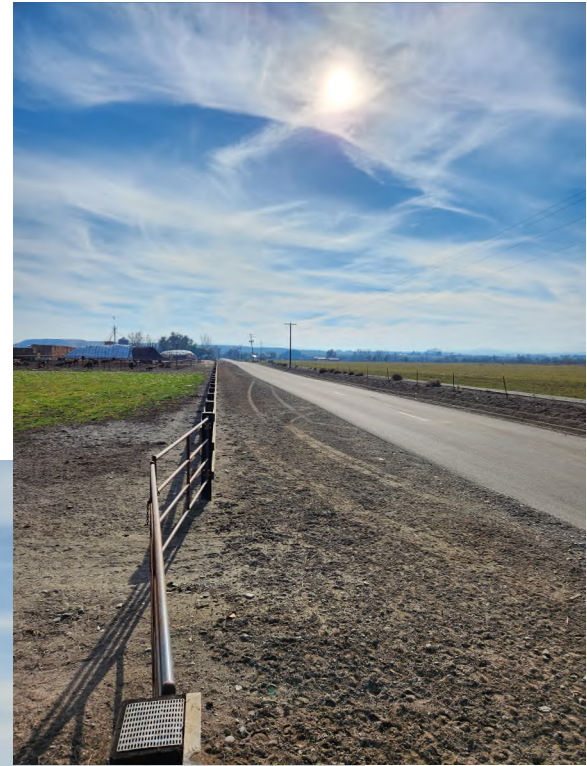
Arena Case Drain confluence into the Allen Drain where it crosses under State Line Road into Oregon.



From the bridge looking easterly up the Allen Drain. The AK Feeders' CAFO facility is proposed to the south of the Allen Drain as seen in the picture to the right.



From the Allen Drain bridge  
looking easterly and southerly  
towards and at the AK Feeders'  
facility along State Line Road





The facility currently has cattle in the existing feedlot. Looking from State Line Road into the subject property.

From State Line Road looking North across from the existing feedlot.



Looking east from State Line Road at the feed pens constructed in the fall of 2022.





Looking south/southeasterly at the feed pens, ensilage and farm structures on the subject property





This picture is taken from State Line Road across the road from the feedlot. To the northeast the development along Red Top Road can be seen. The development is buffered by two approximate 40 acre fields and by the agricultural pastures and cropland adjacent to the homes. The character of the area is predominantly Agricultural.





Looking north on State Line Road from the primary entrance to the AK Feeders facility.

Below: Looking from the entrance into the facility and current processing pens.





On State Line Road looking easterly into the AK Feeders facility.

Below: Looking southerly down State Line Road from the AK Feeders' facility entrance.





Top Left:  
looking south  
on State Line  
towards the  
sharp curve  
transitioning  
into Peckham  
Road.



Above: From State Line looking  
east into the subject property  
pasture on the southern half of the  
163.23 acres.



From State Line Road looking to the  
southern boundary of the subject property  
at the southwest corner along Peckham  
Road.



Left: Looking northeasterly from the corner of State Line and Peckham Roads.

Bottom: Looking to the west along Peckham Road back to corner at State Line. Peckham Road borders the 163 acre subject property on it's southern boundary.





From near 31641 Peckham Road on Peckham road looking northwesterly toward subject property.



Looking north from Peckham Road



Looking northeasterly across the subject property from Peckham Road.



Looking east along Peckham Road with subject property on the north (left) side of Peckham. The Howe property is on the right



Top left, center, and bottom looking northwesterly from Peckham at Cardoza driveway.

Top Right-looking northeasterly from Peckham

Bottom Right- looking east up Peckham Road



The Cardoza property is situated at the southeast corner of the subject property on Peckham Road and lies most adjacent to the proposed CAFO facility. The Site Plan meets the required setbacks for a CAFO facility. Also, conditions have been provided for consideration to further mitigate concerns by the property owner.



# AK FEEDERS:

**Traffic and Access:** The proposed CAFO site has access to State Line Road. Golden Gate Highway District (GGHD) has jurisdiction on the east side of State Line Road. GGHD reviewed the proposal, site and traffic analysis (see Exhibit 18). The development shall comply with GGHD requirements (see Condition #7).

- Concerns regarding parking along the shoulders of the road have been mitigated through a condition restricting parking of vehicles on the shoulders of State Line Road (see Condition #23).
- Per GGHD review-the proposed increase in traffic is not anticipated to impact or provide undue interference with existing or future traffic patterns. According to Exhibit 18 the estimated trips for the facility (10 peak hour, 25 daily) do not meet the rural thresholds for peak hour (50 trips) and average annual daily traffic (500 trips). A traffic impact study was not required for this project.

## **Water, sewer, irrigation, drainage and stormwater drainage facilities and utility**

**systems:** The property has an existing well and septic system for the existing residence on the property. The property is irrigated utilizing two pivot irrigation systems which will be modified to accommodate the expanding feedlot if approved. The property has irrigation surface water and ground water rights and has obtained ground water rights for the CAFO facility which will be accessed via a new well on the property. Utilities are currently provided for the facility.

Stormwater Drainage is under the jurisdiction of the ISDA for the CAFO facility and will be designed, permitted, maintained and inspected by the ISDA for compliance.



# AK Feeders:

**Essential Services:** The proposed CAFO site has access to State Line Road, a public road. Essential services are currently being provided to the facility. The proposed CAFO is not anticipated to require an increase or have an impact upon existing services to the facility or surrounding area.

- The site is under the jurisdiction of the Canyon County Sherriff's office
- The site lies within the Wilder Fire Protection District
- The site is served by the Canyon County Paramedics/EMT
- The site is located within the Parma School District.
- The site is in the Riverside Irrigation District and has allocated ground water rights for both irrigation and stock water.

No comments were received noting specific concerns from the listed agencies for the proposed CAFO operations.



# AK FEEDERS: CAFO Siting Advisory Team Report

Canyon County Code requires that the County request a Siting Team Review as a part of the Conditional Use Permit process in compliance with Chapter 8 of the Canyon County Code.

The Siting Team consisting of representative experts from the Idaho Department of Environmental Quality, Idaho Department of Water Resources and the Idaho State Department of Agriculture reviews the site and documentation from many sources to provide a site suitability determination that includes:

**Risk Category:** A determination of an environmental risk category: high, moderate, low; or insufficient information to make a determination.

**Description of Factors:** A description of the factors that contribute to the environmental risks.

**Mitigation:** Any possible mitigation of the environmental risks.



# AK FEEDERS: CAFO Siting Advisory Team Report

The Siting Team conducted the review and provided the Final Siting Team report for AK Feeders to the County on September 15, 2023 (see Exhibit 8 in the staff report)

The ISDA team lead, Pradhip Adhikari, PhD provided the following synopsis of the report results in email dated 9/15/23 (Exhibit 8.1)

“Some physical factors such as depth to water, lack of clay in the unsaturated zone and soil type, could create potential hazards to groundwater quality by the proposed CAFO expansion. Therefore the CAFO siting team has rated this facility as High Risk. This risk can be mitigated by implementing best management practices such as storing liquid effluent, carol runoff in the ISDA approved containments, increased frequency of manure removal and storing in the concrete /clay lined (clay >15%) surface.”

“We also included statement related to this issue in the Best Management Practice Recommendation in the report.”



# AK FEEDERS: Risk Evaluation Score Sheet (Exhibit 9)

## State of Idaho CAFO Site Advisory Team Environmental Risk Form

Name & Date of Siting: AK Feeders. 9/6/2023

### Risk Scoring System

- 1 = Low Risk = Ideal goal for environmental protection
- 2 = Moderate Risk = Provides reasonable resource protection
- 3 = High Risk = Poses a high risk for health and/or for contaminating ground or surface water

Category	Result	Risk Score
<b>Soil</b>		
1. Soil permeability	High. Fine sandy loam with Ksat 0.57 to 2.00 in/hr.	3
2. Soil depth	Moderate. Typical soil profile depth 60 inches.	2
3. Thickness of clay in unsaturated zone	High. Driller's reports indicate 0-10 ft of clay typical in unsaturated zone.	3
<b>Ground Water</b>		
4. Depth to first encountered water	High. Depth to first encountered water is generally shallow, 0-25 ft.	3
5. Mean nitrate level in ground water within a 5 mile radius	Moderate. Mean most recent nitrate levels are 5.3 mg/L within a 5-mile radius.	2
6. Percentage of wells over 5 mg/L nitrate within 5 miles	Moderate. 25% of wells within a 5 mile radius have a nitrate value over 5 mg/L.	2
7. Aquifer geology	High. Typical aquifer geology is sand and gravel.	3
8. Time of travel to a spring	Low. Time of travel to a spring is >10 years.	1
9. Downgradient distance to nearest domestic well	Moderate. Nearest domestic well is cross-gradient, but <100 ft away.	2
10. Within source water delineation area time-of-travel	Low. CAFO is not within a source water delineation area time-of-travel.	1
<b>Surface Water</b>		
11. Downgradient distance from CAFO to nearest surface water body	Low. Downgradient distance from CAFO to nearest surface water body (Snake River) is >200	1
12. Downgradient distance from land application to nearest surface water body	Low. All manure is third-party export.	1
13. 100-year floodplain	Low. Not within the 100 year floodplain.	1
<b>Nutrient Transport</b>		
14. Run-on	Low. Run-on risk is low due to low to moderately sloped topography next to CAFO site.	1
15. Surface Runoff	Low. NRCS surface run-off index is low.	1
16. Annual precipitation	Low. Average annual precipitation is 9.1 inches.	1
		Index 1 40.00
		Index 2 3.00
<b>Final Risk Score</b>		<b>High</b>

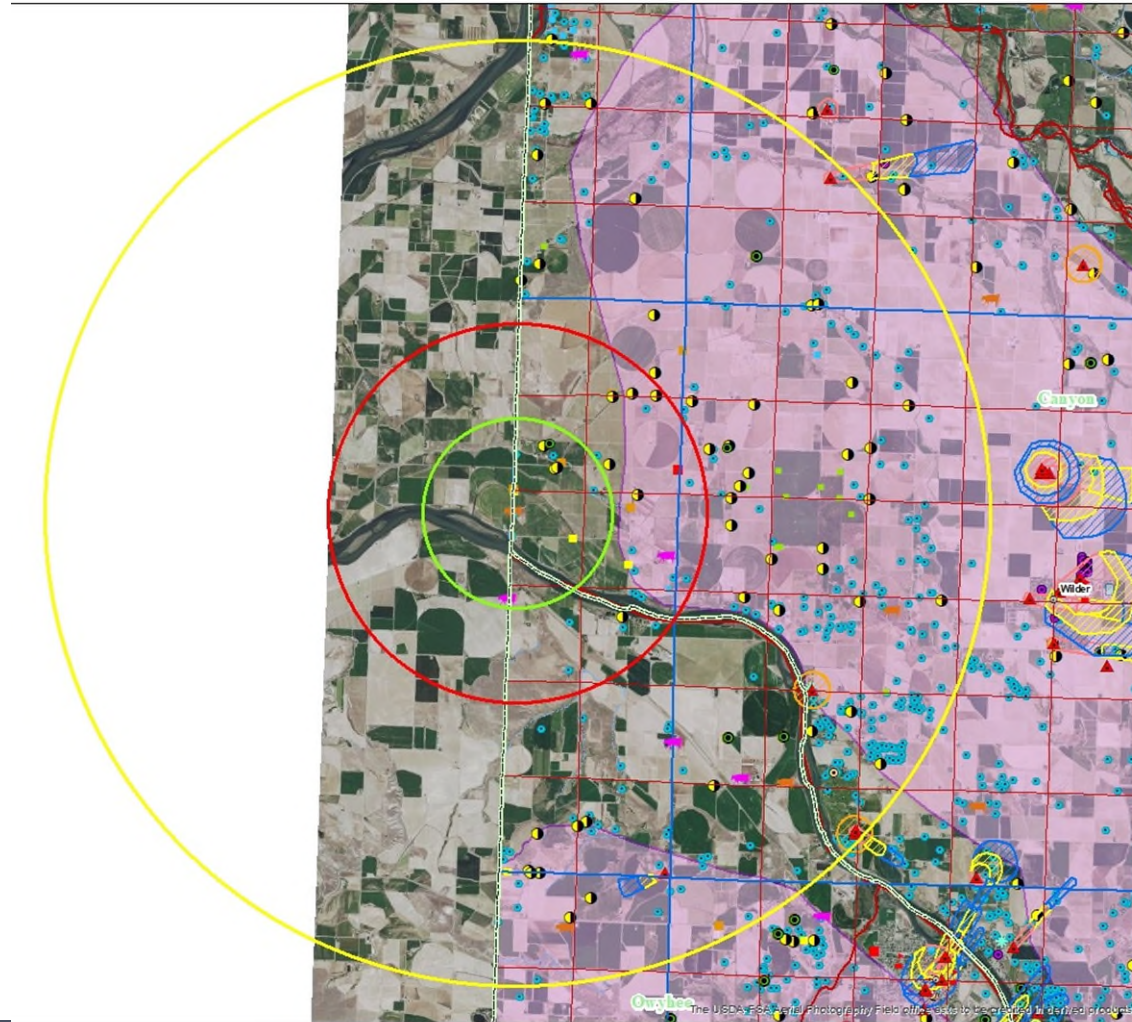
Risk Score	
	3
	2
	3
	3
	2
	2
	3
	1
	2
	1
r) is >200	1
	1
	1
ite.	1
	1
	1
Index 1	40.00
Index 2	3.00
	<b>High</b>



# AK FEEDERS: Siting Team Map

The Siting Team Map produced by the IDEQ team representative provides a visual review of the area inclusive of wells, animal units, dairies, feedlots, population and irrigated acres within a five mile radius of the facility in Idaho.

The map is provided as Exhibit #10 in the staff report



**AK Feeders**  
21696 Stateline RD, Wilder, ID

### Map Legend

- Dairy Locations (ISDA)
- Feedlots (ISDA)
- Schools (GNIS)
- Township and Range
- PLS (Sections)
- Public Water Systems
- Public Water Systems
- Source Water Delineations**
- Time of Travel**
- SWA 3 Year ToT
- SWA 6 Year ToT
- SWA 10 Year ToT
- Surface Water Buffer
- Fixed Radius
- Watershed Boundary
- Isda Wells (Nitates)
- Deep Injection Wells (Non-Permitted)
- Deep Injection Wells (DWR)
- State Monitoring Wells (IDWR)
- Domestic Wells (IDWR)
- Springs (NHD)
- Nitrate Priority Areas (2020)

Animal Units < 5 Miles ≈ 11,740  
Public Water Systems = 5  
Residential Wells = 350  
State Monitoring Wells = 56  
Deep Injection Wells = 1  
Population-2020 ≈ 2,669  
Irrigated Acres ≈ 27,868  
USGS(NHD)Springs = 1  
Schools = 0



Restriction of Liability: Neither the State of Idaho nor the Department of Environmental Quality, nor any of their employees make any warranty, or assume and legal liability or responsibility for the accuracy, completeness or usefulness, of any information or data provided. The data could include technical inaccuracies or typographical errors. IDEQ may update, modify or re-use the data used at anytime, without notice. Map Date: 08/23/2023



# AK FEEDERS: Potential Impacts

- Not a new feedlot-- but a more intensive cattle feeding operation in an agricultural zoned area with predominantly agricultural character
- Siting Team assessment of “High Risk”. Risk factors as indicated in report can be mitigated through BMPs if the CAFO is approved for operations.
- Greater potential for impacts inclusive of dust, noise, pests and odor related to the volume of cattle and generated waste in the facility. Again, many of these factors can be effectively mitigated through appropriate best management practices under the jurisdiction of the ISDA.
- The applicant provided a Waste Management and Nuisance Control Plan (Exhibit 12). This plan does not override their obligation to comply with ISDA regulated IDAPA rules and is consistent with widely utilized best management practices for CAFO facilities.
- The applicant in response to neighborhood comments reduced the original number of proposed animals from 6000 to 3700 head and relocated the initial proposed facility to the current site location south of the Allen Drain.



# AK FEEDERS: Potential Impacts

Staff received letters of concern and opposition from neighbors in the area of the proposed facility (see Exhibits #47-61D) many of the stated concerns (but not limited to) follow:

- Noise, dust, flies, odor
- Lighting
- Traffic and safety on the multiple sharp curves along Stateline, Peckham and Red Top Roads
- Water contamination [on and off property] and nitrate pollution
- Shallow wells and the more intensive use of water at the facility
- Viewshed and changing the character of the area
- Interference with Wildlife including the migratory snow geese
- And decrease in property value



## AK FEEDERS: Public Comments –

- Opposition Letters: Exhibits #47 - #61D
- Support Letters/forms: Exhibits #45 and #46 containing 155 individuals and businesses in support of the proposed facility
- Andy Bishop property history: Exhibit 6





# AK Feeders: Agency Comments

- Golden Gate Highway District No. 3 (Exhibit 18)
- Oregon Department of Transportation (Exhibit 17)
- Canyon Soil and Conservation District (Exhibit 19)
- Idaho Department of Environmental Quality (Exhibit 20)
  
- The CAFO Siting Advisory Team Report, Scoresheet and Map and ISDA email responses to inquiries (Exhibits 8, 8.1, 8.2, 8.3, 9, 10, 64 & 66)



# AK FEEDERS: Planning and Zoning Decision Options

- The Planning and Zoning Commission may **approve** the conditional use permit, as conditioned and/or amended;
- The Planning and Zoning Commission may **deny** the conditional use request and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

## **08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:**

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.



# Recommendation

- Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed conditional use permit and proposed Confined Animal Feeding Operation.
- Staffs recommendation is **approval** and has provided the following for the Planning and Zoning Commissioner's consideration:
  - Approval Draft Findings of Fact, Conclusions of Law and Order, and Conditions of Approval (Exhibit 2).



# Proposed Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use. Including but not limited to:
  - a. Compliance with Idaho State Department of Agriculture
  - b. Compliance with Idaho Department of Environmental Quality
  - c. Compliance with Idaho Environmental Protection Agency
  - d. Compliance with Idaho Department of Water Resources
  
2. Pursuant to Canyon County Code Chapter 8, CAFO Regulations, §08-01-14: Construction of the new or expanding CAFO must commence within three (3) years of the issuance of the CAFO siting permit and be completed within five (5) years of the same date. If construction has not commenced within three (3) years and/or completed within five (5) years from the date the CAFO siting permit was approved, the permit holder may request an extension. Application for extension must be filed at least sixty (60) days prior to the expiration of the three (3) year or five (5) year period. A renewal extension, if granted, may be limited to three hundred sixty-five (365) calendar days, which shall commence at the expiration of either period. The applicant bears the burden of persuasion on an extension request.



**3. The development shall comply with all site setbacks as provided in the County CAFO Ordinance (Canyon County Code Section 08-01-012(1)C), as follows:**

- a. The locating of animal waste systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
- b. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
- c. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
- d. The animal waste system shall not be located closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
- e. No animal waste system shall be located closer than one hundred feet (100') from a domestic or irrigation well. *Definition of animal waste system: structure or system that provides for the collection, treatment, or storage of animal waste, including composting.*
- f. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
- g. The setbacks contained herein shall not apply to land application (except as provided for parcel R37348 specifically). *Land application is the spreading on or incorporation of liquid or solid waste into the soil mantle primarily for beneficial purposes.*



CONDITIONS CONTINUED

4. Prior to commencement of operation expansion, the feedlot shall be developed in substantial conformance the site plan dated 4-24-23 (Exhibit 3 and Attached hereto as Attachment A). If the site plan needs to be adjusted to meet the setback requirements of the CAFO ordinance, then a revised site plan meeting the setback requirement the other conditions contained herein shall be submitted to the Development Services Department prior to commencement of construction of the proposed improvements on the site. The facility shall be constructed in substantial conformance with and in conformance with all setback requirements for a CAFO facility as required in CCZO §08-01-11(1) C.  
*Note: Feedlot receiving and processing pens are noted to be reconfigured.*
5. Prior to expansion, lagoons shall be lined and constructed in accordance with state and federal regulations.
6. Two existing feedlot pens (*constructed in or around September 2022*) adjacent to Stateline Road shall be reconfigured to meet the required 50 foot setback from the public right of way and as shown on the CAFO site plan dated 4-24-23 from AGPRO in compliance with CCZO §08-01-012(1)C. (attached hereto as Attachment A) The identified pens must be reconfigured prior to the applicant expanding the current cattle numbers to accommodate the CAFO permit. The applicant shall provide proof of the reconfiguration and compliance with the CAFO setbacks to Development Services Department in the form of pictures and/or setback inspection before CAFO operations (>1000 head of cattle in feedlot) begin.



CONDITIONS CONTINUED

7. The applicant shall comply with applicable Golden Gate Highway District No. 3 access requirements. The applicant shall obtain a permit prior to expansion of the existing feedlot facility. The applicant shall provide proof of compliance by providing Development Services with an approved highway district permit for improvements. (Exhibit 18)
8. Lighting (existing and new) shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area. CAFO facility lighting shall be utilized only on an as needed basis after dusk at the facility. Existing night sensor, photoelectric/photo cell light(s) typical for residential/farm/barnyard lighting may remain on throughout the night. Existing lighting must be shielded to direct the light down and inside the property.
9. The feedlot, waste systems, and support facility (barnyard) shall be kept weed free and/or maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
10. The applicant shall not impede or disrupt existing irrigation structures, i.e. drains, laterals, supply ditches, on and adjacent to the subject property.



CONDITIONS CONTINUED

11. The applicant shall not discharge CAFO process water or stormwater from the feedlot and/or settling lagoons to the Allen Drain. Comply with ISDA rules and regulations.
12. The operator shall process and dispose of waste in a manner consistent with the requirements of the Nutrient Management Plan for AK Feeders as approved and regulated by the Idaho State Department of Agriculture.
13. The operator shall not land apply nutrients within 300 feet of parcel R37348 (two acres) at site address 31252 Peckham Road, Wilder, Idaho.
14. The operator shall not place a composting facility or stage/stockpile nutrients within 500 feet of any existing residential parcel [R37351, R37351011, R37351010, R37350] along/near the southern boundary (Peckham Road) of subject property R37348010 (163.23 acres) inclusive of residential parcel R37348.
15. The CAFO shall comply with the odor, waste, dust, and pest best management practices in compliance with the approved nutrient management plan and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements.



CONDITIONS CONTINUED



16. Signage shall meet CCZO §07-10-13 requirements, and shall not exceed 32 sq. feet as proposed by the applicant unless an additional sign permit is applied for and approved by the Director.
17. The feedlot operation shall not exceed the maximum 3700 head of cattle at any given point in time within the feedlot facility without applying for and receiving approval through an amended or new conditional use permit.
18. The CAFO shall comply with the nutrient management plan as approved by the Idaho State Department of Agriculture.
19. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements
20. The CAFO shall also comply with Idaho State Department of Agriculture rules regarding dead animal disposal.
21. The facility shall comply with the recommendations in the Mitigation section of the CAFO Siting Team report, to minimize potential water source contamination (Exhibit 8 and attached hereto as Attachment B).



CONDITIONS CONTINUED

22. The CAFO shall comply with stock water and/or commercial water right requirements (Idaho Department of Water Resources).
23. All employee, delivery-including cattle trucks, facility-related parking of vehicles shall be onsite--not in the public right-of-way and/or along the shoulders of State Line Road in the vicinity of the facility.
24. Comply with all Fire District requirements by State adopted IFC and as evidenced by review and approval documentation prior to issuance of a certificate of occupancy.
25. The Applicant shall submit a copy of the annual inspection report provided by the Idaho State Department of Agriculture to the Development Services Department (DSD) commencing December 31, 2023. Each annual inspection report shall be submitted to DSD no later than December 31<sup>st</sup> of each calendar year unless the report is received by the Applicant after that date in which case the report shall be submitted to DSD within ten business days of its receipt.



CONDITIONS CONTINUED

# CCZO §07-06-05– Conditional Use Criteria

1. Is the proposed use permitted in the zone by conditional use permit?
2. What is the nature of the request?
3. Is the proposed use consistent with the comprehensive plan?
4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?
5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?
6. Does legal access to the subject property for the development exist or will it exist at the time of development?
7. Will there be undue interference with existing or future traffic patterns?
8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)



# AK FEEDERS: CAFO CRITERIA

## **08-01-11: CRITERIA FOR APPROVAL AND DEVELOPMENT STANDARDS FOR NEW FACILITIES:**

(1) Prior to approval of a CAFO siting permit for a new CAFO, and after public hearing, the commission shall find that the proposed new CAFO meets the following requirements:

### A. General Requirements:

1. The new CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.
2. The new CAFO shall comply with and not be in violation of any federal, state or local laws or regulatory requirements.
3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit.
4. A new CAFO shall comply with IDAPA rules governing dead animal disposal.

### B. Animal Waste: (Regulated by ISDA, IDEQ, IDWR)

1. The new CAFO shall comply with the terms of its nutrient management plan for land application.
2. The new CAFO shall be in compliance with all applicable environmental regulations and requirements.
3. All new lagoons shall be constructed in accordance with state and federal regulations.



# AK FEEDERS: Criteria

- C. **Site Setbacks:** An expansion of an existing CAFO, other than a simple expansion of the number of animals, shall comply with the following site setbacks. If the expansion requires a change in only one or more of the following, the particular item shall comply with the particular setback listed below. The site shall not be required to meet new setback requirements unless the requested expansion requires a change in that particular item. For example, if there is no change in the size or location of the ensilage process, an operator need not bring that particular use into conformance with the requirements of subsection C2 of this section regarding setback from an existing residence.
1. The locating of animal waste systems, corrals, wells and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
  2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
  3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
  4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.



# AK FEEDERS: Criteria

Section C continued

5. No new CAFO shall be approved unless the following questions are answered to the satisfaction of the commission or board:
    - (A) Whether the proposed facility will be injurious to or negatively change the essential character of the vicinity.
    - (B) Whether the proposed facility would cause adverse damage, hazard and nuisance to persons or property within the vicinity.
    - (C) Whether studies should be ordered at the CAFO applicant's expense to aid the commission/board in determining what additional conditions should be imposed as a condition of approval to mitigate adverse damage, hazard and nuisance effects.
  6. The animal waste system shall not be located or operated closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
  7. No animal waste system shall be located and/or operated closer than one hundred feet (100') from a domestic or irrigation well.
  8. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
  9. The setbacks contained herein shall not apply to land application.
- D. **Exemption To Subsection (1)C Site Setbacks:** Certain land parcels may not be conducive to setback requirements due to unique locations, demographics and technology. Where appropriate, the commission may grant an applicant a variance to setback requirements pursuant to section [07-08-01](#) (variance) of this code. If this setback includes animal waste systems, the systems shall meet all state and federal regulations and be approved by the regulatory agency exercising authority. (Ord. 07-002, 1-18-2007)



# AK FEEDERS:

## 08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:

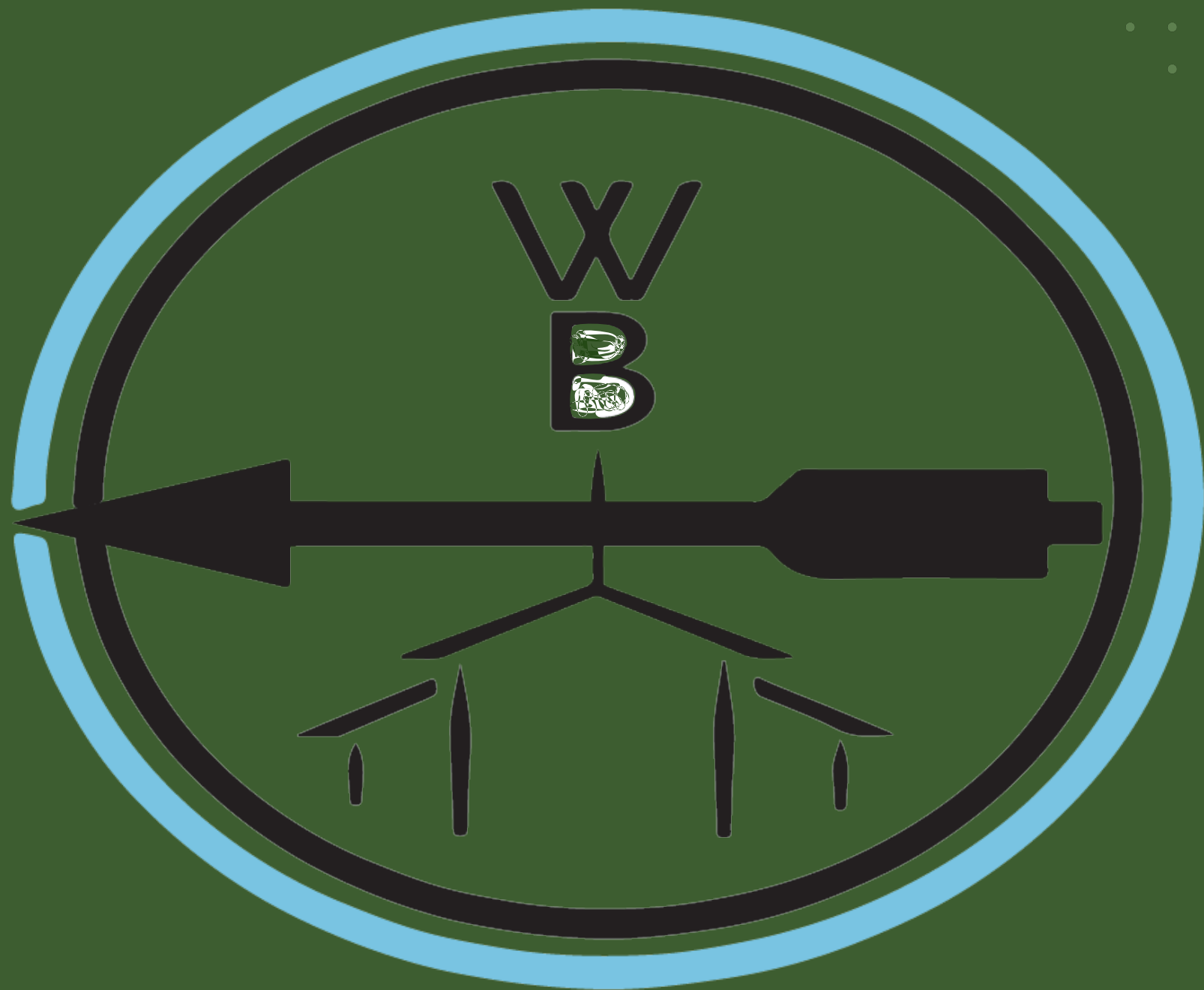
- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or **new CAFO complies with the criteria set forth in this article**, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.
- (2) Construction of the new or expanding CAFO must commence within three (3) years of the issuance of the CAFO siting permit and be completed within five (5) years of the same date.











AK FEEDERS, LLC  
CU2022-0036

P&Z HEARING   
CAFO PRESENTATION

Presented by Matt Wilke  
White Barn Ventures, Inc.

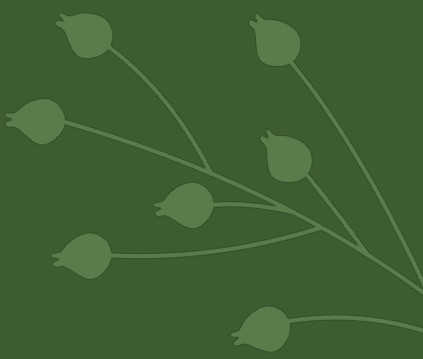
[www.mywhitebarn.com](http://www.mywhitebarn.com)

APPLICANT  
PRESENTATION FOR  
CU2022-0036 ON  
OCTOBER 16, 2023



Good evening Honorable Commissioner's, Staff, Neighbors, and Friends. I am proud to present our CAFO application and sincerely appreciate the time and effort each of you has taken to be here tonight. Your dedication to ensuring our Ag community thrives is ever-present, and I am grateful for the opportunity to present this application before you.

Our proposed site consists of approximately 79.6 acres, and will have a 3,700 cow capacity with an average weight of 750 pounds upon approval.



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**1-5** Site Maps

**8-9** Transportation

**12-13** Siting Report

**15-16** History & Support

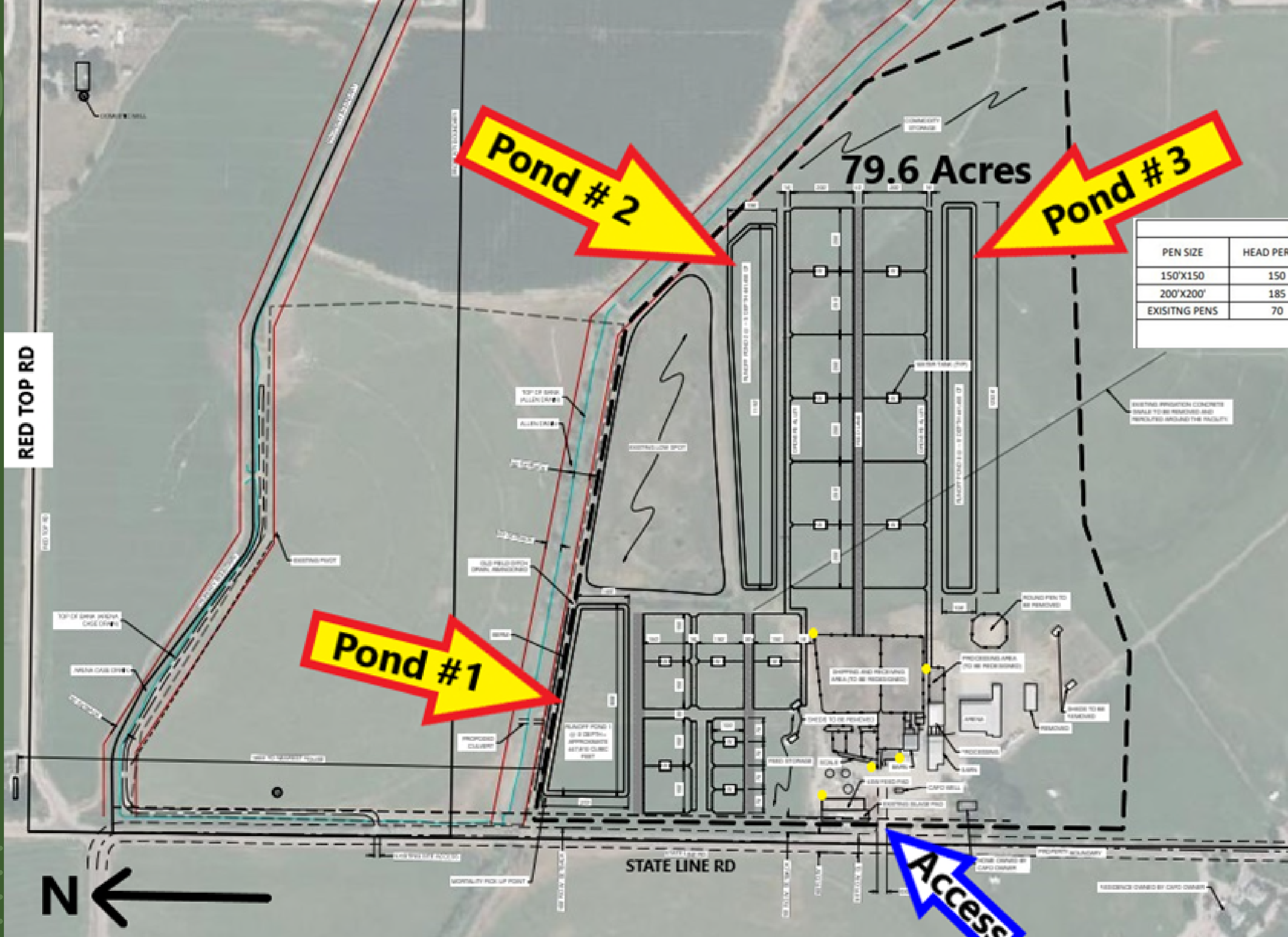
**6-7** Approvals

**10-11** Siting Score

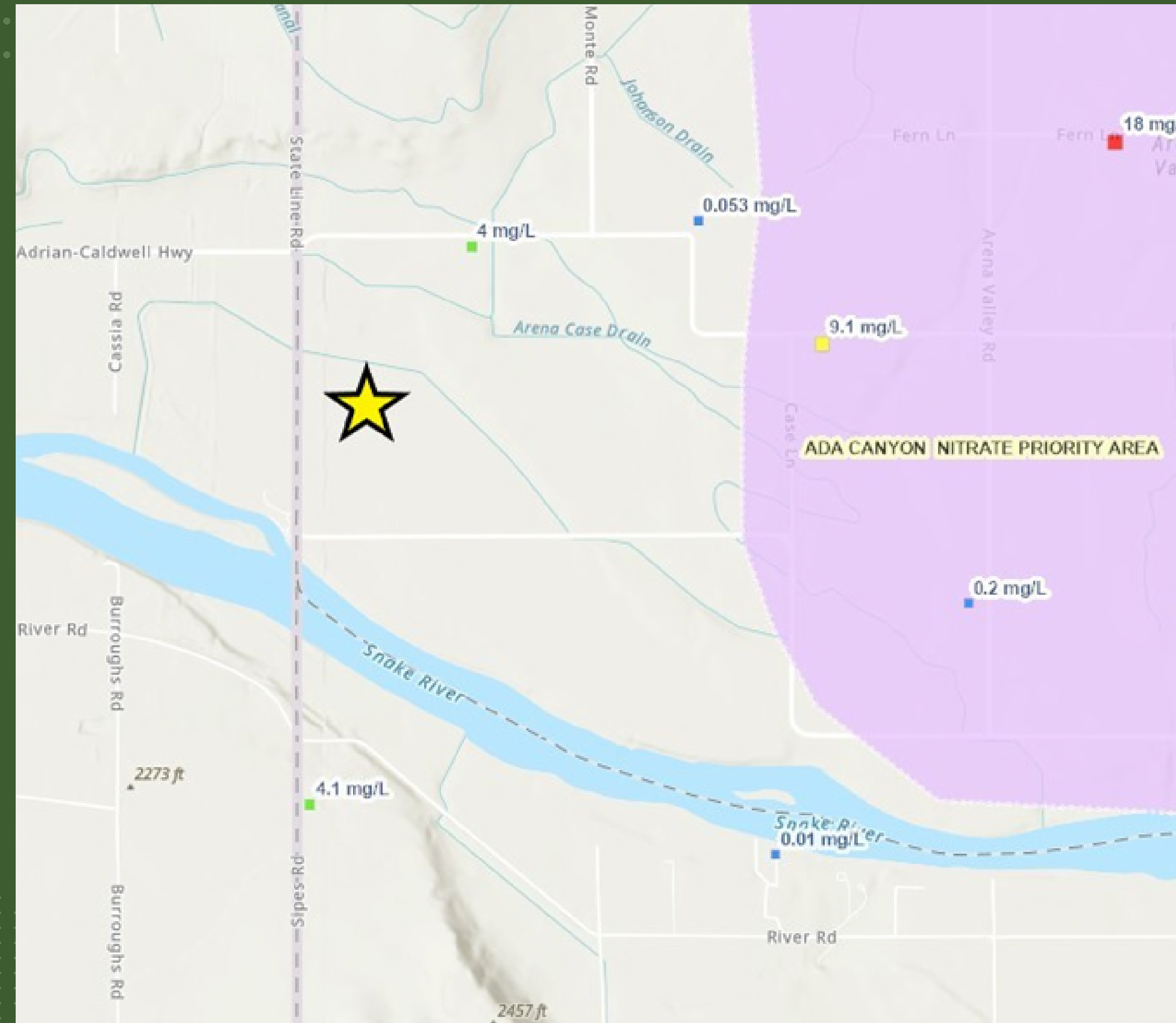
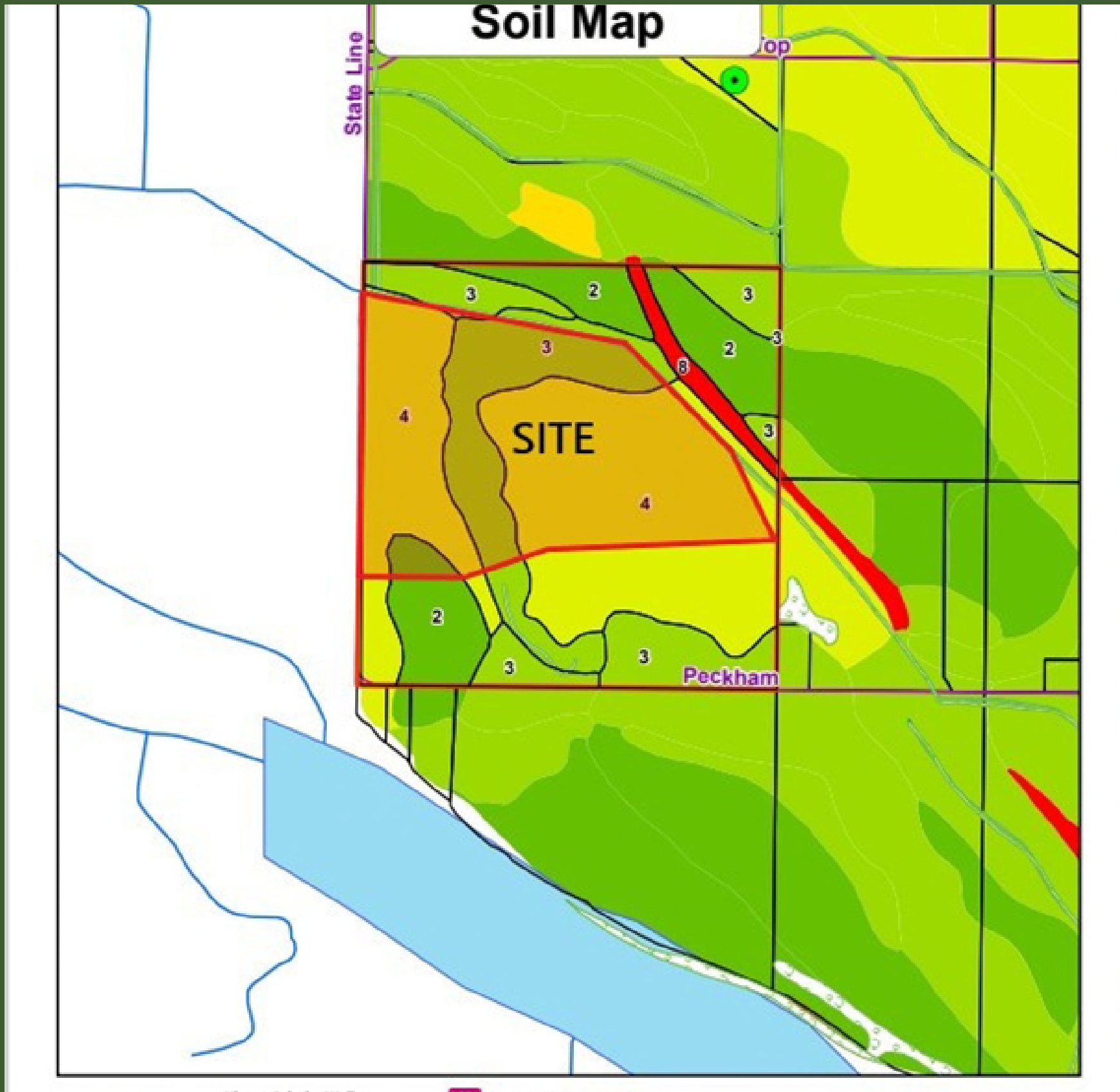
**13-14** WMP







PEN SUMMARY			
PEN SIZE	HEAD PER PEN	QTY OF PEN	PEN HEAD TOTAL
150'X150	150	8	1200
200'X200'	185	12	2220
EXISTING PENS	70	4	280
TOTAL HEAD PER SITE			3700

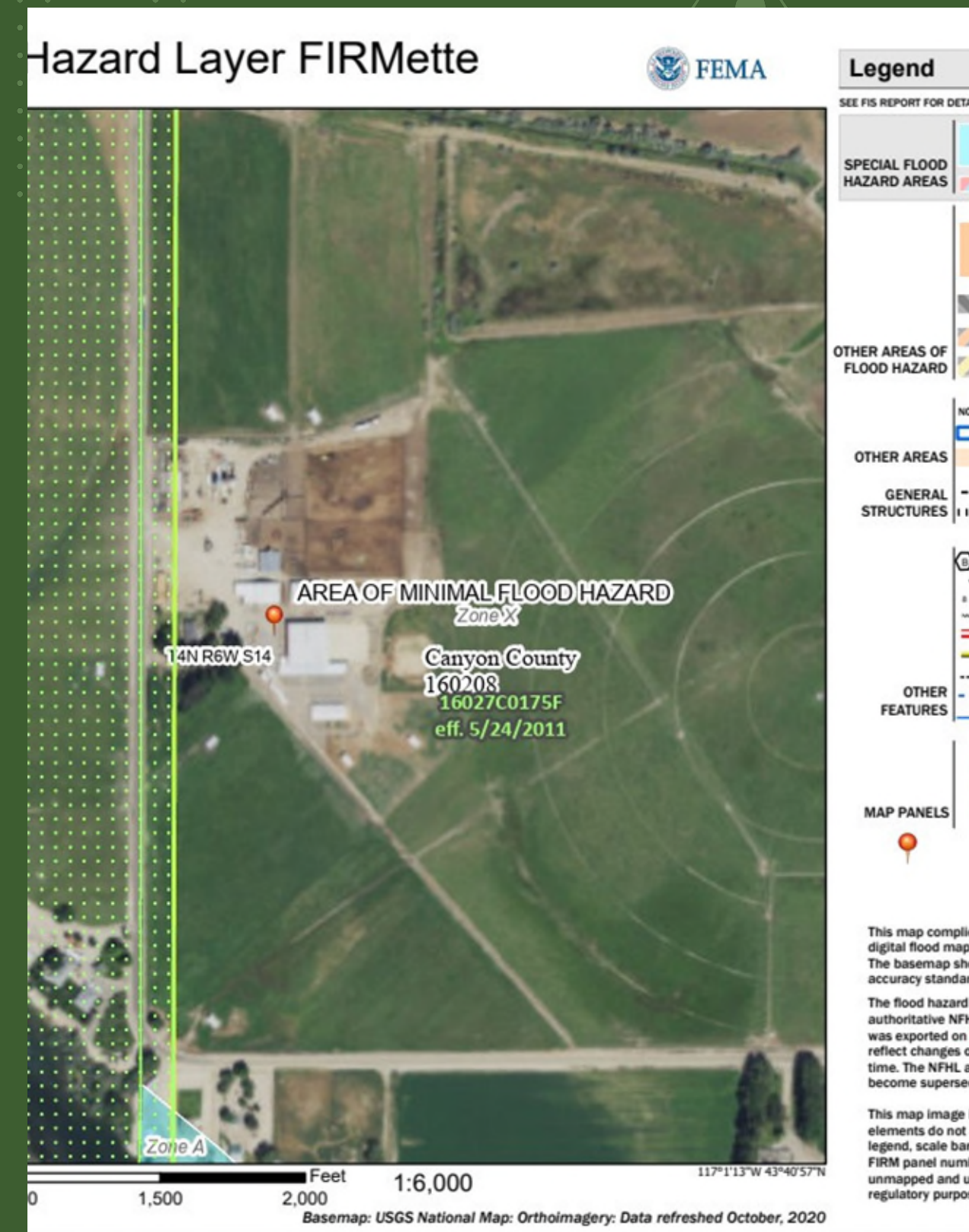




2020 FLUM

2030 FLUM

FLOOD MAP



State of Idaho  
Department of Water Resources  
**Attachment to Permit to Appropriate Water**  
63-35421

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- Taxlots



Page 1

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 63-35421

Priority: May 26, 2023

Maximum Diversion Rate: 0.81 CFS

This is to certify that

AK FEEDERS LLC 21696 STATE LINE RD WILDER ID 83676-5099

has applied for a permit to appropriate water from:

Source : GROUND WATER  
Source : GROUND WATER

and a permit is APPROVED for development of water as follows:

Beneficial Use	Period of Use	Rate of Diversion
STOCKWATER	01/01 to 12/31	0.81 CFS

**Location of Point(s) of Diversion**

GROUND WATER L1 ( NW¼ NW¼), Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County  
GROUND WATER SW¼ NE¼, Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County

**Place of Use: STOCKWATER**

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N	06W	14		X	X		X	X	X	X										

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2028**.
2. Subject to all prior water rights.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Stockwater use is for 3700 beef cattle.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

Application Processing No. 3  
April 7, 1975

OPERATIONS DIVISION  
ADMINISTRATOR'S MEMORANDUM

This Guidance Document is not new law but is an agency interpretation of existing law. For more information or to provide input on the document, please contact the Water Rights Section Manager at 208-287-4900. (Feb 2020)

TO: District Office  
FROM: A. Kenneth Dunn  
SUBJECT: Annual Use of Water for Stockwater Purposes

No. of Stock (head)	RANGE CATTLE		DAIRY CATTLE	
	Rate* c.f.s. (1)	Volume AF/yr. (1)	Rate* c.f.s. (2)	Volume AF/yr. (2)
0 - 10	0.02	0.2	0.02	0.4
11 - 25	0.02	0.4	0.02	1.0
26 - 50	0.02	0.7	0.04	2.0
51 - 100	0.03	1.4	0.07	4.0
101 - 200	0.05	2.7	0.13	7.9
201 - 300	0.07	4.1	0.20	12.0
301 - 400	0.09	5.4	0.26	16.0
401 - 500	0.12	6.7	0.33	20.0
501 - 600	0.14	8.1	0.39	24.0
601 - 700	0.16	9.4	0.46	28.0
701 - 800	0.19	11.0	0.52	32.0
801 - 900	0.20	12.0	0.58	36.0
901 - 1000	0.23	14.0	0.65	40.0
1001 - up (3)				

1. The amounts shown are based on 12 gpd/head with a 12 month period of use. (i.e. for range cattle, horses and mules). The amount does not include a loss (i.e. thru conveyance, etc.)
2. The amounts shown are based on 35 gpd/head with a 12 month period of use. (i.e. for dairy cattle). The amount does not include a loss. (i.e. thru conveyance, etc. ).
3. For annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

Volume

- a) for livestock use @ 12 gpd/hd, N (0.0134).
- b) for dairy use @ 35 gpd/hd, N (0.0391).

Rate

- a) for livestock use @ 12 gpd/hd, N (0.00022).
- b) for dairy use @ 35 gpd/hd, N (0.00065).

The answer should be rounded up to the nearest whole acre-foot.

\*The rate is based upon approx. 2 hr/day diversion to obtain daily requirement.



Idaho State Department of Agriculture  
 P.O. Box 7249 • Boise, Idaho 83707  
 P: 208.332.8500 • F: 208.334.2170  
 www.agri.idaho.gov  
**BRAD LITTLE, GOVERNOR**  
**CHANEL TEWALT, DIRECTOR**

March 15, 2023

AK Feeders  
 David DeBenedetti  
 21696 State Line Rd  
 Wilder, ID. 83676

Dear Mr. DeBenedetti,

I received the Environmental/Nutrient Management Plan for proposed AK Feeders from Brian Scarrow, Certified Nutrient Management Planner. I approved the Environmental/ Nutrient Management Plan on March 15, 2023. This Environmental/ Nutrient Management Plan is for your proposed facility located at 21696 State Line Road, Wilder, ID. 83676.

Key Points for EMP/NMP Compliance:

- You are required to soil test all fields, annually, to which nutrients (commercial fertilizer or manure) will be applied that year and soil test records must be kept for 5 years. Soil tests need to be taken by a certified soil sampler.
- Liquid effluent applications are to occur only within the growing period of the active crop. Fall application of liquid effluent must be completed prior to the non-growing season. The non-growing season will be determined each year by the ISDA Animal/Dairy Bureau. Permission to apply liquid effluent during the non-growing season will be considered on a case-by-case basis. Producers seeking permission to land apply nutrients outside of the application season must contact the Department of Agriculture, Animal/Dairy Bureau at (208) 332-8550 prior to application. Factors considered in granting approval will be, but are not limited to, the following:

- Date
- Existing and forecasted weather conditions
- Moisture content of the soil
- Frost layers in the soil
- Water holding capacity of the soil
- Crop needs

- CAFO byproduct management is a key component to your ability to appropriately implement your environmental/nutrient management plan. It is important to remove accumulated solids and byproduct water from your containment facilities prior to the wet season to ensure that the byproduct containment facilities have the required 120-day storage capacity.

If you have any questions or concerns, please contact me at (208) 332-8550.

Sincerely,

Pradip Adhikari, PhD  
 Soil Scientist/Nutrient Management Specialist, Animal Industries

# EMP/NMP APPROVAL / WELL LOG

Form 238-7  
6/07

## IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

1. WELL TAG NO. D 0067257  
 Drilling Permit No. 906206-872325  
 Water right or injection well # \_\_\_\_\_

2. OWNER: Delmonte meat Co.  
 Name AK Feeders David DeBenidittia  
 Address 21696 State Line Rd.  
 City Wilder State ID. Zip 83676

3. WELL LOCATION:  
 Twp. 4 North  or South  Rge. 6 East  or West   
 Sec. 14 1/4 NW 1/4  
 Gov't Lot \_\_\_\_\_ County Canyon  
 Lat. \_\_\_\_\_ (Deg. and Decimal minutes)  
 Long. \_\_\_\_\_ (Deg. and Decimal minutes)  
 Address of Well Site 21696 State Line Rd. City Wilder

4. USE:  
 Domestic  Municipal  Monitor  Irrigation  Thermal  Injection  
 Other \_\_\_\_\_

5. TYPE OF WORK:  
 New well  Replacement well  Modify existing well  
 Abandonment  Other \_\_\_\_\_

6. DRILL METHOD:  
 Air Rotary  Mud Rotary  Cable  Other \_\_\_\_\_

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft <sup>3</sup> )	Placement method/procedure
Bentonite	0	5	200 CBS	dry Pour
Cement	5	40	2160 CBS	Tremie Pipe

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
6"	+2	40	.250	Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 1/2"	-5	85	SDR-19	PVC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 1/2"	85	385	SDR-21	PVC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 1/2"	385	402	SDR-19	PVC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. PERFORATIONS/SCREENS:  
 Perforations  Y  N Method \_\_\_\_\_  
 Manufactured screen  Y  N Type .020  
 Method of installation factory slot

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
85	385	.020	300	4 1/2"	PVC	.020

10. FILTER PACK:  

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft <sup>3</sup> )	Placement method
6-9 Sand	402	16	3650 CBS	Pour

11. FLOWING ARTESIAN:  
 Flowing Artesian?  Y  N Artesian Pressure (PSIG) \_\_\_\_\_  
 Describe control device \_\_\_\_\_

12. STATIC WATER LEVEL and WELL TESTS:  
 Depth first water encountered (ft) 3 Static water level (ft) 9  
 Water temp. (°F) 55 Bottom hole temp. (°F) \_\_\_\_\_  
 Describe access port Well casing

Well test:  

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
<u>31</u>	<u>45</u>	<u>60</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
10	0	20	Gravel Bar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	20	40	Brown Silt Stone	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	40	85	Brown Silt Stone	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	85	92	Brown Clay + Gravel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	92	110	Blue Clay + Gravel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	110	185	Grey Clay	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	185	210	Blue Clay + Sand	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	210	220	Blue Clay + Rock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	220	290	Blue Clay	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	290	325	Blue Clay + Rock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	325	343	Blue Clay + Sand	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	343	403	Blue Clay + Black rock	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Completed Depth (Measurable): 403'  
 Date Started: 6-20-14 Date Completed: 7-3-14

14. DRILLER'S CERTIFICATION:  
 I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Envirotech Drilling Co. No. 749  
 \*Principal Driller Shawn Mikelan Date 7-6-14  
 \*Driller \_\_\_\_\_ Date \_\_\_\_\_  
 \*Operator II \_\_\_\_\_ Date \_\_\_\_\_  
 Operator I Shawn Mikelan Date 7-6-14  
 \*Signature of Principal Driller and rig operator are required.

GGHD

ODOT



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

March 20, 2023

Canyon County Development Services Department  
 Attn: Debbie Root, Planner  
 111 North 11<sup>th</sup> Ave., Ste. 310  
 Caldwell, ID 83605  
 Phone: (208)455-6034  
 Email: [debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)

RE: Case Name: AK Feeders, Case Number: CU2022-0036, Parcel #: R37348010

Ms. Root:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the Traffic Narrative and Site Plan associated with the subject Conditional Use Permit application submitted to GGHD in an email dated March 20, 2023. The subject parcel is located approximately 0.20 miles north of the Peckham Rd/State Line Rd intersection in the N1/2 of Section 14, T4N, R6W, BM, Canyon County, ID.

The documents submitted for review to GGHD will support the Conditional Use Permit application. The subject property currently contains pens, feed storage, indoor riding arena, and center pivot fields. Additional pens, feed storage, gravel roads to pens, runoff ponds, and access paving are proposed. Proposed access will be at the existing access location on State Line Road, which is under the jurisdiction of GGHD and classified as a Local Road according to the GGHDs 2019 Functional Classification Map.

Based upon the information provided, the following findings and conditions of approval apply:

1. The estimated peak hour and average annual daily traffic (AADT) values of 10 and 25 are below the Traffic Impact Study (TIS) rural thresholds of 50 and 500, respectively, shown in Section 3110.010 of the 2022 Association of Canyon County Highway Districts Highway Standards & Development Procedures (ACCHD Standards).
2. Proposed access on State Line Road to meet the rural roadway driveway spacing requirements of Section 3061.020 and Standard Drawing ACCHD-106 of the ACCHD Standards.
3. A site visit by GGHD is required to address possible site distance issues, if any.

GGHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

GGHD requests Canyon County Development Services incorporate these comments and any subsequent comments into proposed Conditions of Approval for consideration/approval by Canyon County.

Respectfully,

 Digitally signed by Christopher Pettigrew  
 Date: 2023.03.20 13:52:21 -06'00'

Christopher S. Pettigrew, P.E.  
 Project Manager/Engineer, Transportation Services Group  
 Technical Resources Team Lead (Central)

CC: Bob Watkins, GGHD Director of Highways  
 Matt Wilke, White Barn Real Estate  
 Valene Cauhorn, AgPros



Oregon

Tina Kotek, Governor

Department of Transportation  
 District 14 Headquarters  
 1390 SE 1<sup>st</sup> Ave  
 Ontario, OR 97914  
 541-889-9115

March 20, 2023

Canyon County Development Services  
 111 N. 11th Avenue  
 Caldwell, ID 83605

SUBJECT: CAFO Permit CU2022-0036

To whom it may concern,

Oregon Department of Transportation (ODOT) staff has completed a review of the submitted site plan for permit CU2022-0036. We have determined that ODOT does not have permitting authority for the frontage on the east side of State Line Road and we have no specific concerns with the traffic generation estimated in the applicant's traffic narrative.

If you have any questions regarding ODOT permits or the content of this letter, please feel free to contact me at 541-216-1246 or [john.w.eden@odot.oregon.gov](mailto:john.w.eden@odot.oregon.gov)

Sincerely,



John Eden, Permit Specialist  
 ODOT District 14 Maintenance Office

Traffic Source	YEARLY TRAFFIC ESTIMATE				
	Number of Vehicles to Facility by Frequency			Trips <sup>3</sup> Generated Per Day	
	Existing	Proposed	Amount Frequency	Existing	Proposed
Owner/Manager	1	1	Per Day	2	2
Employees (vehicles not # of employees)	5	9	Per Day	10	18
Milk Trucks	0	0	Per Day	0	0
Milk Replacer (calves)	0	0	Per Week	0.0	0.0
Cows/Calves In & Out	1	2	Per Month	0.1	0.1
Buyers	0	0	Per Month	0.0	0.0
AI Delivery/ Service	0	0	Per Week	0.0	0.0
Vet visit	1	1	Per Month	0.1	0.1
Govt, Inspectors	1	1	Each Year	0.0	0.0
Medicine Delivery	1	1	Per Month	0.1	0.1
Mechanical Parts/ Repairs	1	1	Per Week	0.3	0.3
Utilities	1	1	Per Month	0.1	0.1
Fuel Delivery	2	2	Per Month	0.1	0.1
Dry hay, Commodities and Mineral In	14	182	Each Year	0.1	1.0
Silage In	26	338	Each Year	0.1	1.9
Straw In	3	40	Each Year	0.0	0.2
Manure Out	47	621	Each Year	0.3	3.4
Slurry Hauling	0	0	Each Year	0	0
Farming (significant changes)	0	0	Each Year	0	0.0
Miscellaneous Visitors (salesman, mailman, etc.)	0	0	Per Weekday	0	0
Double Haul Adjustment <sup>4</sup>	-47	-621	Each Year	-0.25753	-3.40274
<b>TOTAL Vehicle Trips per day estimate</b>				<b>13</b>	<b>24</b>

### Trip Generation

The expected hours for outgoing and incoming semi-trucks and other vehicles and equipment will be Monday through Sunday 6:00 A.M. to 5:00 P.M. The highest traffic volumes will be generated during the morning hours of 7:00 A.M. to 9:00 A.M. and in the evening between 3:00 P.M. to 5:00 P.M when employees enter and exit the property. During peak traffic hours no more than five vehicles are expected to be going in and out. Occasional operations outside of the expected hours may be required due to CAFO industry needs.

The site will include a shipping and receiving area for cattle and commodities. Parking for employees will be gravel spaces located near the entrance.

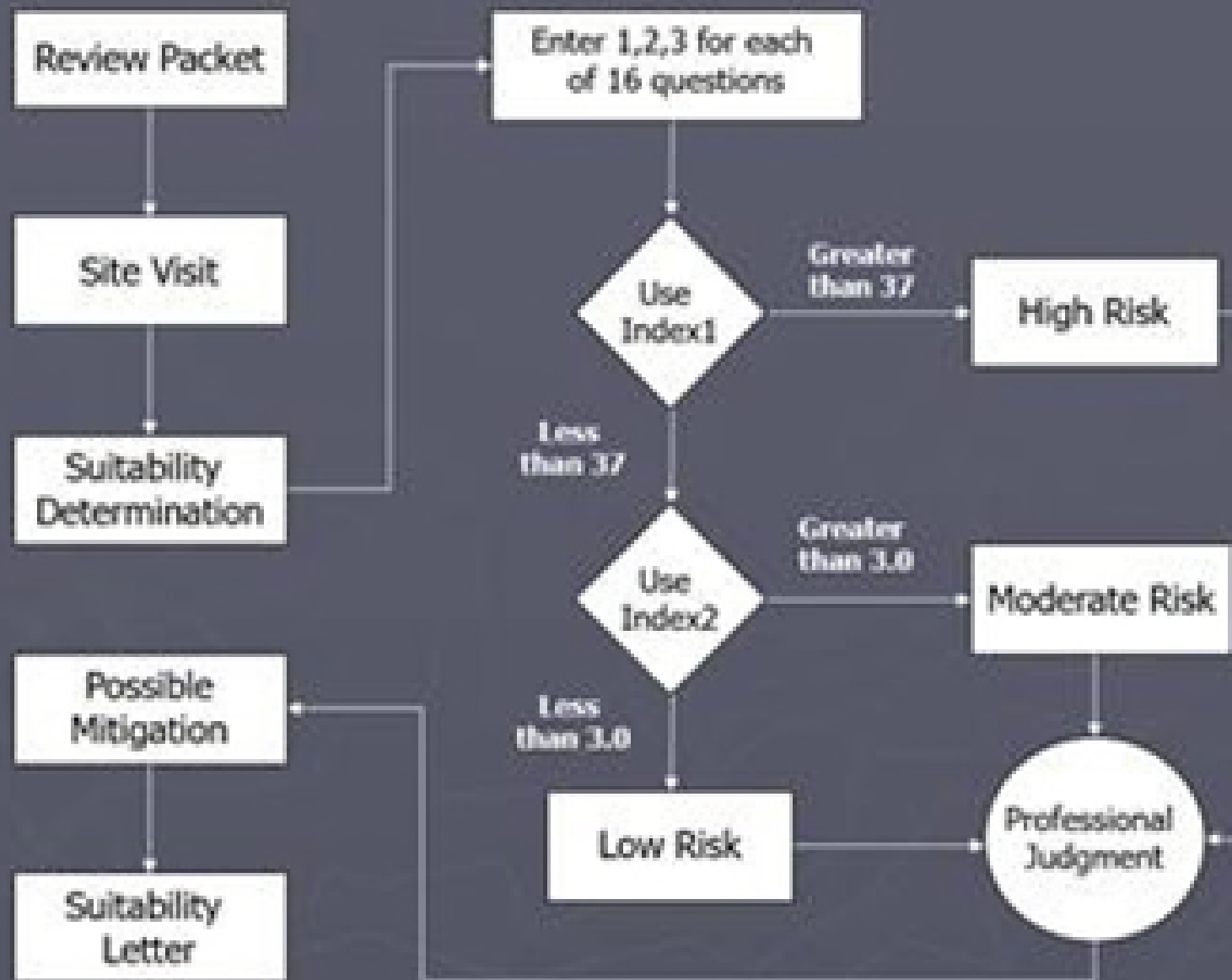
The CAFO expansion only increases the number of employee vehicles from five to nine. The number of trips per day increased from 13 to 24 for the proposed site averaged over the year. The following traffic volumes are anticipated for this proposed site:

Commercial Vehicles/Equipment  
Owner/Employee Vehicles

6 roundtrips per day  
18 roundtrips per day

The arrival and departure of vehicles is expected to be staggered throughout the day. Employee traffic, which accounts for the majority of the traffic, will arrive in the morning and then depart in the evening.

### CAFO Siting Process Flowchart



State of Idaho CAFO Site Advisory Team Environmental Risk Form		Name & Date of Siting: AK Feeders. 9/6/2023
<b>Risk Scoring System</b> 1 = Low Risk = Ideal goal for environmental protection 2 = Moderate Risk = Provides reasonable resource protection 3 = High Risk = Poses a high risk for health and/or for contaminating ground or surface water		
Category	Result	Risk Score
<b>Soil</b>		
1. Soil permeability	High. Fine sandy loam with Ksat 0.57 to 2.00 in/hr.	3
2. Soil depth	Moderate. Typical soil profile depth 60 inches.	2
3. Thickness of clay in unsaturated zone	High. Driller's reports indicate 0-10 ft of clay typical in unsaturated zone.	3
<b>Ground Water</b>		
4. Depth to first encountered water	High. Depth to first encountered water is generally shallow, 0-25 ft.	3
5. Mean nitrate level in ground water within a 5 mile radius	Moderate. Mean most recent nitrate levels are 5.3 mg/L within a 5-mile radius.	2
6. Percentage of wells over 5 mg/L nitrate within 5 miles	Moderate. 25% of wells within a 5 mile radius have a nitrate value over 5 mg/L.	2
7. Aquifer geology	High. Typical aquifer geology is sand and gravel.	3
8. Time of travel to a spring	Low. Time of travel to a spring is >10 years.	1
9. Downgradient distance to nearest domestic well	Moderate. Nearest domestic well is cross-gradient, but <100 ft away.	2
10. Within source water delineation area time-of-travel	Low. CAFO is not within a source water delineation area time-of-travel.	1
<b>Surface Water</b>		
11. Downgradient distance from CAFO to nearest surface water body	Low. Downgradient distance from CAFO to nearest surface water body (Snake River) is >200	1
12. Downgradient distance from land application to nearest surface water body	Low. All manure is third-party export.	1
13. 100-year floodplain	Low. Not within the 100 year floodplain.	1
<b>Nutrient Transport</b>		
14. Run-on	Low. Run-on risk is low due to low to moderately sloped topography next to CAFO site.	1
15. Surface Runoff	Low. NRCS surface run-off index is low.	1
16. Annual precipitation	Low. Average annual precipitation is 9.1 inches.	1
	Index 1	40.00
	Index 2	3.00
<b>Final Risk Score</b>		<b>High</b>

### Index1 – High Risk Equation

$$1.5 \cdot \text{Perm} + \text{DephShall} + 5 \cdot \text{Vadose} + 3 \cdot \text{FirstHOH} - 2.5 \cdot \text{Clay} - \text{Precip} + 2.5 \cdot \text{Flood100} + 0.5 \cdot \text{DistStream} + \text{NO3prior} + \text{AvgNO3} + 2 \cdot \text{Wells} + 0.5 \cdot \text{RunOn} + 6 \cdot \text{SurfaceRun} + 0.5 \cdot \text{DistSurf}$$

Weight	Variable	Weight	Variable		
6	x	Runoff	1	x	Precipitation
5	x	Aquifer Geology	1	x	Soil Depth
3	x	Depth to Water	1	x	Wells over 5 mg/L
2.5	x	Clay Thickness	1	x	Mean Nitrate
2.5	x	100-yr Floodplain	0.5	x	Stream Distance CAFO
2	x	Domestic Well Distance	0.5	x	Run-on
1.5	x	Permeability	0.5	x	Stream Distance Land App

### Index2 – Low-Moderate Equation

$$2 \cdot \text{Perm} - \text{Vadose} - \text{FirstHOH} + \text{Clay} + 0.5 \cdot \text{Precip} + \text{TTspring} - 2 \cdot \text{Flood100} - 0.5 \cdot \text{SourceHOH} + \text{NO3prior} - 0.5 \cdot \text{AvgNO3} - 0.5 \cdot \text{SurfaceRun} + 0.5 \cdot \text{DistSurf}$$

Weight	Variable	Weight	Variable		
2	x	Permeability	1	x	Wells over 5 mg/L
2	x	100-year Floodplain	0.5	x	Precipitation
1	x	Aquifer Geology	0.5	x	Source Water Delineation
1	x	Depth to Water	0.5	x	Mean Nitrate
1	x	Clay Thickness	0.5	x	Runoff
1	x	Spring Time of Travel	0.5	x	Stream Distance Land App



## IDAHO STATE DEPARTMENT OF AGRICULTURE



## CAFO SITE ADVISORY TEAM

September 14, 2023

Canyon County Board of Commissioners  
 Commissioner Leslie Van-Beek  
 Commissioner Brad Holton  
 Commissioner Zach Brooks  
 Canyon County, Caldwell Idaho

**RE: CAFO Siting Advisory Team Review Report of AK Feeders**

Dear Commissioners,

The Idaho State Concentrated Animal Feeding Operation (CAFO) Siting Team has completed its review of the proposed Livestock Confinement Operation expansion of AK Feeders located at 21696 Stateline Rd. Wilder, Idaho. This facility is proposing to extend the existing operation to 3700 head of beef cattle. The review was completed in response to a request made by Canyon County in accordance with IDAPA 02.04.30, subchapter B.

The Team, consisting of representatives from the Idaho Department of Environmental Quality (IDEQ), Idaho Department of Water Resources (IDWR), and the Idaho State Department of Agriculture (ISDA) performed a [site evaluation on September 9, 2023](#).

The information evaluated for this facility included the application package provided by Canyon County, IDWR ground water information and water right records, IDWR Statewide Ambient Ground Water Quality Monitoring Program network data, IDEQ map and data, ISDA Regional Agricultural Ground Water Quality Monitoring Program data, Natural Resources Conservation Service soil data, well driller reports, discussions with county officials and the owner, and an onsite evaluation by the team.

According to IDAPA 02.04.30 subchapter B, CAFO Site Advisory Team is required to provide a site suitability determination that includes:

- **Risk Category.** A determination of an environmental risk category: high, moderate, low; or insufficient information to make a determination.
- **Description of Factors.** A description of the factors that contribute to the environmental risks.
- **Mitigation.** Any possible mitigation of the environmental risks.

### I. Risk Category

The following determination is based on the information supplied to the team through the county and site-specific conditions at the time of the site visit. However, information used for evaluating the ground water,

geology, and soils may be based on regional information and may not fully characterize the local conditions of the specific facility.

The Environmental Risk, as determined by the CAFO Site Advisory Team, is **High Risk**.

**Any changes or modification in the application or at the site may alter the Environmental Risk.** Risk is determined through a point-based scoring system (attached) that utilizes and accounts for a combination of environmental factors. **Management and mitigation are not factored into this determination; it is a physical characterization of the site only.**

### II. Description of Factors

The Environmental Risk is based on physical characteristics of the site. The following technical factors contributed to the environmental risk rating:

#### High Risk Factors

- Dominant soil texture in the area is fine sandy loam, with high saturated hydraulic conductivity ( $K_{sat}$ ) between 0.57 and 2 inches/hour.
- Clay layers in the unsaturated zone are discontinuous. Driller's reports indicate 0-10 ft. of clay layers in the unsaturated zone
- The depth to first encountered groundwater is generally shallow at 0-25 ft.
- The aquifer geology is composed of sand and gravel.

#### Moderate Risk Factors

- The average soil depth in the area is approximately 60 inches.
- The most recent mean nitrate level in groundwater within a 5-mile radius is 5.3 mg/L.
- The percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 25%.
- Downgradient distance to the closest domestic well is cross-gradient, however less than 100 feet away.

#### Low Risk Factors

- The time of travel to the nearest downgradient spring is greater than 10 years.
- The CAFO site is not located within a source water delineation capture zone.
- Downgradient distance from the CAFO to the nearest surface water body (Snake River) is greater than 200 feet.
- The facility exports all manure off site to a third party, presenting low risk to downgradient surface water bodies from land application at the proposed CAFO site.
- The CAFO site is not within a 100-year floodplain.
- Surface run-on potential to the CAFO site is low due to moderately sloped topography next to CAFO site.
- NRCS run off index indicated low risk of surface runoff from the CAFO facility.
- The average annual precipitation is approximately 9.1 inches/year.

### III. Mitigation

**The CAFO Site Advisory Team's environmental risk assessment process is focused on water quality.**

**The facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations".** The Nutrient Management Plan will be



modified if/when the facility expands to accurately reflect the current operation. The footprint of the animal housing waste containment area will increase if the County approves the proposal. In the event, the county approves the proposed expansion the waste system improvements/modifications will need to take place, prior to the increase in animal units.

Other Best Management Practice recommendations include:

- Care should also be taken to prevent solid waste products and solid waste storage area runoff from entering surface water bodies, or ponding and entering the ground water. The facility should ensure appropriate setback distances as listed in IDAPA 02.04.30 subchapter D "Stockpiling of Agricultural Waste" from the stockpiling of solid waste to any domestic or irrigation well or down-gradient surface water of the state of Idaho.
- Care should be taken when applying solid waste/manure to the facility-controlled fields to ensure that runoff does not occur as a result of a weather event. Timely incorporation of solid manure applications into the soil will also assist in minimizing runoff potential. Also, animal manure should be incorporated into the soil prior to irrigation and ideally within 72 hours of application.
- Care should be taken when handling liquid and solid waste in the facility. To protect groundwater, effluent associated with the CAFO facility and standing effluent in the corrals and low areas of the facility must be stored/transferred in a ISDA-approved structure. Furthermore, frequent removal of solid waste and storage in a concrete/clay-lined (>15% clay) surface will help to prevent groundwater pollution.

#### IV. Additional Information

Canyon County may issue "special use conditions" in their permit to the applicant. Special use conditions, if not required by existing State or Federal law, would be the county's responsibility to enforce.

CAFO operations require stock water and/or commercial water rights. A review of IDWR records indicates the operation has appropriate water rights.

Facilities that employ chemigation systems must have those systems inspected and approved by ISDA prior to use. Additionally, approved backflow prevention must be in place to prevent back siphoning of wastewater into the aquifer or irrigation laterals/canals.

The CAFO Site Advisory Team did not:

- Review any information regarding air quality. For a more specific evaluation of air quality concerns, please contact the regional IDEQ office.
- Evaluate any increase in the number of lights or light pollution due to the expansion.
- Evaluate the roads in the local area. For a more specific evaluation, please contact the county highway district or the Idaho State Department of Transportation.

The site suitability determination is based on the information supplied to the team from the county and site-specific conditions at the time of the evaluation. This assessment does not consider practices not described during the site visit.

.IDAHO.GOV>

To: Matt Wil

Tue 10/17/2023 7:15 AM

Cc: Steimke,

Hello Mike,

Thank you very much for the questions. The calculated risk score is totally based on physical environmental factors that can impact surface and groundwater quality. In the case of AK feeders factors such as soil permeability, thickness of clay, aquifer geology, depth of water etc.. play a vital role for high score. However these factors can be easily mitigated by implementing available best management practices which are suggested in the AK feeders siting report. Risk score that are determined based on physical environmental factors of the CAFO site cannot be reduced but definitely can be mitigated.

Please let me know if you have any further question.

Thanks

Pradip

From: Matt Wilke <[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)>

Sent: Friday, October 13, 2023 3:01 PM

To: Pradip Adhikari <[Pradip.Adhikari@ISDA.IDAHO.GOV](mailto:Pradip.Adhikari@ISDA.IDAHO.GOV)>

Cc: Steimke, Amy <[Amy.Steimke@idwr.idaho.gov](mailto:Amy.Steimke@idwr.idaho.gov)>; Kathryn Elliott <[Kathryn.Elliott@deq.idaho.gov](mailto:Kathryn.Elliott@deq.idaho.gov)>

Subject: Re: Siting Team Report: AK Feeders

**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.**

Hi CAFO team,

I was wondering if your team considers design factors or management practices in your calculations and whether implementing certain design elements and management practices can substantially reduce the risk and help our risk score?

Have a great weekend everyone.

Thank you,



Matt Wilke

Owner | Broker

White Barn Real Estate

White Barn Ventures

# Waste Management Plan

## *Waste Management and Nuisance Control*

*For*

*AK Feeders  
Canyon County, Idaho*

Prepared by



**HQ & Mailing:** AGPROfessionals  
3050 67<sup>th</sup> Avenue  
Greeley, CO 80634 (970) 535-9318

**Idaho:** 213 Canyon Crest Drive, Suite 100  
Twin Falls, ID 83301 (208) 595-5301

*Developed in Accordance with Generally Accepted Agricultural Best Management Practices*

March 2023

### Introduction

This *Management Plan for Waste and Nuisance Control (MPWNC)* has been developed and implemented to identify methods AK Feeders will use to minimize the inherent conditions that exist in confinement feeding operations. The management plan outlines management practices generally acceptable and proven effective at odor and pest management and minimizing nuisance conditions. This narrative is a proactive measure to assist integration into local communities. AK Feeders management will use practices to their best and practical extent.

### Legal Description

The concentrated animal feeding facility described in this MPWNC is located directly on the Idaho and Oregon border, on the west side of State Line Road in Section 14, Township 4 North, Range 6 West.

### Odor Control

Odors result from the natural decomposition processes that start as soon as the manure is excreted and continue as long as any usable material remains as food for microorganisms living everywhere in soil, water and the manure. Odor strength depends on the kind of manure, and the conditions under which it decomposes. Although occasionally unpleasant, the odors are not dangerous to health in the quantities one customarily notices around animal feeding operations and fields where manure is spread for fertilizer. AK Feeders will use the following methods and management practices for odor control:

#### 1. Pen Management

- *Drainage and Regular Manure Removal*  
Dry manure is less odorous than moist manure. Standing water can increase microbial digestion and odor-producing by-products. AK Feeders will conduct proper pen maintenance and surface grading to reduce standing water. In between pen cleanings, the manure will be mounded in the pens prior to being exported.

#### 2. Manure/Stormwater Pond Management

- *Aerobic Designed Ponds*  
The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in accordance with the *Nutrient Management Plan* for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.

Dust from pen surfaces is usually controlled by intensive management of the pen surface by routine cleaning and harrowing of the pen surface. The purpose of intensive surface management is twofold: to keep cattle clean and to reduce pest habitat. The best management systems for dust control involve moisture management. Management methods AK Feeders will use to control dust are:

### 1. Pen Density

- Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.

### 2. Regular Manure Removal

- AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.

### 3. Water Trucks

- Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions.

If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

### Pest Control - Insects and Rodents

Insects and rodents inhabit environments that have an adequate-to-good food supply and that foster habitat prime for breeding and living. AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary.

### 1. Habitat Management

#### ○ *Regular Manure Removal and Lot Management*

Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.

#### ○ *Reduce Other Fly Habitats*

Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.

### 2. Controls – Biological and Chemical

#### ○ *Biological Control*

Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.

#### ○ *Baits and Chemical Treatments*

Baits and treatments are generally very effective. If additional pest prevention is necessary, AK Feeders will use USDA approved fly sprays and baits, such as Pyganic. Application levels and methods of such will be warranted by the results of the other control measures previously outlined.

In the event it is determined that nuisance conditions from pests such as flies and rodents persist, AK Feeders will initially increase the frequency of the housekeeping and management practices outlined previously. If further action is necessary, AK Feeders will increase use of USDA approved chemical controls and treatments, such as fly sprays and baits, and rodenticide for pest control.

May 24, 2022

To Whom It May Concern:

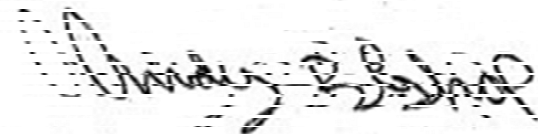
RE: History of Stark/Bishop/4-Sum Company/ Present Day owner AK Feeders

The ranch was homesteaded by the Stark's in 1907. The Stark's had a cow/calf operation and feedlot, utilizing horse-drawn equipment.

The Bishop's purchased this property in the mid 1950's, where they also ran a cow/calf and feedlot operation, approximately 1,100 head of feeder cattle annually. The feedlot operation consisted of 800 beef cattle that were fed up for butcher. Also yearly there were approximately 300 Holstein calves raised on the property and then finished in the feedlot, until around 900 lbs., and sold to J.R. Simplot Company in Caldwell, Idaho. The seed stock cattle were purchased and/or raised on the property, and the cattle pairs were pastured on BLM land in the Gwydres's. Many individuals were involved in the cattle drives averaging about 15 miles.

The property was then owned by the 4-Sum Company (Darwin and Sharon Schweitzer) in the late 1980's. They also raised cattle on this property, around 400 pairs. All of the cattle were retained on this property, and an annual bull sale was held. There were always at least 1,500 head of cattle on this property, consisting of replaced heifers, bulls for breeding stock.

The present day owner, David DeBenedetti owner of AK Feeders, also has 800 head of breeding stock cows and the property is also being utilized as a feedlot operation.

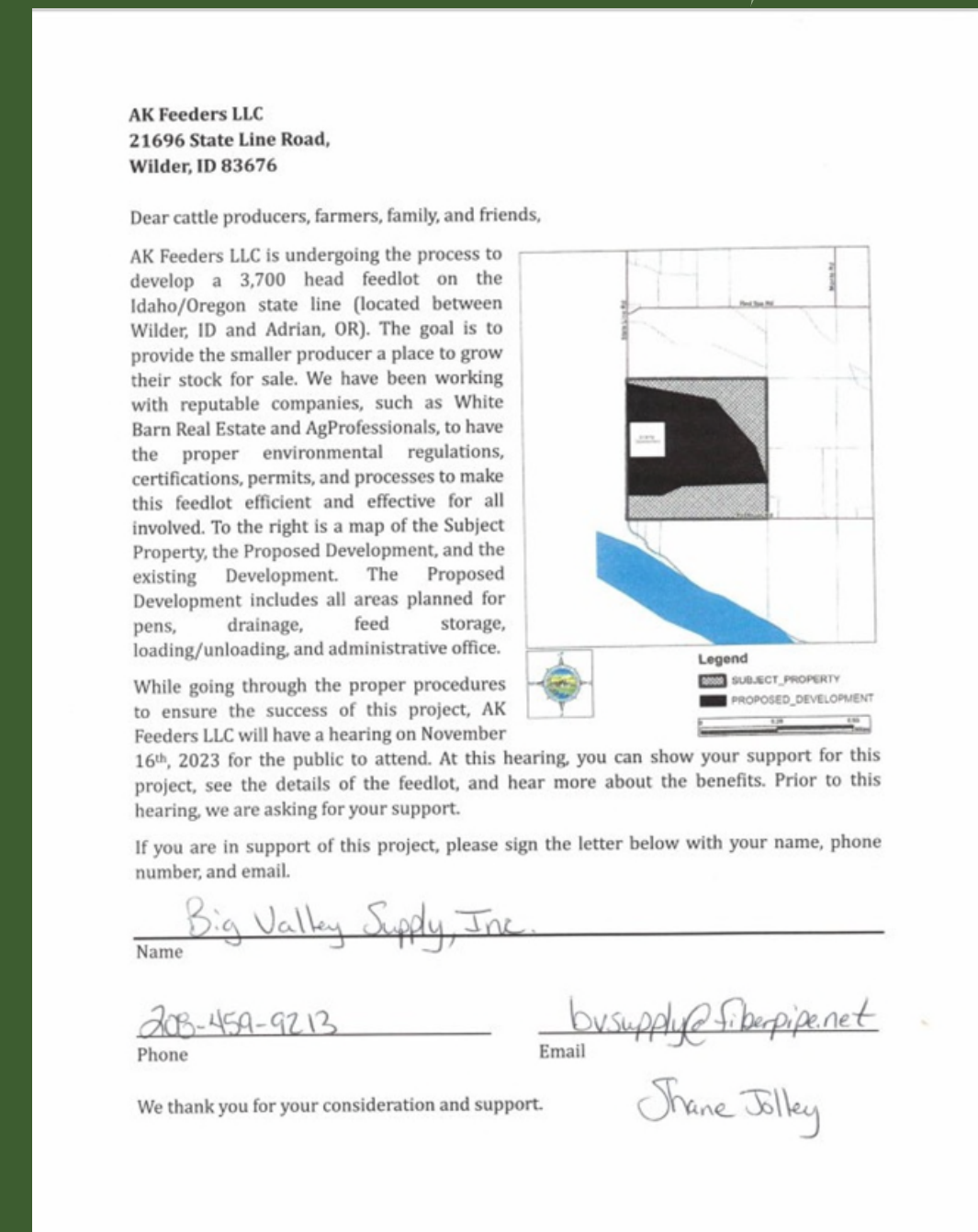
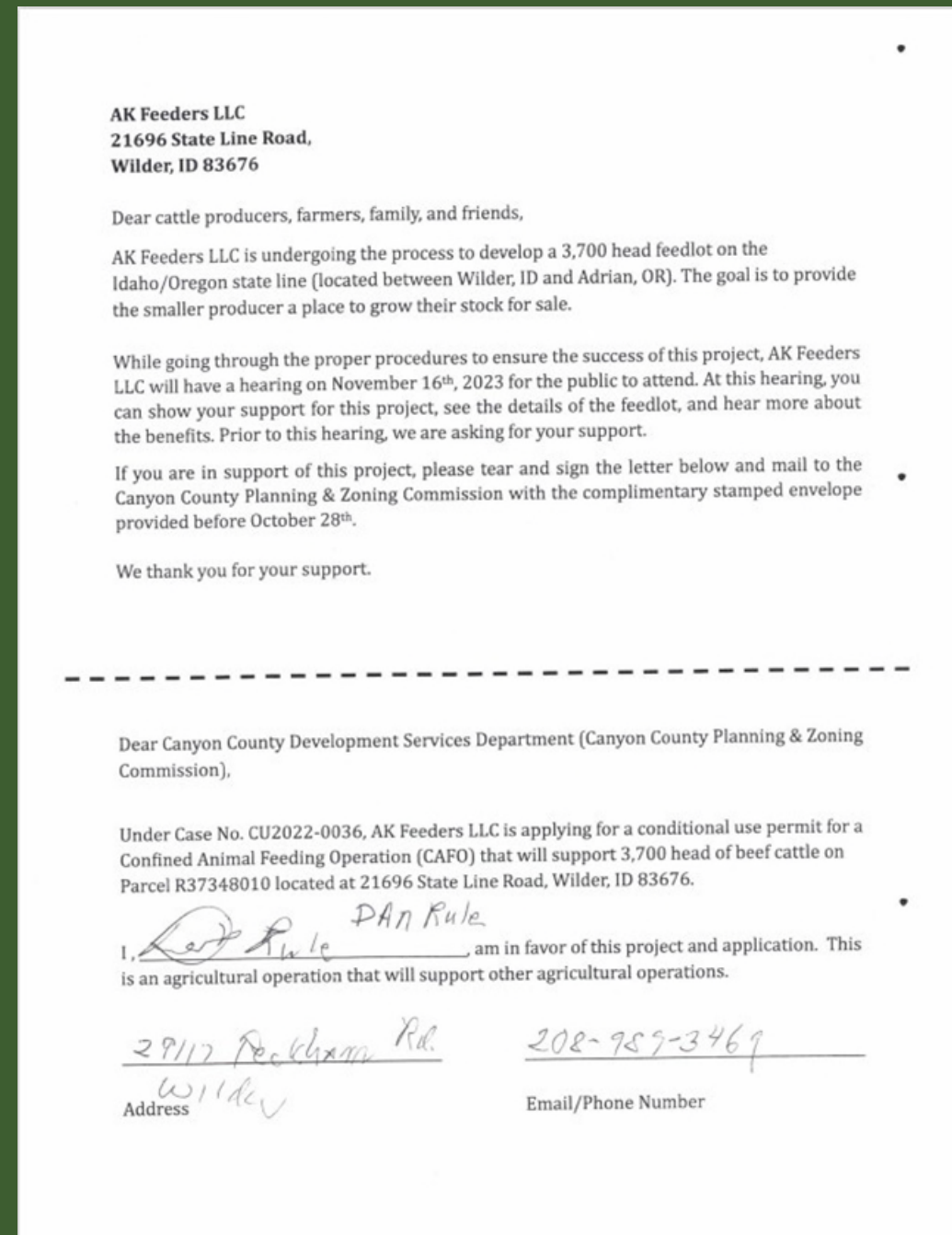
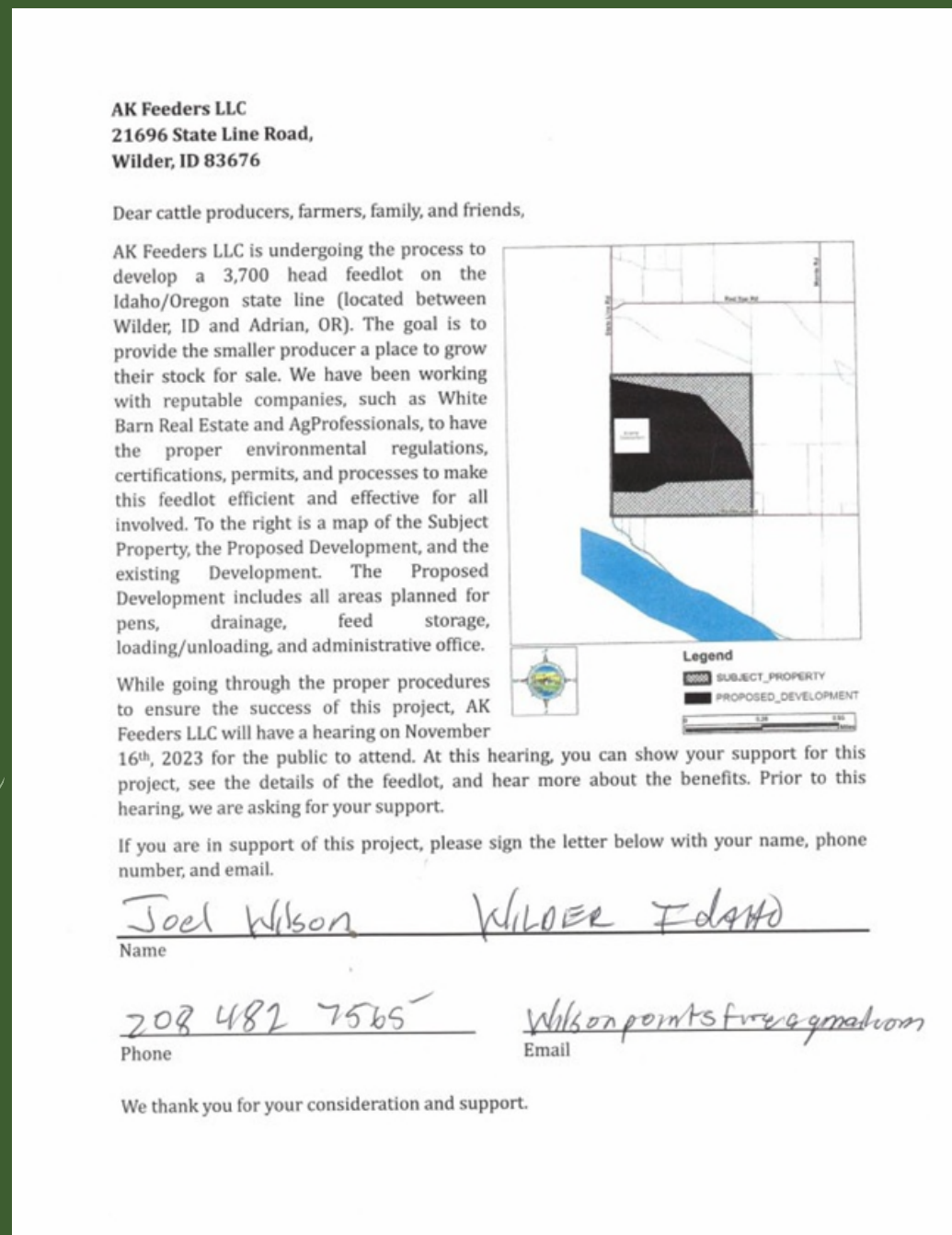


Andy Bishop

## HISTORICAL USE



As of 10/24/2023, we have received over 100 letters of support from Neighbors, Businesses, and area Farmers & Ranchers. Here are a few examples.



## **08-01-12: CRITERIA FOR APPROVAL OF EXPANDING CAFOS:**

(1) Prior to approval of a CAFO siting permit for an expanding CAFO, the commission shall find that the expanding CAFO meets the following requirements:

### **A. General Requirements:**

1. The expanding CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.
2. The expanding CAFO shall comply with and not be in violation of any federal, state or local law or regulatory requirements.
3. An applicant shall not begin construction of an expanding CAFO prior to approval of the CAFO siting permit.
4. An expanding CAFO shall comply with IDAPA rules governing dead animal disposal.

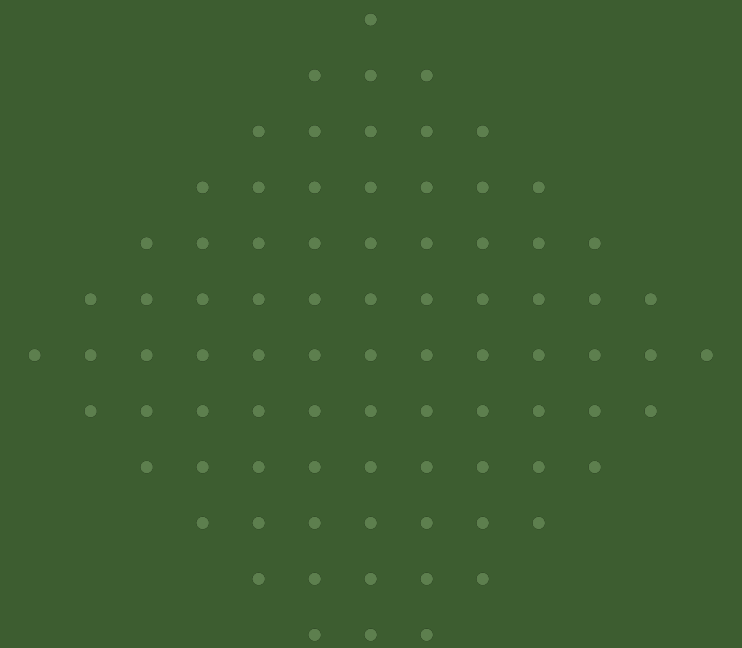
### **B. Animal Waste:**

1. The expanding CAFO shall comply with the terms of its nutrient management plan for land application.
2. The expanding CAFO shall be in compliance with all applicable environmental regulations and requirements.
3. All new lagoons shall be constructed in accordance with state and federal regulations.

### **C. Site Setbacks:**

1. The locating of animal waste systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the expanding CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.
5. The animal waste system shall not be located closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
6. No animal waste system shall be located closer than one hundred feet (100') from a domestic or irrigation well.
7. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
8. The setbacks contained herein shall not apply to land application.

**D. Exemption To Subsection (1)C Site Setbacks:** Existing agricultural buildings, feed bunks, feed racks, corrals and feed storage areas, including feed products resulting from the ensilage process, are exempt from the setback requirements provided they are not being expanded. Certain land parcels





# THANK YOU!

(208) 412-9803

[www.mywhitebarn.com](http://www.mywhitebarn.com)

[matt@mywhitebarn.com](mailto:matt@mywhitebarn.com)

**Debbie Root**

**From:** DEBBIE CARDOZA <dcardflash@aol.com>  
**Sent:** Wednesday, November 8, 2023 10:27 AM  
**To:** Debbie Root  
**Subject:** [External] Violating our rights

cc: Planning & Zoning Commissioners for CU2022-0036 AK Feeders

Dear Ms. Root,

Thank you for providing us with another response. While we appreciate your several efforts to rewrite the law to deny us our rights, once again, the Canyon County Zoning Law CCZO 07-01-15(3) states: “**(3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.**” The “shall be” in this law means **mandatory and required.**

The law does not state that the purpose of the neighborhood meeting shall be to review the “**initial** proposed plan” as you have stated, otherwise the lawmakers would have written it that way. It does not state that the neighborhood meeting shall be “to potentially incorporate that feedback into their project plans” as you stated, then, in this case, to present an entirely different plan to the County. No. It states that the neighborhood meeting requires the review of the **actual** “proposed project and discussion of neighborhood concerns.” We have been denied both a review of the **actual** proposed project and discussion of concerns with the Applicant at a Neighborhood Meeting as the law “requires”.

As we told you before, the plan on your website is completely different from what we were shown at the Neighborhood Meeting. The location of the “project” is in an entirely different place; the “project” is on entirely different parcels of land; the size of the project is completely different; the number of cattle is entirely different, etc. We would have had entirely different questions to ask the Applicant at the Neighborhood Meeting had we been shown the plan now on your website and we were denied that opportunity provided to us under the law.

You stated, “...the meeting is intended to provide the applicant feedback and concerns from the neighborhood/property owners in the vicinity, and to potentially incorporate that feedback into their project plans.” Please provide us with the statute that confirms your statement.

Your statement, “You have submitted meaningful and thoughtful response/concerns with regards to the project” is incorrect. Our response to you has been about the violation of our rights under the law, not about the project. Again, our rights under Canyon County Zoning Law





## Debbie Root

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**From:** DEBBIE CARDOZA <dcardflash@aol.com>  
**Sent:** Monday, November 6, 2023 11:11 AM  
**To:** Debbie Root  
**Subject:** Re: [External] CU2022-0036

Ms. Root,

Thank you for your timely response, as you can probably tell by now this means everything to myself and my husband and family. With the interest rates at almost 8 percent and the fact that the home we bought (not next door to a feedlot) will depreciate in value if a CAFO goes in, gives us little hope to find another place to live. My husband (74) has asthma and COPD and is retired, he's also suffering from Lemeers Syndrome now which has put the brunt of this on me & I have been in survival mode. We are just trying to save our home and keep a roof over our heads where we can actually live the outdoor lifestyle we want and have the rights to as property owners and tax payers. I don't understand how one man has more rights than all the home owners surrounding him who object to this proposed feedlot which he started building last fall.

Sincerely,

Debbie Cardoza

Sent from my iPhone

On Nov 6, 2023, at 10:07 AM, Debbie Root <Debbie.Root@canyoncounty.id.gov> wrote:

Ms. Cardoza,

Thank you for your thoughtful response. I have spoken with our legal team prior to responding back to your email to Pam Dilbeck regarding the neighborhood meeting and information provided at that meeting. I am the planner of record and I am the appropriate contact for issues/concerns regarding case file CU2022-0036. I have received all of your letters and have incorporated them into the staff report for the Commission's review and consideration.

The neighborhood meeting is informational for both the potential applicant and the property owners/interested parties that attend the meeting. The applicant did present their initial proposed plan at the meeting. As stated before, the meeting is intended to provide the applicant feedback and concerns from the neighborhood/property owners in the vicinity, and to potentially incorporate that feedback into their project plans. This is typical and expected. The proposed plans are also often changed after staff, agency, or engineering review to meet requirements or to mitigate concerns that the public, agencies and staff may have.

Further, DSD at the direction of the Board of County Commissioners also provides the initial application online when the applicants submits for review. The County now also provides the documents in the case file that will be reviewed for the staff report and FCOs in a file posted online 40 days prior to the hearing and provides notice to property owners at that same time so that there is time to review the documents and project plans for comment by the public so that feedback can be incorporated into the analysis and review of the project.

You clearly received the notices for both the neighborhood meeting and for the public hearing. You have submitted meaningful and thoughtful response/concerns with regards to the project and those

As we told Ms. Dilbeck and you in our recent emails to you both, by not cancelling your November 16 hearing on AK Feeders and requiring AK Feeders to hold another Neighborhood Meeting so property owners can review the **actual** “proposed project” as required by law, you are knowingly and purposefully denying us our legal right to “review the proposed project” under CCZO 07-01-15(3). By not cancelling the November 16 hearing, you have also now denied us our right to provide meaningful written testimony.

As we stated in our October 27, 2023 letter to the P&Z Commissioners, the U.S. Constitution and Idaho Supreme Court precedent do not allow County officials to violate our Constitutional rights, yet that is exactly what you have done. We call upon you again to cancel your November 16, 2023 hearing on AK Feeders until such time AK Feeders holds another Neighborhood Meeting and, this time, presents us with the **actual** “proposed project” as the law requires. As you know, AK Feeders did not just “modify their plans”, they completely changed them, e.g. totally different location, different size of project, etc. For future reference, our names are “Mrs. Cardoza” and “Mrs. Isaak” not “ladies”.

---

Debbie CardozaSusan Isaak

cc: P&Z Commissioners for CU 2022-0036 AK Feeders

Sent from my iPhone

RECEIVED  
▶ OCT 30 2023 ◀  
RECEIVED  
*Late*

AK Feeders LLC  
21696 State Line Road,  
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16<sup>th</sup>, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28<sup>th</sup>.

We thank you for your support.

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Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, *James S. Johnson* am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

*727 Loyall Rd.*  
*Adrian, Oregon 97901*  
Address

*508 550 7414*  
Email/Phone Number



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28<sup>th</sup>.

We thank you for your support.



Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Rhyan Gallegos, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

26749 Old Fort Boise RD  
Address

208-604-4594  
Email/Phone Number



**AK Feeders LLC**  
**21696 State Line Road,**  
**Wilder, ID 83676**

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I, Ray & Vickie Rueth, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

26749 Old Fort Boise Rd.  
Address PARMA ID 83660

rdairy@email.com  
Email/Phone Number

