



**Board of County Commissioners**  
**Canyon County Development Services Dept.**  
**Addendum – Case #CR2023-0006/SD2023-0009**

**HEARING DATE:** April 17, 2024

**OWNER:** Martin Maestrejuan

**APPLICANT/REP:** Kurt L. Smith, Intermountain Engineering  
Todd Lakey, Borton-Lakey Law

**PLANNER:** Dan Lister, Principal Planner

**CASE NUMBER:** CR2023-0006/SD2023-0009

**LOCATION:** 18357 Batt Corner Road, R37244011

**ADDENDUM SUMMARY**

On January 18, 2024, the Board of County Commissioners heard Cases CR2023-0006 and SD2023-0009. After considering the staff report and exhibits, testimony, and exhibits provided during the hearing (Exhibit 14), the Board made a motion to approve Cases CR2023-0006 and SD2023-0009 (Exhibit 15). Since the amended FCOs constitute as a material change per the Idaho Code §67-6511(c) and 67-6509(b), the amendment requires a second public hearing to consider the requested changes. The Board directed staff to return at the second hearing with amended FCOs and conditions of approval. All recommended conditions regarding building envelopes are to be removed.

As directed by the Board of County Commissions, FCOs for CR2023-0006 and SD2023-0009 are provided with recommended conditions of approval (Exhibits 23 & 24). As requested, the FCOs are similar to the draft FCOs provided to the Planning and Zoning Commission on November 2, 2024 (Exhibits 8 & 9).

**COMMENTS**

Notice for the April 17, 2024, public hearing was completed per CCZO §07-05-01. Affected agencies were noticed on March 4, 2024. Property owners within 600' from the exterior boundaries of the subject parcel were noticed on March 4, 2024. A newspaper notice was published on March 9, 2023. A notice was posted on the subject property on March 4, 2024.

The following comments were received:

- The applicant submitted the Homedale City Council minutes from June 14, 2023. The minutes show the request to connect to Homedale's city water was rejected (Exhibit 16).
- City of Nampa (Exhibit 22): No comments.
- Gail Delihant, representing neighbors in opposition to the subject cases, requested the hearing of the case be moved to April 25, 2024 (Exhibit 17). Mrs. Delihant then requested to attend the hearing via Zoom. The request was denied.
  - o See Exhibit 15 for Mrs. Delihant's testimony in opposition. See Exhibit 5q for Mrs. Delihant's letter of opposition.
- Camas Villafana submitted a letter of opposition (Exhibit 18). The letter expresses concerns regarding the residential subdivision being adjacent to her family's active farmland and the traffic impacts that currently exist and will increase due to the development. The letter also expresses concerns regarding future complaints from the residential subdivision regarding the noise, dust, lights, and odd hours from her family's agriculture operation. Based on these concerns, the

Villafanas find the use incompatible at this time and an agricultural economic impact that does not align with Goals 12.01.00 and 12.02.00 and Policy 12.01.02 and 12.02.00 of the 2030 Canyon County Comprehensive Plan.

- Debra Williams submitted opposition comments that reference her previous opposition letters (Exhibit 5f & 5m). Concerns include traffic impacts (blind spot at the corner of Batt Corner Road and Boehner Road) and the development's impact on groundwater quality and quantity.
- George Crookham e-mailed a letter from the DeRuyter Family withdrawing their previous support letter, Exhibit 5b (Exhibit 20). The DeRuyters find the request premature and would drastically impact the character of the area and their farming operations.
- Jason and Diana Tindall of Broken Fork Cattle Company submitted a letter of opposition (Exhibit 21). The letter expresses concerns about the decision having an adverse effect on the local environment, infrastructure, and overall quality of life. The Tindalls find the conversion of agricultural lands into residential areas risks irreversible damage to the environment diminishing the ability to sustain agriculture and would result in the loss of valuable farmland critical for food production. Additionally, the Tindalls find the development creates strain on the existing infrastructures like roads, schools, and utilities such as water.

### **DECISION OPTION**

As directed by the Board of County Commissioners at the January 18, 2024, public hearing, DSD staff has provided revised FCOs for approval for the Board to consider.

The Board has the following decision options:

- Approve Cases #CR2023-0008 and SD2023-0009 as drafted or modified by the Board;
- Deny Cases #CR2023-0008 and CR2023-0009 and direct staff to bring back revised FCOs; or
- Table the hearing to request additional information from the applicant or staff.

If approved, the following actions are required by the Board in the following order:

1. Sign the CR2023-0006 FCOs (Exhibit 23)
2. Sign the development agreement (Exhibit 25)
3. Sign the ordinance amending the zoning maps (Exhibit 26); and
4. Sign the SD2023-0009 FCOs (Exhibit 24)

### **EXHIBITS**

14. Late Exhibit submitted during the January 18, 2024 hearing by the applicant
15. BOCC Hearing Minutes – January 18, 2024
16. Maestresjuan – Homedale Minutes
17. Gail Delihant – Move Hearing Date Request
18. Villafana - opposed
19. Debra Williams – opposed
20. George Crookham – DeRuyter opposition
21. Jason & Diana Tindall, Broken Fore Cattel Co. – Opposed
22. City of Nampa
23. Draft Revised FCOs – CR2023-0006
24. Draft Revised FCOs – SD2023-0009
25. Draft Development Agreement
26. Draft Ordinance

*See January 18, 2024, Staff Report for all exhibits (Exhibits 1 through 13) posted as preliminary hearing materials on the County website under Land Hearings, BOCC Hearings, April 17, 2024, at 1:30 P.M., Maestresjuan/Flying Arrow Subdivision CR2023-0006 & SD2023-0009, preliminary Hearing Materials*



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**From:** Rebecca Goehring  
**Sent:** Monday, January 8, 2024 1:48 PM  
**To:** Martin Maestrejuan  
**Subject:** RE: Sample Reasons

Hi Martin,

The Wilder area is in the Ada Canyon Nitrate Priority Area. Every 5 years DEQ samples private domestic wells in order to test water in the aquifers. DEQ is not testing private wells per say, DEQ is using the private wells to pull water samples from the aquifer.

In July of 2023, I sent permission letters to all well owners that had previously let us sample their wells. In addition, I sent some letters asking permission to sample wells we had not sampled before that met our criteria for a "shallow" well. A shallow well is a well that has 50 ft or less between the static water level and the first depth that the well casing is open to groundwater.

In 2023, DEQ had some additional money for sampling, so we sampled all 121 wells in the Ada Canyon Nitrate Priority Area for arsenic and uranium as well.

We found several areas in Ada and Canyon counties that have arsenic in the shallow aquifer. I have attached a map that shows the general areas of wells with arsenic above EPA's maximum contaminant level (MCL). Arsenic is not a new pollutant in the Treasure Valley aquifers. I collected arsenic samples in 2012 in Ada and Canyon counties and found many wells with arsenic above the MCL. There have been many studies conducted on arsenic levels in the Treasure Valley by several.

The source of arsenic in the Treasure Valley aquifers appears to be the degradation of prehistoric silts, sands, and gravels from the Lake Idaho complex. As these older minerals degrade, the arsenic is released from the rock. As you can see in the attached map, many wells in Ada and Canyon counties do have arsenic levels above the MCL. The wells in the Wilder area that contained arsenic were less than 100 feet in depth and those wells also met our nitrate shallow well criteria.

Please do not hesitate to contact me if you have additional questions,

Rebecca Goehring



**Rebecca Goehring | Water Quality Analyst**  
Idaho Department of Environmental Quality  
1445 North Orchard Street  
Office: (208) 373-0426  
[Rebecca.goehring@deq.idaho.gov](mailto:Rebecca.goehring@deq.idaho.gov)  
<http://www.deq.idaho.gov/>

*Our mission is to protect human health and the quality of Idaho's air, land, and water.*

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**From:** Martin Maestrejuan <[mmaestrejuan@hotmail.com](mailto:mmaestrejuan@hotmail.com)>  
**Sent:** Monday, January 8, 2024 12:45 PM  
**To:** Rebecca Goehring <[Rebecca.Goehring@deg.idaho.gov](mailto:Rebecca.Goehring@deg.idaho.gov)>  
**Subject:** Sample Reasons

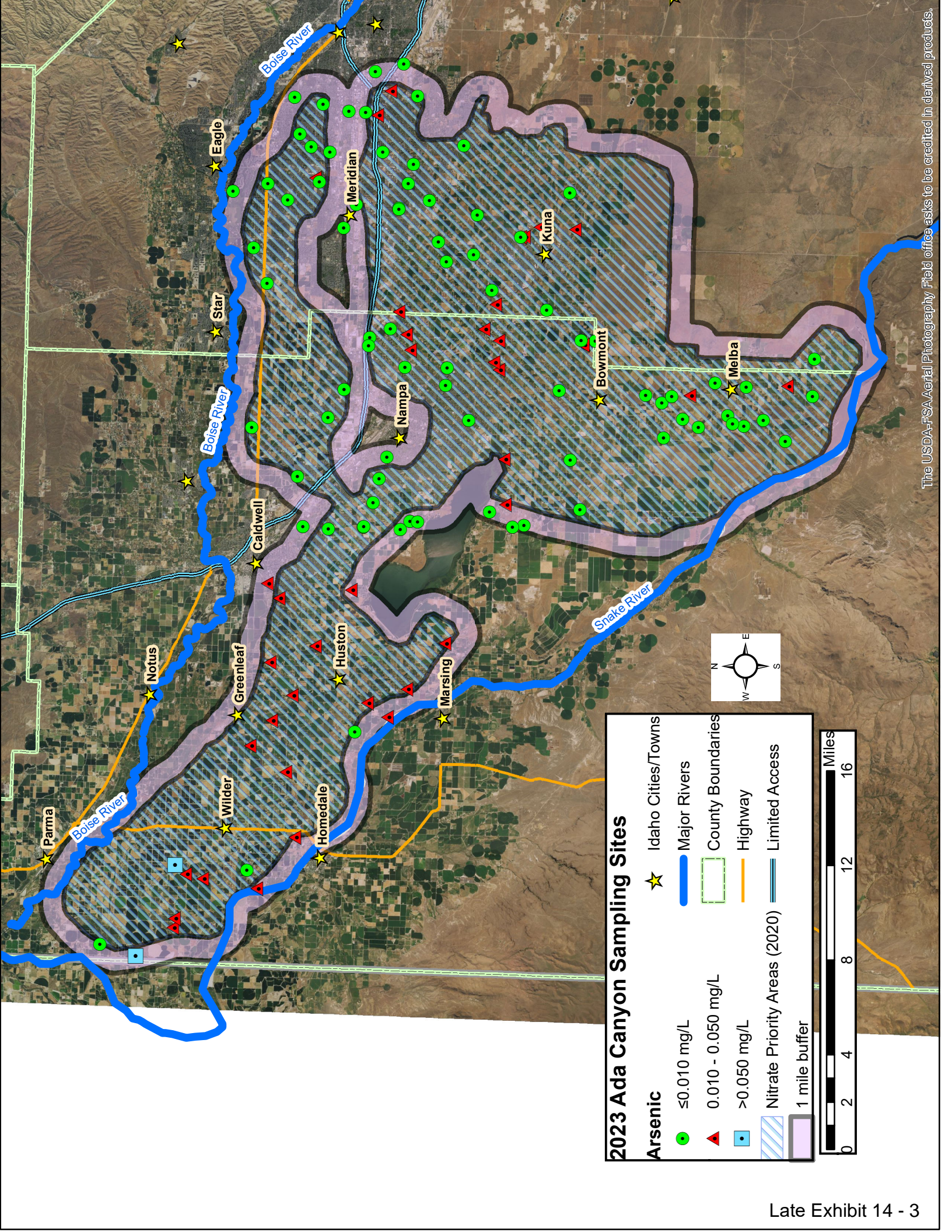
**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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What was your reason for sampling wells in the Wilder area?

Get [Outlook for iOS](#)









# WILDER RURAL FIRE PROTECTION DISTRICT



Chris Wolf  
Commissioner Dist 1

601 Patriot Way  
Wilder, ID 83676

Steve Rhodes  
Fire / EMS Chief

Brandon Badiola  
Commissioner Dist 2

208-482-7563

Chad Christiansen  
Assistant Chief

Mike Gooding  
Commissioner Dist 3

Jeanne Maloney  
Secretary

January 9, 2024

To: Martin Maestrejuan

Subject: **CCDSD Case # CR2023-0006/SD2023-0009  
Flying Arrow Landing Subdivision Application**

This letter documents a meeting between Martin Maestrejuan and Wilder Rural Fire Protection District concerning the following issues surrounding the proposed subdivision.

1. Wilder Rural Fire Protection District is responsible for providing EMT and Fire services for the proposed subdivision to be located in the area of Bohner Road and Batt Corner Road.
2. If the proposed development is not tied into city water, Wilder Fire will respond with one engine, a tender and mutual aid from Homedale Fire and Caldwell Fire.
3. Developer needs to follow all International Fire and Canyon County codes for subdivision road widths and appropriate turnarounds. All roads within the development need to be complete and approved before any building can begin.
4. For non-municipal water systems, homes that are greater than 3,600 square feet (including the garage), the property owner has the following water supply options:
  - **Private and/or Community Well:** A fire hydrant, supplied by a private and/or community water system, located within 1,200 feet driving distance of the residence. The hydrant shall be capable of supplying 1,500 GPM. For a private and/or community well to be considered as a water supply, the owner will be required to provide fire flow information from the water purveyor that verifies the well is capable of the required fire flow.
  - **Elevated and Pressure Tanks:** A fire hydrant, supplied by a tank with a water capacity of 180,000 gallons, located within 1,200 feet driving distance of the residence.
  - **NFPA 13D Fire Sprinkler System:** In lieu of the above water systems, an NFPA 13D fire sprinkler system may be installed in the residence, Plans for the design of the fire sprinkler system are required to be submitted to the fire jurisdiction for review and approval. Installation inspections of the system will be conducted by the fire jurisdiction.

If you have any questions, don't hesitate to call me at 208-482-7563.

Sincerely,

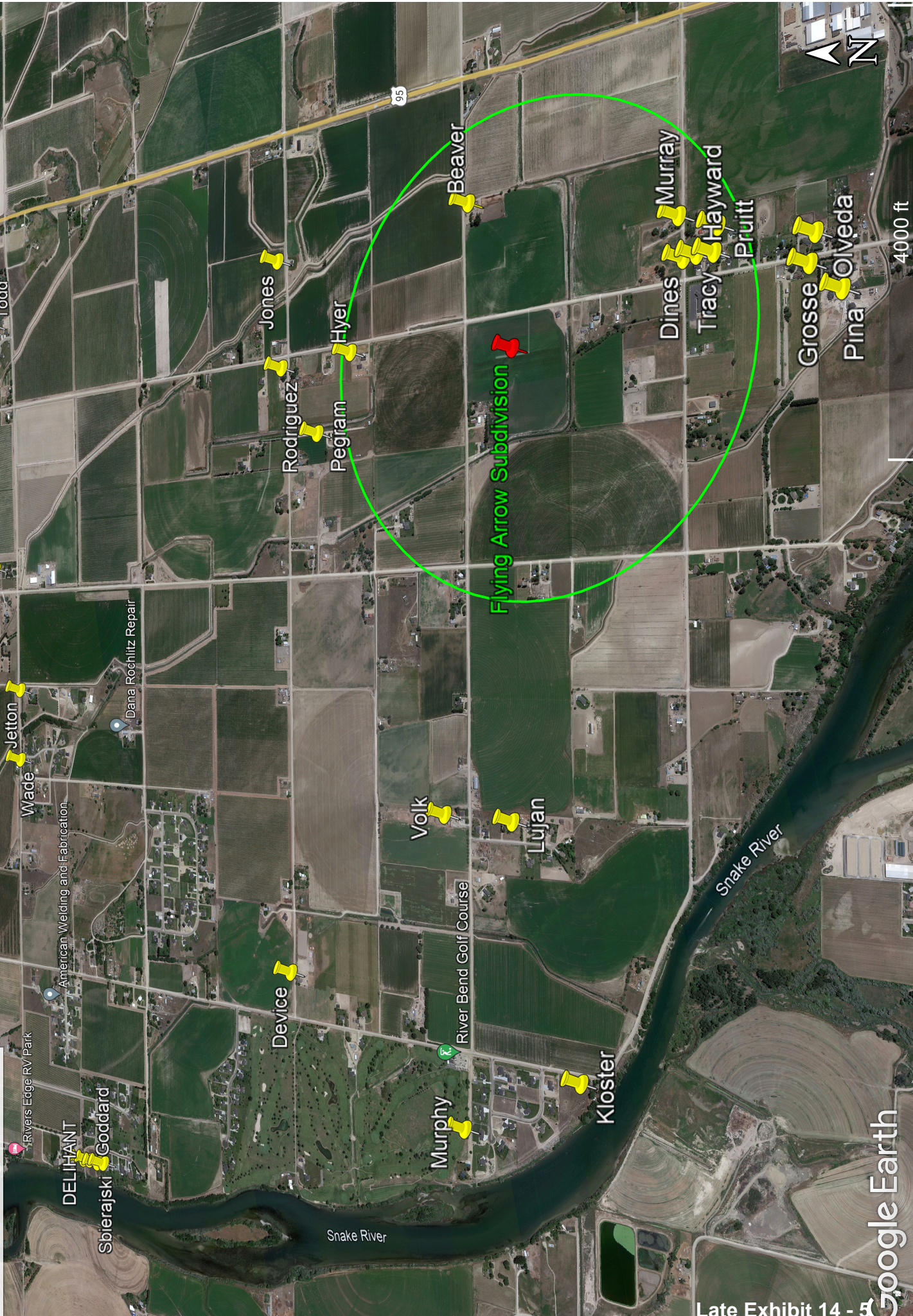
  
Chad Christiansen

CC/jmm



# Opposition Map

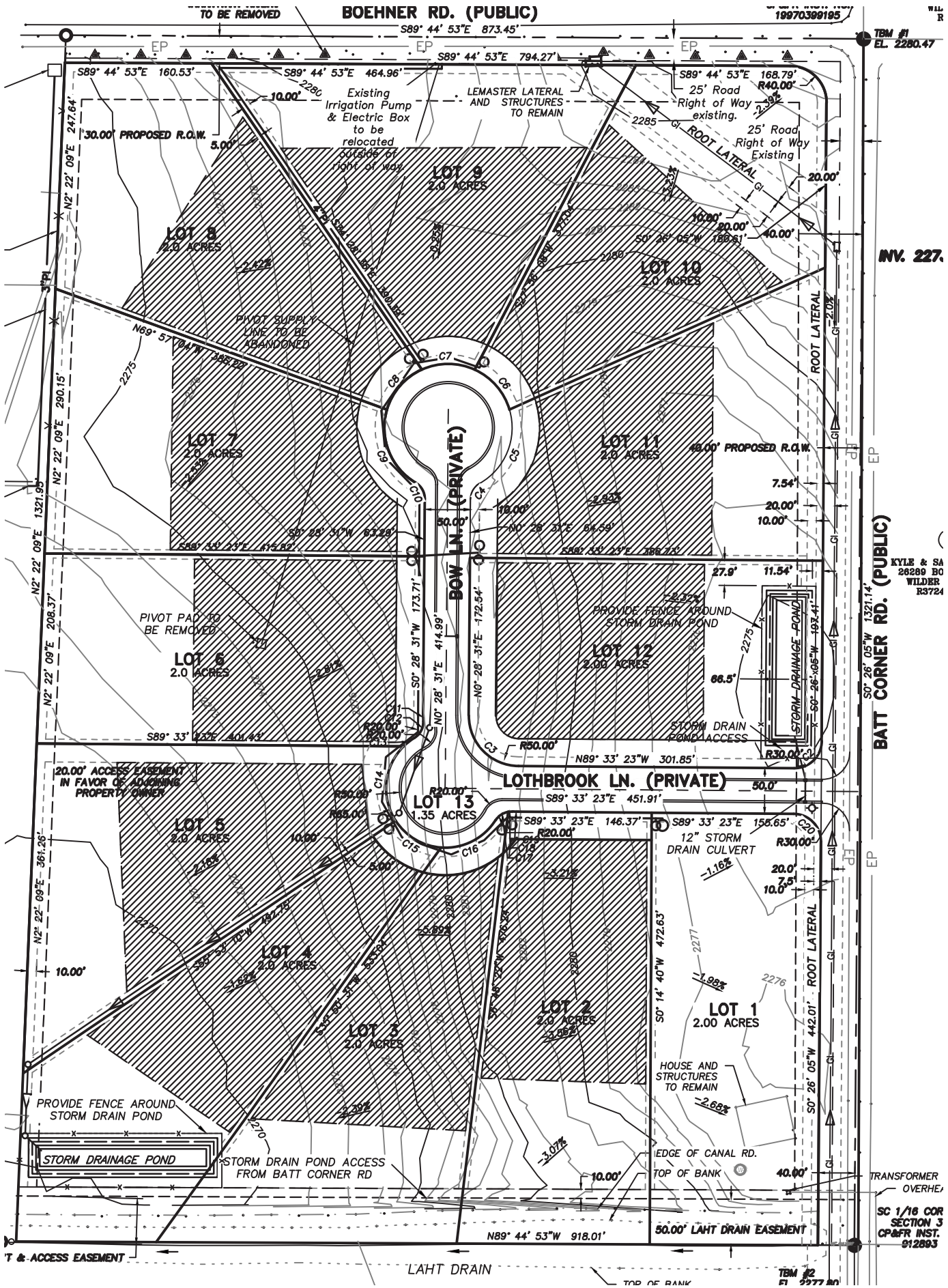
# Legend





List of names and addresses from Exhibit 5q of the staff report.

Jacob Hyer	18769 Batt Corner Rd. Wilder, ID 83676	.5 Mi, 19.66 Ac
Mike & Kerry Dines	17968 Batt Corner Rd. Wilder, ID 83676	.5 Mi, 1.14 Ac
Jeremy Tracy	17956 Batt Corner Rd. Wilder, ID 83676	.5 Mi, 1 Ac
Connie & Hayward	17934 Batt Corner Rd. Wilder, ID 83676	.6 Mi, 1 Ac
Amanda Murray	26415 Ustick Rd. Wilder, ID 83676	.6 Mi, 4 Ac
Aundrea Pruitt	26453 Ustick Rd. Wilder, ID 83676	.6 Mi, 2.98 Ac
Juan Rodriguez	26545 Upper Pleasant Ridge Rd. Wilder, ID 83676	.7 Mi, 4.96 Ac
Gene Grosse	26530 Noah's Landing CL. Wilder, ID 83676	.8 Mi, 1 Ac
Diane Pina	26581 Noah's Landing CL. Wilder, ID 83676	.8 Mi, 1 Ac
Ruth Olveda	17700 Batt Corner Rd. Wilder, ID 83676	.8 Mi, 1.01 Ac
John Jones	26283 Upper Pleasant Ridge Rd. Wilder, ID 83676	1 Mi, 3.13 Ac
Alice Pegram	26629 Upper Pleasant Ridge Rd. Wilder, ID 83676	1.3 Mi, Hyer Ac
Vahan & Zae Sipantzi	26792 Upper Pleasant Ridge Rd. Wilder, ID 83676	1.3 Mi, 4.69 Ac
Jake & Anne Volk	27516 Boehner Rd. Wilder, ID 83676	1.3 Mi, 20.1 Ac
Jacob Lujan	18338 Bellomy Ln. Wilder, ID 83676	1.5 Mi, 1.81 Ac
Clinton & Laura Murphy	28152 Running River St. Wilder, ID 83676	1.9 Mi, 1.06 Ac
Bonnie & Paul Kloster	18039 Fish Rd. Wilder, ID 83676	2 Mi, 5.78 Ac
Jerry & Sandra Todd	20018 Silver Spur Dr. Wilder, ID 83676	2 Mi, 1 Ac
Dana & Luanne Device	27915 Upper Pleasant Ridge Rd. Wilder, ID 83676	2.1 Mi, 20 Ac
John & Sherry Jetton	27255 Lower Pleasant Ridge Rd. Wilder, ID 83676	2.7 Mi, 6.02 Ac
James & Susan Wade	19941 Wilson Ln. Wilder, ID 83676	2.8 Mi, 1 Ac
<b>GAIL &amp; DAVE DELIHANT</b>	<b>19761 Whitecap Ct. Wilder, ID 83676</b>	4 Mi, 1.28 Ac
Christina & Curtis Harvey	19693 Whitecap Ct. Wilder, ID 83676	4 Mi, 1.04 Ac
Randy & Ruth Sobierajski	19643 Whitecap Ct. Wilder, ID 83676	4.1 Mi, 1.28 Ac
James Goddard	19615 Whitecap Ct. Wilder, ID 83676	4.1 Mi, 1.28 Ac
Sarah Beaver	26289 Boehner Rd. Wilder, ID 83676	600', 39.98 Ac



INV. 227.

KYLE & SA  
 26289 BO  
 WILDER  
 R3724





**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **deny** Case #CR2021-0010, a conditional rezone from an "A" zone (Agricultural) to an "CR-R-R" zone (Conditional Rezone/Rural Residential) for Parcel No. R37244011, also denied is the development agreement.




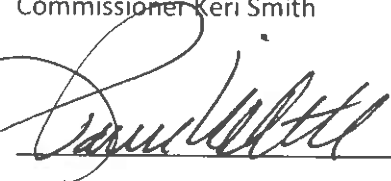
Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

1. Demonstrate how the conditional rezone is consistent with Canyon County Comprehensive Plan goals and policies.
2. Demonstrate how the conditional rezone to "R-R" is compatible with the agricultural area and/or how mitigation measures could create compatibility with the surrounding land uses.
3. Demonstrate how the rezone to "R-R" will not negatively impact surrounding uses or how mitigation measures could prevent negative impacts to the surrounding uses and character of the area.

**DENIED** this 22<sup>nd</sup> day of March 2022.

**BOARD OF COUNTY COMMISSIONERS**

**CANYON COUNTY,**

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	/	_____	_____
 _____ Commissioner Keri Smith		_____	_____
 _____ Commissioner Pamela White	/	_____	_____

Attest: Chris Yamamoto, Clerk

By: Jensen Ross

Date: 3/28/22

Deputy

Commissioners Minutes

January 18, 2024 – 1:31 p.m. to 4:17 p.m.

**PUBLIC HEARING – REQUEST BY MARTIN MAESTREJUAN FOR A CONDITIONAL REZONE FROM AN “A” (AGRICULTURAL) ZONE TO A “CR-R” (CONDITIONAL REZONE - RURAL RESIDENTIAL) ZONE, AND A PRELIMINARY PLAT AND IRRIGATION PLAN FOR FLYING ARROW LANDING SUBDIVISION, CASE NO. CR2023-0006/SD2023-0009**

Commissioners Brad Holton, Zach Brooks and Leslie Van Beek

Principal Planner Dan Lister

Planning Supervisor Carl Anderson

Martin Maestresjuan, Jake Telford, L. Kurt Smith, Todd Lakey, Sarah Maestresjuan, TJ Wellard, Becky Temple, Alan Mills, Matt Lauder, Robert Richner, Rowe Sanderson, Connie Aebischer, Gail Delihant, David Delihant, George Crookham, Paul Kloster, Keri Smith, other interested citizens

Deputy Clerk Monica Reeves



PUBLIC HEARING – REQUEST BY MARTIN MAESTREJUAN FOR A CONDITIONAL REZONE FROM AN “A” (AGRICULTURAL) ZONE TO A “CR-R” (CONDITIONAL REZONE - RURAL RESIDENTIAL) ZONE, AND A PRELIMINARY PLAT AND IRRIGATION PLAN FOR FLYING ARROW LANDING SUBDIVISION, CASE NO. CR2023-0006/SD2023-0009

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Martin Maestresjuan for a conditional rezone of approximately 27.17 acres from an “A” (Agricultural, 40-acre minimum lot size) zone to a “CR-R-R” (Conditional Rezone - Rural Residential) zone. The request includes a development agreement. The request also includes a preliminary plat and irrigation plan for Flying Arrow Landing Subdivision, consisting of 12 residential lots and 1 private road lot. The subject property is located at 18257 Batt Corner Rd, also referenced as Parcel R37244011. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Principal Planner Dan Lister, Planning Supervisor Carl Anderson, Martin Maestresjuan, Jake Telford, L. Kurt Smith, Todd Lakey, Sarah Maestresjuan, TJ Wellard, Becky Temple, Alan Mills, Matt Lauder, Robert Richner, Rowe Sanderson, Connie Aebischer, Gail Delihant, David Delihant, George Crookham, Paul Kloster, Keri Smith, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek said she was part of previous Board that looked at this case under a different comprehensive plan.

Principal Planner Dan Lister gave the oral staff report for Case No. CR2023-0006 and Case No. SD2023-0009 separately. Regarding the rezone, the parcel was created through a conditional use permit and was purchased by the applicant in 2014 and in 2016 a house was constructed. An application came before the Board in 2021 for a comprehensive plan amendment based on the 2020 comprehensive plan, a conditional rezone, and a plat request. The application was denied by the P&Z Commission and the Board of Commissioners. This is a brand new application but for same type of development. The 2030 comprehensive plan shows the area as rural residential, and

the designation provides for rural transition areas to create a boundary between agricultural and urban areas. The property is within the City of Homedale Impact Area although the City has no real designations for this location, they rely on the County's maps and decisions.

The area is predominately zoned agricultural with associated dwellings and accessory structures and uses, and a lot of large agricultural properties surround this property. The average lot size is 24.31 acres. Between 2013 and 2021 there have been seven rezones in this location, four of which were conditional rezones and included buffers and building envelopes. Within a one-mile radius there are 7 platted subdivisions with a total of 48 lots; there is residential and commercial designations approximately 2,500 feet away from the subject property. The character changes south of Ustick Road where residential and commercial designations are supported closer to Highway 95. The surrounding properties in the area are prime farmland consisting of class 3 soils. The majority of the properties in the area appear to be agricultural in use. Future development will require individual wells and septic systems since there are no city services for sewer. The property is adjacent to Homedale's city well, but the City has said they do not want to use it for this type of development, they would rather have it for commercial industrial. They have waived the requirements for that use and other subdivision requirements other than sidewalks. The property has approx. 22 acres of water rights, and has frontage along Boehner Road and Batt Corner Road. A private road was approved. Golden Gate Highway District finds the development, as conditioned, will not adversely affect the traffic patterns at Batt Corner Road or Boehner Road. Any mitigation measures and conditions will be addressed at the time of platting. Wilder Fire District said their response time is 8-10 minutes and they will review the access at time of the plat. The potential impacts: This is designated as rural residential, a transition area between agricultural and the urban areas. We do not have a code for that type of rural residential transition so the code that's in place is the rural residential we've had for a long time that was originally slated for areas that are going to be residential so it doesn't include buffering and things of that manner which are talked about in our guidance of the comprehensive plan and the actions after to develop that code. We do not have enough there to identify what is a transition area and what kind of things we need to make it a transition area. The applicant proposed conditions and CC&R's they would apply to the division to try to maintain the agricultural character, and staff added a few more: no secondary dwellings that would reduce the amount of traffic that could be generated; a one-acre building envelope on each lot located toward the frontage of the property so the back can remain open to allow for a buffer all the way around except for one of the lots that is already built on, and to be able to be developed in a way to create a buffer and an area that's guaranteed to be used for some type of agricultural use. If approved, the applicant requests the building envelopes be 1 ½ acre, not 1 acre. Planner Lister reviewed the draft development agreement conditions. The P&Z Commission was concerned about CC&R's because a lot of them are not upheld and are sometimes removed, so some of the conditions that are to protect agriculture sometimes go away. If there are a number of those we can put into the development agreement they feel it could be locked in, but at the same time we have to talk about enforceability. Staff received a number of comments from the public, 5 letters in support and 7 letters in opposition. Following his report, Mr. Lister responded to questions from the Board. The previous application

came in under the 2020 comprehensive plan where the property was located outside of the residential land use designation; it was in the ag designation so they had to do a comprehensive plan amendment, rezone, and platting. The new 2030 comprehensive plan came up with the transitional area which is called rural residential, and with that there is the definition allowing this transitional area for residential use between agriculture and urban to provide that buffer, and so that is the major change in our land use map is that new designation and the area shown for that designation which this lies within so it does not need a comp plan amendment. Planner Lister said staff did not receive any comments from Homedale and all the information staff received is the water study the applicant did with the City and their conversations through their application where the City said they would rather provide the service to a higher use, like a commercial industrial use, and so if that is the case the City should update their area of city impact agreement and talk to DSD about aligning that, but until then they have no designation in that location and they rely on the County for those designations. CC&R's - goes against county policy due to enforcement issues. On November 2, 2023, the Planning and Zoning Commission recommended the Board of County Commissioners deny Case Nos. CR2023-0006 and SD2023-0009, and they signed Findings of Fact, Conclusions of law, and Orders (FCOs) on November 16, 2023. They found this to be premature; is too far away from Ustick Road where there is evidence of residential commercial growth; the area is still agricultural and the request is inconsistent with the surrounding area. Staff provided FCO's based on the recommendation of denial. Regarding the preliminary plat for Flying Arrowing Landing Subdivision: The development consists of 12 lots with 1 road lot. Lot 5 includes a 20-foot wide access easement for Parcels R37244 per an agreement between the developer and the neighbor. The size of the easement does not meet County requirements for residential ingress/egress so it will be an agricultural access only. The average lot size will be 2 acres, water by individual wells and septic systems. The City of Homedale defers to Canyon County. The property has water rights through Wilder Irrigation District, and the preliminary plat identifies the pressurized irrigation line that would service all lots. The plat shows a new pump station and irrigation piping for the adjacent neighbor. Storm drainage swales are located on Lots 4 & 12. Staff recommended a number of conditions, and the engineer found it to be consistent with the subdivision ordinance. The P&Z Commission found the conditional rezone to be inconsistent with our requirements and therefore recommended denial which automatically denies the plat. The Board had follow-up questions. Planner Lister informed the Board that he received an email from Gail Delihant this morning requesting additional time to testify as she is representing 39 property owners who signed the petition in opposition. The Board will decide on this request later in the hearing.

The following people testified in favor of the request:

Todd Lakey asked if the Board would allow the submission of late exhibits: a letter from DEQ regarding water sampling, and a map of the sampling sites; an updated letter from Wilder Fire Department; and information regarding the opposition pertaining to a map of location, addresses and acreage. Following comments from the Board and Mr. Lakey, the packet of information was allowed into the record and was identified as Exhibit #14.

Mr. Lakey believes the P&Z Commission took an overzealous perspective to denying this rural residential use request, and they ignored the comprehensive plan designation and the fact that the property is in the Homedale area of impact, and that this small project is consistent with the character of the area. Mr. Maestrejuan lives on the property and when he applied for a similar project a couple of years ago it included a comp plan amendment because it was not designated for residential use and was outside the impact area. The Board denied the request and when describing what the applicant could do to gain approval, they said to demonstrate how the application complies with the comprehensive plan; it clearly complies with the comprehensive plan now. The area of impact was expanded and the comprehensive plan designation was changed so it complies. The project will consist of 12 lots, 2 acres in size with nice custom homes and there will be CC&Rs that will ensure quality and prohibit future splits. There will not be any significant impact, there is a strong stable aquifer, and traffic will be minimal. The character of the area has changed because of the designations and expansion of the area of impact and there are other existing similar lot sizes and subdivisions in the area. Contrary to some of the opposition's assertions, he did not say the City of Homedale supported the application, the City has no objection or concerns. Mr. Maestrejuan met with the City and had his engineer perform an update on the water modeling and noted there is a city well south of the property. The applicant has also conducted an NP study to demonstrate these lots will support individual well and septic. The City preferred to retain their well capacity for higher density residential and/or industrial/commercial when it gets there. It conforms with the comprehensive plan and map for the City of Homedale and Canyon County because they take the County's comprehensive plan and map and apply them in this area. There is existing R-R zoning to the south and conditional R-R zoning to the north. There are agricultural uses occurring in the area but it's also clear the area is transitioning to more rural residential-type use. Based on the change in the comprehensive plan this R-R zoning is more appropriate than requiring Mr. Maestrejuan to keep farming this 27-acre parcel with moderately suited sloped soils in an impact area that is designated for residential. The purpose of the area has been designated for residential growth, this is not about agricultural preservation in the future, it's in an impact area where growth is supposed to occur. Mr. Lakey said the opposition proposes that all growth needs to be on city services, that's code for essentially no rural residential growth and we know rural acreage lots do not pencil with all the city services, cities don't really want them, they don't fit in the area. It's appropriate to have acreage custom home subdivisions in the County and this is the area it's supposed to happen in. Under the comprehensive plan rural residential is supposed to be a transition to agriculture and that is clearly what this is and where this is. He referenced a letter of support from the DeRuyter Family who farms in the area. Following his testimony, Mr. Lakey responded to questions from the Board.

Jake Telford supports the request. He is a cow horse trainer who lives in the area and spoke about the demand for horse properties. The project offers a balance that's missing in the County and a 12-lot subdivision where people can raise a family, horses, and co-exist with the farming operations is something we need.

Alan Mills testified that out of 10 impact areas in Canyon County only 4 have the designation of R-R: Nampa, Parma, Notus, Wilder, Greenleaf and Melba have none as well as most of the rest of the County. We're at a point where we are either going to say everybody's going to live in the city or you will have a large farming operation, and there is no place for the hobby farmer. It's not balanced, but this project would balance that somewhat. He spoke of his personal experience with living on an acreage and the benefits hobby farmers bring by growing their own food and contributing to the economic business in Canyon County. There is high demand for this type of acreage and virtually no supply.

Kurt Smith, the project engineer, testified irrigation water rights are available and each lot will be served by a pressure irrigation pump station. The wells will be for household use only. There is a water quality issue in the area with arsenic and nitrates in the area water. He reviewed the letter from DEQ on this topic. The standard of care is to inform well owners that there is arsenic and nitrates in the area and recommend they get tests once the wells have been drilled. Arsenic and nitrates are different than other contaminants, they become part of the water and as they travel through the aquifer the filtration that occurs doesn't filter them out. When individual wells test for high levels the owners can provide a water softener system or a reverse osmosis system which will significantly reduce concentrations in the drinking water. Mr. Smith reviewed the letter from the Wilder Rural Fire District which states the developer needs to follow the international fire code and the County codes for subdivision and road widths and appropriate turnarounds. The roads within the development need to be complete and approved prior to construction. The applicant's proposal meets fire code. In a previous letter the fire marshal had recommended secondary access but it was not required. The applicant is complying with the international fire code and County codes. The City of Homedale asked the applicant to include curb and gutter on the roads which the applicant has done and as a result the right-of-way can be narrowed. Following his testimony, Mr. Smith and staff responded to questions from the Board.

TJ Wellard gave testimony regarding traffic and building envelopes. This is a small project and it does not warrant a traffic study. The owner is asking for a 1.5 acre building envelope, rather than 1 acre, to allow for the setbacks that are already in place. This property is naturally separated from adjacent properties via the drain ditch to the south and the field to the west.

Robert Richner has lived at Batt Corner Road for several years and he testified about the need for a project of this type.

Rowe Sanderson testified there is a huge demand for rural acreage lots of this size.

Martin Maestrejuan testified that he lives on the subject property and his application was denied in 2022 and he is here again based on the new comprehensive plan and he has met the recommendations on what he could do to gain approval. We do not have a code definition for transitional but we do have a definition for rural residential. The project is compatible with the area and it is possible to coexist with farming operations. He received a letter of support from the DeRuyter Family, a larger farming operation in the area. He testified about the subdivisions and

home sites in the area and said it is not his obligation to provide the state of Idaho farm land. This is a better opportunity for people to enjoy rural lots. The easement agreement on Lot #5 is a 20-foot easement agreement with his neighbor to the west, and he will put in a new pump station for the neighbor so he can continue farming. He wants to be a good neighbor and continue living on the property. He paid the City of Homedale's engineer to do the well engineer study based on public safety and said if there was a way to connect to city water and have it work for everybody he would do it. City water is 1,600 feet away from his property. A water study was done and it said the subdivision would handle water pressures if there was a fire and the City of Homedale waived that requirement because they would rather save water pressures for future growth within the city limits. He plans to put custom homes on the property. Following his testimony, Mr. Maestrejuan responded to questions from the Board.

The following people testified in opposition to the request:

Connie Aebischer testified she used to work as a planner for DSD 10 years ago and she is shocked by the growth in the area. The comprehensive plan is not saying this area is designated as R-R right now, it's saying in the future we see it being rural residential. She reviewed the drone footage noting it's all agriculture and the Board should go with what the P&Z Commission recommended because it's not yet time for this type of development. The FCO's discuss a crossing agreement as if it's been done, but the letter from Boise Project states it must be made and there isn't anything that says you need to comply with this so it needs to say you need to comply and make a crossing agreement. Commissioner Holton said Ms. Aebischer asserted that rural residential is a "not yet" and he asked her to direct him within the comprehensive plan where the delineation of "not yet" is. If it is a criterion, he would like to know what the guidance of "not yet" is. Ms. Aebischer said the comprehensive plan says in the future we see this area will be zoned rural residential, but at the moment it is still zoned as agriculture and so to do anything other than that we have to go through a process and at this point it's agriculture with large farms, it's not smaller lots.

Gail Delihant works for Western Growers Association which is an agricultural association and they have members in Idaho, California, Arizona, Colorado and New Mexico who grow fresh produce, and she is here today to offer testimony as a citizen who lives in Wilder. She requested a few more minutes for testimony since she has two proxies from people who could not attend the hearing, and she represents 39 people in the neighborhood who are opposed to the rezone. The Board allowed Ms. Delihant to have six minutes to provide testimony. When her well was drilled two years ago there were not any nitrates in the water and very minimal arsenic. Recently her well was tested and they are over the MCL for arsenic, and the MCL for nitrates is almost at 10. She has researched the hydrology and geology of the groundwater in the area and she agrees with the engineer that there is a lot of arsenic in the area and it is naturally occurring. As you pump more groundwater you will stir up the aquifer. 12 more wells will stir up the ground even more which is why she suggests new developments need to connect to city services. A continual drawdown without a lot of groundwater recharge will cause problems. She is not against development, but

she does oppose this development in the middle of active farming operations. She is aware of lawsuits filed against the Board over a feedlot in Wilder, and she supports agriculture and she does not want to see it go away. Canyon County and this area of Idaho is the #1 seed producing area in the west and we have to have seeds to grow food. Seed production is going to China and she doesn't want those seeds coming back from China to grow here. Septic systems leach nitrates and bacteria and the sandy soil does not filter it out. People do not realize they need to test their water or have water filtration systems installed. She asked the Board to deny the project until we see more of these rural developments start from Highway 95 and going north. It is irresponsible to have septic systems and wells plunked in everywhere. There are very strict EPA standards for farming with pesticides applications, and there are dust and smells associated with farming and farmers get sued when they don't comply.

Dave Delihant testified that the previous P&Z Commission and the current P&Z Commission, even after the revised 2030 comprehensive plan, and a previous Board denied this project and that should speak volumes for whether it's time for this project. The Homedale schools are impacted significantly so if we are trying to get more residences that is not a good option. The applicant's representative stated that the City of Homedale supports the request, however, there is nothing in writing that they do support it. We have an affordability crisis, not a housing shortage. In Canyon County there are 665 active listings today ranging from \$215,000 to \$2.8 million, a significant number of those are rural properties. The average days on market are 93 and climbing with 624 pending sales, so the market is pretty balanced right now. 28% of the households in Idaho do not own a home. He is opposed to irresponsible growth and although the revised plan may indicate the applicant can put something on the property, does that mean it's time for it. There are people considering if this request is approved they will ask for approvals on their properties as well. The project will bring traffic issues, congestion and more interference with agriculture. He said the process is not working and the voice of the people is being squelched.

Paul Kloster testified about his concerns with water supply and water quality and contaminates in the area.

Rebuttal testimony was offered by Todd Lakey. This is about balance and saying everything has to be urban and on city services is not balanced. You designate areas of impact, and land uses for rural residential to promote that balance to allow this type of rural residential development in appropriate locations and the County has decided this is an appropriate location and it's in an area of impact where it's supposed to occur. This land has been determined to be appropriate for rural residential zoning. We are not talking about an area that should be maintained long-term in agriculture. We are not talking about a piece of property that is taking seed out of production, we are in an area that's planned for growth and the County strives for a land use balance. The focus of this most recent impact area is to allow that balance to happen and then you can preserve the more viable prime farm ground in the County. The opposition has an extreme view and they talk about everything needing to be on city services, but it's hypocritical for someone to say I have my acreage and I can live with the issues in the area, but nobody else can live in that area and handle



those same issues. Mr. Lakey said the nitrates are not an issue; the applicants have done the scientific analysis and the nutrient pathogen study and it supports the use of individual well and septic. Arsenic really isn't an issue as was noted in the letter from DEQ, it's geologically and naturally occurring and people have been living with it for a long time. DEQ is asking for voluntary samples, but they are not shutting anything down or taking steps to control that. The City of Homedale's comprehensive plan supports the application, and they prefer to preserve their well for commercial and industrial use. 11 lots will not bring significant impacts to traffic, and the highway district was clear about that. He spoke of other rural residential zoning in the area. This is appropriate for transition and it is appropriate for development now. The area has a strong aquifer and residential use typically uses less water than agriculture. Following his rebuttal testimony, Mr. Lakey responded to questions from the Board.

Commissioner Holton asked staff for their interpretation of "not yet". Planner Lister said the comprehensive plan is a 10-year land use plan and was supposed to be used as a tool to guide growth into these locations subject to meeting goals and policies for that growth. There are times where this abuts the edge of that designation where it does touch agriculture and there are concerns about what that transition would look like as it abuts that and we go back to the guidance that says here are the provisions we should think about and actions we need to take. We are guided by the current County code for rural residential. There are industrial uses that were denied off of Lower Pleasant Ridge Road (by Simplot), where this is on the cusp of industrial and agricultural where there wasn't enough there to enforce some type of transition to where it was not time yet. This is on the tiptop of the designation, there is nothing below it really pushing it to this location. Do we have enough conditions to demonstrate there is enough buffer? Staff went to an approval recommendation because we are bound by the Canyon County Code and all we have right now is the rural residential designation and what is required for that. We do have guidance and that's why we have a finding asking if it's in general conformance with that. The rest goes back to the code and what we are required to look at and staff at the time looked at the conditions being requested plus the code we have in place now, and were able to make findings to recommend approval. The P&Z Commission went with the understanding of *future*, being it's not time yet. They found it's still agriculture, let it grow naturally from the south to the north. There was follow-up discussion regarding the relevance of exhibits for conditional rezone cases that demonstrated buffering and building envelopes, and preservation of ag. ground.

The Board accepted Exhibit #14 into the record. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony.

Commissioner Brooks said he supports the FCO's that were recommended to the P&Z Commission, and he thinks the P&Z Commission got it wrong. He cannot make a finding on "not yet". The prior 2020 comprehensive plan was so bad that a 2030 plan was jammed down the County's throat. The 2020 comp plan does not allow for this, but the 2030 plan does. The subsequent actions that should follow the acceptance of the 2030 comp plan that have not been taken has left the Board in the precarious position of just looking at the transition area and nothing

else to go with it. He believes the application meets all 8 criteria. He agrees to the 1.5-acre building envelope and he would even agree to getting rid of it because the homeowner should be able to put their house where they want. If this was a much larger lot perhaps we could look at the envelope. Regarding timing, he has watched what the cities of Nampa, Meridian, Star and Middleton have done to some of the best prime agricultural ground around Hwy 20-26 by putting houses 1 per ¼ acre. If we don't want high density this is the kind of development we should be arguing for. He is in favor of the no secondary dwelling as it would satisfy the concerns about having a building envelope.

Commissioner Van Beek reviewed the criteria. No. 1 with the ag grounds heavily involved in identifying areas of transition, agricultural, rural residential, so this is a positive finding and it meets the criteria. If you have an agricultural use she would rather see this than industrial or high-density residential. The commitment from the applicant that it would be custom homes is better than tract homes that do not offer a lot of variety. It is compatible if you want to encourage hobby farms. The DeRuyters are big agriculturists and they submitted a letter stating the project would not adversely affect their operation. There is a proposal to provide pressurized irrigation, and legal access exists. She understands the arguments on both sides but in the absence of saying it's not time, there is an argument for the timing of it. She does not need a building envelope on a 2-acre parcel particularly if you have to plan for septic issues on a sloped area. It is not feasible to put a rural subdivision on city services, and industrial and commercial belongs on Highway 95 and the reason that area is problematic is because there were no conditions put on some of those manufacturing facilities. In the absence of a more developed comprehensive plan with overlays that talks about that this Board is left with some quandary and so applying what we know to be a transition area in agriculture - this appears to fit.

Commissioner Holton said he is greatly frustrated because the 2030 comprehensive plan has felt like a club coming into the County and now when you have a transition area that they intentionally chose not to put around quite a few communities incorporated cities in the County, now we have an application that fits right into that. To the south is a continuation of small lots that have already been divided off and they go right up to this property line so he doesn't know what we're waiting for. He's frustrated that the 2023 comp plan is being used as a club in other areas of the County because of the "not yet", or because of going into areas that are claimed to be ag. that he finds very interesting. He heard in public testimony and it's supported in the maps in the record that there have been small land divisions right up to this property point. He has a bit of an issue is putting 11 more wells on property that's 2,600 feet away from a municipal well. If there is not enough water in the area that a municipal well does not want to connect to a development, then do we have enough water? That bothers him because he is not aware of many municipalities that would turn down that kind of request.

Planner Lister answered questions regarding whether the City of Homedale has capacity. He said the City was not interested in the developer connecting to it, they would rather use it for a higher density use such as a commercial industrial use. He does not know if there was a proposal to

connect and the applicant said no they didn't want to connect, but it sounds like based on the applicant's letter of intent the City found it to be okay as-is and didn't have any additional comments. The applicant did not receive any concerns or opposition from the City of Homedale.

There was discussion regarding a community well versus individual wells. Commissioner Holton said for health and safety reasons he favors one penetration into the earth's crust to 11 penetrations due to the risks of cross contamination. We are in a rural residential transition area and that is part of the game to play where you might have the ability to grab a water utility from a municipality because it is the transition area. It frustrates him that the City of Homedale did not comment, but in this specific area he is not concerned specifically about the volume available in the aquifer in this area. He is not aware of any well issues in this area. Commissioner Van Beek said this is very different than an area identified with known issues such as in south Nampa. Commissioner Brooks does not want to force the applicant to connect to a water system that the City did not offer or request that they connect to. Commissioner Holton said if it all goes south in a future year he wanted this on the record, so when the City of Homedale complains about wells penetrated within a half mile of their well casing the record will show the Board considered this and the City chose not to participate. Commissioner Van Beek said the evidence in the record shows that Homedale chose not to provide comments. Commissioner Brooks is fine with the FCO's staff presented to the P&Z Commission, with the exception of the building envelope. Planner Lister said since this is a change from the P&Z Commission's recommendation of denial, it will require another public hearing to consider the approval and the new conditions. Commissioner Van Beek made a motion to approve Case No. CR2023-0006 and SD2023-0009 based on the findings of fact and conclusions of law provided in Exhibit 8 by staff with the conditions of approval and eliminating item 2b in the conditions of approval. Commissioner Brooks asked staff for the difference between Exhibit 8 and Exhibit 12. Planner Lister said the draft that was provided to the Board is a denial and so those FCO's, including conditions, are what was denied by the P&Z Commission. The motion was seconded by Commissioner Brooks. Commissioner Van Beek asked about including language for custom homes, but Commissioner Holton was not in favor that. There was discussion between the Board and Planner Lister about whether to keep Condition No. 2d regarding upholding the CC&Rs that were presented by the applicant. Staff will review which conditions are enforceable. The motion carried unanimously. Upon the motion of Commissioner Van Beek and the seconded by Commissioner Brooks the Board voted unanimously to approve the FCO's for Exhibit 9 on the preliminary plat for Case No. SD2023-0009. The motion carried unanimously. Staff will bring back the revised FCOs and conditions. A second hearing is required. The hearing concluded at 4:17 p.m. An audio recording is on file in the Commissioners' Office.

**Dan Lister**

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**From:** Martin Maestrejuan <mmaestrejuan@hotmail.com>  
**Sent:** Monday, January 22, 2024 8:58 AM  
**To:** Dan Lister  
**Cc:** Todd Lakey  
**Subject:** [External] Homedale City Council Meeting 6-14-23  
**Attachments:** Homedale City Council Meeting 6-14-23.pdf

**Importance:** High

Here are the attached minutes from the Homedale City Council meeting on 6-14-23 concerning city water service concerns. The transcription is very short and to the point on page 2. The details of the deliberation are not in the transcription, but they do want to save their future water pressures for future growth inside city limits. If you have any questions please call me.

Sent from [Mail](#) for Windows

HOMEDALE CITY COUNCIL MEETING  
Homedale City Hall

June 14th, 2023,

6:00p.m.

Presiding: Mayor Gheen Christoffersen

Council Present: Steve Atkins, Aaron Tines, Mike Aebischer, Kim Murray

Staff Attending: Alice E Pegram, Jeff Eidemiller, Scott Jacops,

Guests: See Attached

Attorney: Paul Fitzer

Approve Agenda Discussion/ Action: Mayor Christoffersen asked for a motion to approve the agenda; Councilman Aebischer made the motion and Councilwoman Murray seconded. Motion carried by full Council.

Approve Council Meeting Minutes from the May 10th, 2023 meeting: Discussion/Action: Mayor Christoffersen asked for a motion to approve the meeting minutes; Councilman Tines made the motion and Councilwoman Murray seconded. Motion carried by full Council.

Packer Development/TKO Homes/OPS LLC.: Discussion/Action Items: requesting permission to create a park like setting on the City property between N 4<sup>th</sup> Street W and N 3<sup>rd</sup> Street W. Also: requesting help in the access to the remaining Nevada Lots.  
(See attached plan) Chad is requesting the city allow them to run a 20-foot road down the vacated road and they would put in some landscaping/park type area. The City would need to maintain the property. After much discussion, it was decided the City would put the property back up for sale and take sealed bids. Mayor Christoffersen asked for a motion to table this request; Councilwoman Murray made the motion and Councilman Atkins seconded. Motion passed by full Council.

Mayor Christoffersen closed the regular meeting and opened the Public Hearing.

PUBLIC HEARING: : Hearing is for the public to address the City Council's declaration pursuant to Title 50, chapter 14 of the Idaho Code that it is in the City's best interest to transfer and/or convey without consideration certain real property to a State of Idaho tax supported governmental library district to wit: The Gypsy Jackson Memorial Library. The gifted property includes: the Homedale Library located at 121 West Owyhee and its contents: Homedale Community Center located at 125 West Owyhee and the Original Homedale Library which is currently located behind the Community Center. See attached information. After much discussion; everyone seemed in agreement to "gift" the 3 buildings to the Library District.

Mayor Christoffersen closed the public hearing and reopened the regular meeting.

Library Property Distribution: Discussion/Action: City Council's declaration pursuant to Title 50, chapter 14 of the Idaho Code that it is in the City's best interest to transfer and/or convey without consideration certain real property to a State of Idaho tax supported governmental

library district to wit: The Gypsy Jackson Memorial Library. The gifted property includes: the Homedale Library located at 121 West Owyhee and its contents: Homedale Community Center located at 125 West Owyhee and the Original Homedale Library which is currently located behind the Community Center.

Mayor Christoffersen asked the Council for any additional thoughts. None given.

Mayor Christoffersen asked for a motion to either approve or deny the conveyance of the Library, Community Center and the old original library building and the documents that pertain here to; government conveyance; the quit claim deeds and the ordinance upon receipt from the Homedale Library District of the information requested by Department of Commerce and a legal description of the property; excludes the tables and chairs the City purchased. Councilwoman Murray made the motion and Councilman Aebischer seconded. Motion carried by full Council.

Mayor Christoffersen asked for a motion to waive the 3 readings of the ordinance 438 and have it read in title only; Councilwoman Murray made the motion and Councilman Aebischer seconded. Motion carried by full Council.

Roll Call;	Councilman Atkins	yes
	Councilman Tines	yes
	Councilman Aebischer	yes
	Councilwoman Murray	yes

Attorney read Ordinance 438 in title.

Mayor Christoffersen asked for a motion adopt the ordinance; Councilman Aebischer made the motion and Councilwoman Murray seconded. Motion carried by full Council.

Roll Call;	Councilman Atkins	yes
	Councilman Tines	yes
	Councilman Aebischer	yes
	Councilwoman Murray	yes

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Martin Maestrejuan: Discussion/Action: Proposed subdivision at Batt Corner and Boehner (Out of City Limits) Possibility of using City Water for subdivision.

Martin requested the City waive him access to City Water for his subdivision.

Mayor Christoffersen asked for a motion to approve Martin access to City Water; no motion was made; so the answer to hook up to City Water System is no.

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Tom Gaskins; Garlandon LLC: Sewer Assessment on Car Wash: Discussion/Action.

Tom Gaskins proved 50 pages of other cities and communities. He would like the City to reevaluate his sewer bill for the car wash. After much discussion, it was decided Andrew Kimmel would review and check into the situation.

Mayor Christoffersen asked for a motion to table this until Andrew review and come back with more information; Councilwoman Murray made the motion and Councilman Aebischer seconded. Motion carried by full Council.

Police Report: Jeff said they had two vehicles at the auction.

Public Works Report: Scott said they are spraying weeds; mowing. He added they would start working on the sprinkler system at Peterson. Mayor Christoffersen stated they would be putting in a guard rail, so no one drives into the river.

Engineer Report: Andrew stated the sewer project was about one month behind schedule. They have started moving dirt from the airport. He said they have started the design on the walking path. Mayor added the grant was for \$250,000 and we would be adding some in-kind. Andrew said they had Skinner survey the pathway.

Andrew said we would be receiving a funding packet offer from DEQ for a water project in the amount of 5.5 million. He added roughly 53% is grant; to cover the new well; service lines; lead

and copper rule. Andrew said if lead was found; it would replace the line from the meter to within 5 feet of the house.

City Hall Update: P & Z Report: see attached

Alice said the pool was open; staff and weather permitting.

Lot Line Adjustment for 308 and 310 West Owyhee Ave: Discussion/Action. The idea is to take the 3 lots and make it 2 lots; so they would have more space for 2 homes. Mayor Christoffersen asked for a motion to approve the lot split; Councilman Tines made the motion and Councilman Atkins seconded. Motion carried by full Council.

Attorney Report: No report

Mayor and Council Member Report Mayor stated he would be out part of next week attending the AIC conference in Boise.


Approve the Bills Discussion/Action. Mayor Christoffersen asked for a motion to approve the bills; Councilman Tines made the motion and Councilman Atkins seconded. Motion carried by full Council.

Mayor stated the meeting would be moving out to the Sewer Lagoons.

The Mayor; Council, Alice and Andrew met at the lagoons and reviewed the progress.

Mayor Christoffersen adjourned the meeting at the lagoons

  
\_\_\_\_\_  
Mayor Gheen Christoffersen

Attest:   
\_\_\_\_\_  
Alice E. Pegram, City Clerk



**Dan Lister**

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**From:** Monica Reeves  
**Sent:** Wednesday, February 21, 2024 8:22 AM  
**To:** 'Gail Delihant'  
**Cc:** Dan Lister  
**Subject:** RE: [External] Maestresjuan Conditional Rezone - Request for Alternate Hearing Date

Hi Gail,

I was informed that the Board will only accept in-person or written testimony at the April 17<sup>th</sup> hearing.

Thank you,

Monica Reeves, Administrative Supervisor  
Canyon County Commissioners' Office  
1115 Albany Street  
Caldwell, ID 83605  
208.454.7478  
[Monica.Reeves@canyoncounty.id.gov](mailto:Monica.Reeves@canyoncounty.id.gov)



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**From:** Gail Delihant <GDelihant@WGA.com>  
**Sent:** Tuesday, February 20, 2024 2:23 PM  
**To:** Dan Lister <Daniel.Lister@canyoncounty.id.gov>  
**Cc:** BOCC <BOCC@canyoncounty.id.gov>  
**Subject:** RE: [External] Maestresjuan Conditional Rezone - Request for Alternate Hearing Date

Please let me know if the BOCC either approves or disapproves this request. I will be out of state on work related matters until the week of Apr. 22<sup>nd</sup>.

Thanks Dan,  
Gail

---

**From:** Dan Lister <[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)>  
**Sent:** Tuesday, February 20, 2024 1:12 PM  
**To:** Gail Delihant <[GDelihant@WGA.com](mailto:GDelihant@WGA.com)>  
**Cc:** BOCC <[BOCC@canyoncounty.id.gov](mailto:BOCC@canyoncounty.id.gov)>  
**Subject:** RE: [External] Maestresjuan Conditional Rezone - Request for Alternate Hearing Date

Gail,

It would be up to the BOCC to allow/accommodate testimony via phone or a service like Zoom.

Sincerely,



**Dan Lister, Principal Planner**

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

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

**PUBLIC RECORD NOTICE:** All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

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**From:** Gail Delihant <[GDelihant@WGA.com](mailto:GDelihant@WGA.com)>

**Sent:** Tuesday, February 20, 2024 2:04 PM

**To:** Dan Lister <[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)>

**Subject:** RE: [External] Maestresjuan Conditional Rezone - Request for Alternate Hearing Date

Would I be able to Zoom into the meeting and provide comment?

---

**From:** Dan Lister <[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)>

**Sent:** Tuesday, February 20, 2024 12:44 PM

**To:** Gail Delihant <[GDelihant@WGA.com](mailto:GDelihant@WGA.com)>

**Subject:** RE: [External] Maestresjuan Conditional Rezone - Request for Alternate Hearing Date

Gail,

The hearing of CR2023-0006/SD2023-0009 has been moved to April 17, 2024, at 1:30 PM.

Sincerely,

**Dan Lister, Principal Planner**

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

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**From:** Gail Delihant <[GDelihant@WGA.com](mailto:GDelihant@WGA.com)>

**Sent:** Tuesday, February 20, 2024 12:33 PM

**To:** BOCC <[BOCC@canyoncounty.id.gov](mailto:BOCC@canyoncounty.id.gov)>

**Cc:** Dan Lister <[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)>

**Subject:** [External] Maestresjuan Conditional Rezone - Request for Alternate Hearing Date

Commissioner Holton,

This is to request that the April 4, 2024 hearing date for Case No. CR2023-0006/SD2023-0009 be moved to April 25, 2024 so that I may be able to attend and provide comment as the lead opposition for this matter. Additionally, it is my understanding that as Lead for the opposition, I was supposed to be given 10 minutes for my testimony at the last hearing but was only allotted 6 minutes. I am therefore also requesting I be given 10 minutes should you approve the April 25 hearing date.

The 39 residents who live near this parcel and have signed the letter of opposition to the rezone are unable to schedule time off from work to attend the hearing.

Thank you for your consideration of this request.

Gail Delihant  
19761 Whitecap Ct  
Wilder, ID 83676  
916-284-4734

**Dan Lister**

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**From:** Camas Villafana <camasna@hotmail.com>  
**Sent:** Monday, April 1, 2024 5:35 PM  
**To:** Dan Lister  
**Subject:** [External] Maestresjuan Rezone Letter for consideration  
**Attachments:** Flying Arrow Letter 2024.docx

Hi Dan,

Attached to this email is a letter in opposition to the Maestresjuan Rezone. This topic is very important to me and I believe to the community. I realize I don't have the ID for the letter or an identifier but I'm having a hard time locating that info. I hope that it can still be accepted and considered in the file.

Sincerely,

Camas Villafana

Dear County Commissioners,

I am writing to oppose the Flying Arrow Subdivision application. My husband and I run a 500-acre row crop operation growing potatoes, sugar beets, and forage crops. Our home place is directly southeast of the parcel being reviewed. It is important for you to understand from a farming point of view how this subdivision would affect ourselves, and many other farming operations that are trying to make a living and are literally fighting traffic and rural-resident complaints daily.

Firstly, the 27-acre parcel size is not too small to farm. We farm parcel sizes of; 7 acres, 14 acres, 19 acres, and we have always understood that you don't simply make a living farming 20 acres. Just like a dairy operation needs to grow to economies of scale and a beef cattle operation needs a certain number of head, a row-crop farm also needs to have a larger land base. We cannot make living by simply farming our home parcel of 27 acres, but accumulating a larger number of parcels we have been able to get to 500 acres. We started with 20 acres in 2019 and have grown to 500 in five years so it is possible to make it happen.

Secondly, one of the challenges in having multiple parcels is the danger in transporting them from field to field and as the populations increase the problem worsens. On our farm we have implements that range from 12-feet wide to 23-feet wide (beet planter). We go through an extensive process of making sure the hazard lights work, we have a pilot car go in front, and we move equipment at low-traffic times of day. In 2022 we had a distracted driver crash into an implement on the intersection of Red Top Rd & Batt Corner Rd. In 2021 we had an incident between one of our sugar beet trucks and a car that was literally on a Microsoft Teams call while driving. And just 3 weeks ago we had a SUV crash into the back of our pipe trailer on the intersection of Boehner & Fargo Rd. We heard that had happened to another farmer in the area the same week! This is a growing issue. We have to share the road daily with rural residents who don't have patience, who drive distracted, and our insurance premiums keep rising because of claims that we don't cause. Some of these drivers are uninsured which puts all the burden on the farmer. The roadways infrastructure cannot withstand the population increase and sharing the road with tractors in a safe manner.

Thirdly, managing our land includes noise, lights and working at odd hours for certain crops, crop dusters spraying chemicals, large irrigation equipment, large bulky equipment to get jobs done and when people build their house on the edge of the field they want the view and the space but they don't want the other parts that come with it. While my husband and I are very pro-property rights and we support that as a main part of the 2030 Comprehensive Plan, what keeps causing problems for us is the entitlement (for lack of a better word) of residents who say they want to be around ag but the moment you spray they come out to complain. The moment you spread manure they all come out of the woodworks to call, text, knock on your door. Jake DeRuyter submitted a letter of support and we love Jake, but that surprised me honestly. We have a great relationship with him and we have a winter manure program that we work together on. We received a number of calls this winter of rural residents complaining about the smell of manure being applied to our fields. Jake has lived that and knows all too well about it, and I respect his letter of support for this subdivision but respectfully disagree that rural residents can co-exist with farms. Him and my husband both dealt with complaints during off season of manure spreading from neighbors in small subdivisions approved via conditional use permit. This along with complaints toward crop dusters can make accessing certain practices increasingly difficult for farmers because the contracted servicers don't want to deal with the complaints.

Last October we were harvesting sugar beets and a neighbor came out yelling because one of our tractors briefly climbed on a gravel road that has a shared access. He got upset because that access goes to his house and didn't want the tractor tracks on it, but it's a shared access. He verbally harassed our harvest crew, was threatening to physically assault them, made fun of my father-in-law's Hispanic accent and told him to learn better English. Those kinds of interactions with hostile people makes you take step back and wonder why are we doing this? Why are our elected officials approving these subdivisions that only result in problems? Rural home owners think they want to live in the country, but they simply want the views and never want to deal with the manure smell, herbicide smells, dust, nor tractor noise. Those are all Generally Accepted Agricultural Practices in our Right to Farm state. The 2030 Comprehensive Plan literally has an entire chapter on Agriculture and I will post the goals and policies below;

## GOALS, POLICIES, AND ACTIONS

The following goals, policies, and actions are incorporated to address the need for agriculture in the County.

**Goal      Policy      Action**

**Table 12. Agriculture Goals, Policies, and Actions**

<b>G12.01.00</b>	<b>Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.</b>
P12.01.01	Preserve and maintain agriculturally designated lands for agricultural use.
A12.01.01a	Work with agencies and organizations that play a role in agricultural conservation.
A12.01.01b	Establish an Agriculture Preservation Ordinance and adopt an Intensive Agriculture Overlay.
A12.01.01c	Create an Agriculture Strategic Plan to be used with the Comprehensive Plan to lay the framework for farmland protection, conservation, agritourism, education, and other topics that support agriculture.
P12.01.02	Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.
P12.01.03	Support farmland through zoning, purchasing and transferring development rights, clustered development, conservation easements, and other opportunities to guide development to more suitable areas.
A12.01.03a	Regularly update County zoning regulations and standards to ensure farmland protection and reduce land-use conflicts.
A12.01.03b	Update the County zoning regulations to support the continued use of agricultural land.
A12.01.03c	Formulate a task force of stakeholders (including municipalities) to design a Transfer of Development Rights program.
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.
A12.01.04a	Develop programs, policies, and other regulations to achieve agricultural conservation, preservation, and support agricultural activities.
P12.01.05	Direct development to land with lower irrigatable soil classifications as determined by Canyon Soil Conservation District or by the USDA Natural Resources Conservation Service.
<b>G12.02.00</b>	<b>Support farmers and enhance local farmland.</b>

This Maestrejuan application does not follow Goal 12.01.00 of protecting agricultural lands for long-term production, nor does it protect my property from encroachment from an incompatible use.

The Maestrejuan application does not follow Policy 12.01.02 of encouraging non ag related developments to the cities.

The Maestrejuan application does not follow Policy 12.01.03. How is this supporting farmland? It doesn't. It creates opportunities for rural home owners but does not protect existing operations trying to make a living.

The Maestrejuan application does not follow Goal 12.02.00. Instead of supporting local farmers all it's going to do is add more difficulties for moving equipment and increase the number of complaints we get about dust, manure, crop dusting, etc.

I understand that 2/3 commissioners were not there to implement this comp plan, but you were elected because the people of Canyon County trusted you. The previous commissioners implemented this plan because that was the overwhelming public input regarding ag land and developing. Of people in the county surveyed prior to new comp plan, 87% of Canyon County residents believed development should be from the inside out, and that protecting farmland is a great priority. The previous commissioners listened to this. So now you have a comp plan that you inherited, and you may not like all aspects of it, but please understand the people of Canyon County wanted this comp plan. And those same people trusted you when they voted for you.

### **Incompatibility**

The parcel sizes as evidenced by the staff report are nowhere close to 2 acres. The comp plan labels the area as future residential, and you can make an argument for that but that's why it's called the 2030 comp plan. It doesn't have to be in 2024! If you simply go look at Google Earth, Mr. Maestrejuan's house is the only home north of Ustick Rd built since 2007. In 17 years his home is literally the only house built on Batt Corner Rd between Ustick & Boehner Rd. The argument that the area is trending residential is not true. Tamura Farms just put up 3 pivots within a ¼ mile east of Mr. Maestrejuan's parcel. Mr Greg Troost put up a pivot within 500 feet of Mr. Maestrejuan's property. These are big farm operations investing into their businesses. They can't possibly believe it's trending residential to make that type of investment. Pivots are expensive. It's not trending residential, it hasn't been trending residential, and if this development is denied it will take decades to trend residential as evidenced by the Maestrejuan home being the only home built on the block in 17 years.

### **Agricultural Economic Impact**

Local products are sold as seed and shipped globally. Potatoes are grown to be processed at Simplot Food Group in Caldwell which is one of the best and most modern French fry plants in the world. Amalgamated Sugar has a plant in Nampa and just built a new beet piling ground on Upper Pleasant Ridge Rd, which is 1.5 miles away from Mr. Maestrejuan's property. What do you think Amalgamated Sugar envisions for the area if they just invested millions into a new pile ground? If new subdivisions on ag land continue to be approved, ag land that directly contributes to providing jobs in the county, those processors will move I assure you of that. The direct impacts that our farmland has on thousands of local jobs is often ignored. We have a profitable operation and I believe through hard work and ambition, farming operations can grow and prosper without turning to developing homes. But the area cannot

sustain development and agricultural production; the growth can only be one of those options for the safety of the residents alone.

### **Summary**

If this was right next to Homedale or Caldwell or any other city limits I would support it. It would break my heart to see ag land go, but at the same time the cities need to keep growing to accommodate young families who are needing housing. These 2-acre homes will not solve the affordable housing problem because they will be too expensive. The subdivision will directly encroach a profitable and sustainable farm operation. That's exactly what Goal 12.01.00 tries to avoid. That goal was implemented to protect operations like ours. Again, Jake DeRuyter submitted a letter of support earlier, but I don't know if that it is the same sentiment he has today. Mr. Maestrjuan had his building permit, he built his home and if he wants to sell his property that's his full right. The problem is that by subdividing he will directly hurt our promising young farm operation. This is not a decision to be taken lightly; if houses are built on this parcel it will take good ground out of production forever and will tip the area into development.

**Dan Lister**

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**From:** Debra Williams <debbie@debwilliamsinsurance.com>  
**Sent:** Thursday, March 28, 2024 2:53 PM  
**To:** Dan Lister  
**Subject:** [External] Case No. CR2023-0006/SD2023-0009

Dear Mr. Lister:

I've submitted many photos and documents on this case in the past. This particular parcel has so many blindspots at the corner. I, along with neighbors, walk this section regularly. We are often dodging cars that didn't stop or didn't see us. It's very serious.

Also, the concern with ground water in this dry part of the state is very concerning. You would be authorizing 12 new wells in a small amount of space that could jeopardize our wells already in place. The water quality is already poor here, smelling of sulfur and contains a lot of sediment that plugs our filters. Pulling more water from this area would certainly cause more issues to the ground water here.

The owner has told me that he wants to get this sale done so he can move to Nevada and buy a ranch there. So, he is not concerned with the mess he may leave behind with potential water issues and the traffic/pedestrian issue at the intersection that this parcel touches.

Please, have someone look at this parcel in person with its blind spots and please consider us neighbors to the property that are worried about a lack of well water in the future.

Thank you.

Debra Williams  
26753 Boehner Rd.  
Wilder, ID 83676  
208-989-3544



**Dan Lister**

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**From:** George Crookham <gwc@crookham.com>  
**Sent:** Monday, April 1, 2024 4:58 PM  
**To:** Dan Lister  
**Subject:** [External] See attached  
**Attachments:** IMG\_2879.jpg

Sent from my iPhone

March 29, 2024

To the Board of County Commissioners,

This letter serves as the official stance of the De Ruyter Family properties in relationship to the proposed conditional rezone case no. CR2023-006/SD2023-0009 and should replace Exhibit 5b, marked as received on October 13, 2023.

We own approximately 40 acres to the north of Mr. Maestrejuan's proposed residential development and would be some of the closest neighbors to the proposal. We have a direct interest, especially to proposals that may create future conflicts and/or incompatible uses. The adjacent farm ground that we own grows a variety of crops and as noted in your staff report the subject property and ours is designated as Prime Farmland with Class 3 soils.

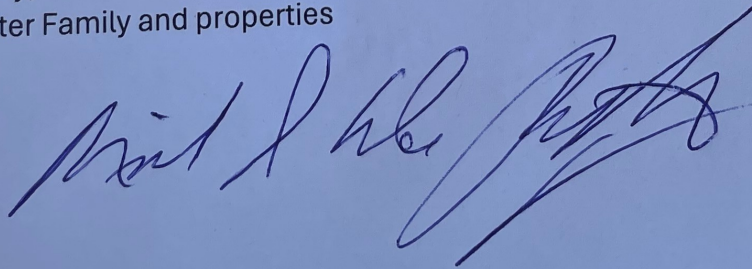
As we stated in the first letter, we view growth as an inevitable occurrence. While some growth may conflict with our farm and its operation at times, some growth can also be compatible. However, after further deliberation and given our farming operations, this conditional rezone will affect our ability to farm our adjacent property.

We stated that we do not view Mr. Maestrejuan's proposal to be extreme, nor do we think this is something that could drastically change the integrity of the area. However, does it fit the existing character of the immediate vicinity now? No, it does not. As shown in staff's exhibit 3e -2, the average lot size within the one-mile radius is over 24 acres; this area is still predominantly an agricultural area with intermittent rural housing, not subdivisions.

Conditional rezone at this time is premature. Additional infill of land closer to municipality services should occur first to provide for orderly development.

For all these reasons we withdraw our prior support of the conditional rezone to Rural-Residential and associated subdivision plat and change our position to neutral.

Sincerely,  
De Ruyter Family and properties



**Dan Lister**

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**From:** Broken Fork Cattle <brokenforkcattle@gmail.com>  
**Sent:** Sunday, March 31, 2024 8:11 PM  
**To:** Dan Lister  
**Subject:** [External] Public Comment for Case No CR2023-0006/SD2023-0009

Dear Dan,

I hope this message finds you well.

We are writing to share our testimony regarding Case No CR2023-0006/SD2023-0009 for the rezoning of agriculture to rural residential and the Flying Arrow Subdivision proposed at 18257 Batt Corner Rd. As residents whose property is situated at 18038 Batt Corner Rd, my family and our farm are directly impacted by this case.

First and foremost, we want to express our strong opposition to the proposed rezoning of agricultural land to rural residential zoning. As active members of the community, and in particular the Agriculture community as a long time Agricultural Education Instructor and FFA Advisor, we firmly believe that such a decision would have adverse effects on our local environment, infrastructure, and overall quality of life.

Agricultural zones are vital for preserving the natural landscape, fostering biodiversity, and maintaining the local ecosystem's health. Converting these precious agricultural lands into residential areas risks irreversible damage to the environment and diminishes the region's ability to sustain agriculture.

Moreover, rezoning agricultural land for residential use strains existing infrastructure like roads, schools, and utilities such as water. Batt Corner Rd, serving as a main thoroughfare into Homedale, is already experiencing significant traffic increases from other subdivisions. As long time residents living just one block away from the proposed location, we have witnessed firsthand the dangers of the intersection at Batt Corner Rd and Ustick Rd, especially during the Hops harvest season. Concerns about water usage are also paramount. As cattle farmers, we rely on irrigation water for our pastures. Placing a subdivision nearby will undoubtedly impact our water resources and our way of life. There have been several years where draught conditions force irrigation water to be turned off early.

Furthermore, the conversion of agricultural land to residential use results in the loss of valuable farmland, critical for food production (both human and livestock) and local economies. Preserving agricultural land is essential for food security, supporting local farmers, and ensuring the sustainability of our communities.

Rather than rezoning agricultural land for short-term gains, I implore the County Commissioners to consider alternative solutions for addressing housing needs. These could include infill development, brownfield redevelopment, and promoting mixed-use developments in already zoned rural residential areas.

In conclusion, we firmly oppose the rezoning of agricultural land to rural residential zoning at 18257 Batt Corner Rd in Wilder, Idaho. I urge the County Commissioners to prioritize the long-term health and sustainability of our community by preserving our valuable agricultural lands.

Thank you for taking the time to consider our concerns.

Warm regards,

Jason and Diana Tindall  
Broken Fork Cattle Co.

18038 Batt Corner Rd  
Wilder, Idaho 83676  
208-989-3659

## Dan Lister

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**From:** Doug Critchfield <critchfieldd@cityofnampa.us>  
**Sent:** Monday, December 4, 2023 2:50 PM  
**To:** Dan Lister  
**Subject:** [External] RE: Legal Notice CR2023-0006 & SD2023-0009

Dan – Nampa has no comments. Thanks - Doug

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**From:** Amber Lewter <Amber.Lewter@canyoncounty.id.gov>  
**Sent:** Monday, December 4, 2023 2:18 PM  
**To:** 'rcollins@cityofcaldwell.org' <rcollins@cityofcaldwell.org>; 'P&Z@cityofcaldwell.org' <P&Z@cityofcaldwell.org>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'clerk@greenleaf-idaho.us' <clerk@greenleaf-idaho.us>; 'amy@civildynamics.net' <amy@civildynamics.net>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'srule@middletoncity.com' <srule@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; Robyn Sellers <sellersr@cityofnampa.us>; Caleb Laclair <laclairc@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfieldd@cityofnampa.us>; Clerks Staff Email <clerks@cityofnampa.us>; Char Tim <timc@cityofnampa.us>; 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'info@parmacityid.org' <info@parmacityid.org>; 'mayor@parmacityid.org' <mayor@parmacityid.org>; 'planning@parmacityid.org' <planning@parmacityid.org>; 'snickel@staridaho.org' <snickel@staridaho.org>; 'wsevery@cityofwilder.org' <wsevery@cityofwilder.org>; 'casanderson@caldwellschools.org' <casanderson@caldwellschools.org>; 'craigbrown@cwidaho.cc' <craigbrown@cwidaho.cc>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'drhorras@kunaschools.org' <drhorras@kunaschools.org>; 'bgraves@kunaschools.org' <bgraves@kunaschools.org>; 'rreno@kunaschools.org' <rreno@kunaschools.org>; 'dholzhey@marsingschools.org' <dholzhey@marsingschools.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'horner.marci@westada.org' <horner.marci@westada.org>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'krantza@notusschools.org' <krantza@notusschools.org>; 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'jdillon@wilderschools.org' <jdillon@wilderschools.org>; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; 'homedalefd@gmail.com' <homedalefd@gmail.com>; 'tlawrence@kunafire.com' <tlawrence@kunafire.com>; 'khinkle@kunafire.com' <khinkle@kunafire.com>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'kenny.hoagland@melbafire.id.gov' <kenny.hoagland@melbafire.id.gov>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; Ron Johnson <johnsonrl@nampafire.org>; 'johnsonre@nampafire.org' <johnsonre@nampafire.org>; 'pfdchief33@gmail.com' <pfdchief33@gmail.com>; 'parmaruralfire@gmail.com' <parmaruralfire@gmail.com>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'jmaloney@wilderfire.org' <jmaloney@wilderfire.org>; 'Chris Hopper' <CHopper@canyonhd4.org>; 'lriccio@canyonhd4.org' <lriccio@canyonhd4.org>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'office@idcpas.com' <office@idcpas.com>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'admin1@kunalibrary.org' <admin1@kunalibrary.org>; 'admin2@kunalibrary.org' <admin2@kunalibrary.org>; 'lizardbuttelibrary@yahoo.com' <lizardbuttelibrary@yahoo.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>;



'shayne.watterud@zipl.com' <shayne.watterud@zipl.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>; 'irr.water.3@gmail.com' <irr.water.3@gmail.com>; 'office@idcpas.com' <office@idcpas.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'farmers.union.ditch@gmail.com' <farmers.union.ditch@gmail.com>; 'irr.water.3@gmail.com' <irr.water.3@gmail.com>; 'wilders04@msn.com' <wilders04@msn.com>; 'johnmcavoy48@yahoo.com' <johnmcavoy48@yahoo.com>; 'irrigation.mm.mi@gmail.com' <irrigation.mm.mi@gmail.com>; 'nmid@nmid.org' <nmid@nmid.org>; 'eolvera@nmid.org' <eolvera@nmid.org>; 'terri@nyid.org' <terri@nyid.org>; 'kirk@pioneerirrigation.com' <kirk@pioneerirrigation.com>; 'sheepmama25@gmail.com' <sheepmama25@gmail.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 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'airport.planning@itd.idaho.gov' <airport.planning@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; 'smm5156@gmail.com' <smm5156@gmail.com>; 'deb0815@yahoo.com' <deb0815@yahoo.com>; 'kunacemetery@gmail.com' <kunacemetery@gmail.com>; '3tjj@frontiernet.net' <3tjj@frontiernet.net>; 'melbacemetery@gmail.com' <melbacemetery@gmail.com>; 'middletoncemdist13@gmail.com' <middletoncemdist13@gmail.com>; 'ann\_jacops@hotmail.com' <ann\_jacops@hotmail.com>; 'facjhill@gmail.com' <facjhill@gmail.com>; 'djarrold@frontier.com' <djarrold@frontier.com>; Brian Crawford <Brian.Crawford@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'tryska7307@gmail.com' <tryska7307@gmail.com>; Curt Shankel <shankelc@cityofnampa.us>; Diana Little <Diana.Little@canyoncounty.id.gov>; Loretta Tweedy <Loretta.Tweedy@canyoncounty.id.gov>; Assessor Website <2cAsr@canyoncounty.id.gov>; Elections Clerk <electionsclerk@canyoncounty.id.gov>; 'roger@amgidaho.com' <roger@amgidaho.com>; Nichole Schwend <Nichole.Schwend@canyoncounty.id.gov>; Rick Britton <Rickey.Britton@canyoncounty.id.gov>; 'lori.kent@id.nacdnet.net' <lori.kent@id.nacdnet.net>; 'jlunders@2cmad.org' <jlunders@2cmad.org>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'mgrodriguez@usbr.gov' <mgrodriguez@usbr.gov>; 'edward\_owens@fws.gov' <edward\_owens@fws.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'zlathim@idl.id.gov' <zlathim@idl.id.gov>; 'brandon.flack@idfg.idaho.gov' <brandon.flack@idfg.idaho.gov>; 'aubrie.hunt@dhw.idaho.gov' <aubrie.hunt@dhw.idaho.gov>; 'marilyn.peoples@dhw.idaho.gov' <marilyn.peoples@dhw.idaho.gov>; 'tricia.canaday@ishs.idaho.gov' <tricia.canaday@ishs.idaho.gov>; 'dan.everhart@ishs.idaho.gov' <dan.everhart@ishs.idaho.gov>; 'patricia.hoffman@ishs.idaho.gov' <patricia.hoffman@ishs.idaho.gov>; 'stevie.harris@isda.idaho.gov' <stevie.harris@isda.idaho.gov>; 'brock.cornell@isda.idaho.gov' <brock.cornell@isda.idaho.gov>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; 'carol.chatdwick@usda.gov' <carol.chatdwick@usda.gov>; 'noe.ramirez@usda.gov' <noe.ramirez@usda.gov>; 'cenww-rd@usace.army.mil' <cenww-rd@usace.army.mil>; 'laura.j.freedman@usps.gov' <laura.j.freedman@usps.gov>; 'rakesh.n.dewan@usps.gov' <rakesh.n.dewan@usps.gov>; 'chad.m.franklin@usps.gov' <chad.m.franklin@usps.gov>; 'don.g.cassity@usps.gov' <don.g.cassity@usps.gov>; 'sandra.d.karling@usps.gov' <sandra.d.karling@usps.gov>; 'connie.m.bishop@usps.gov' <connie.m.bishop@usps.gov>; 'melvin.b.norton@usps.gov' <melvin.b.norton@usps.gov>; 'tammi.l.barth@usps.gov' <tammi.l.barth@usps.gov>; 'henry.medel@usps.gov' <henry.medel@usps.gov>; 'khrista.m.holman@usps.gov' <khrista.m.holman@usps.gov>; 'rochelle.fuquay@usps.gov' <rochelle.fuquay@usps.gov>; 'leroy.eyler@usps.gov' <leroy.eyler@usps.gov>; 'rob.l.herdon@usps.gov' <rob.l.herdon@usps.gov>; 'constance.j.hill@usps.gov' <constance.j.hill@usps.gov>; 'marc.c.boyer@usps.gov' <marc.c.boyer@usps.gov>; 'mhuff@co.owyhee.id.us'

<mhuff@co.owyhee.id.us>; 'idahoaaa@gmail.com' <idahoaaa@gmail.com>; 'gmprdjennifer@gmail.com' <gmprdjennifer@gmail.com>; 'lisaitano@me.com' <lisaitano@me.com>; 'scott@fccwi.com' <scott@fccwi.com>; 'info@snakerivercanyonscenicbyway.org' <info@snakerivercanyonscenicbyway.org>; 'tottens@amsidaho.com' <tottens@amsidaho.com>; 'melvin.b.norton@usps.gov' <melvin.b.norton@usps.gov>; 'scott.hauser@usrtf.org' <scott.hauser@usrtf.org>; 'info@destinationcaldwell.com' <info@destinationcaldwell.com>; Media - KBOI TV News <news@kboi2.com>; Media - KIVI News <news@kivitv.com>; Media - KTVB News <ktvbnews@ktvb.com>; Media - KBOI Radio News <670@kboi.com>; Media - IPT Newsroom <newsroom@idahopress.com>; 'middletonexpress1@gmail.com' <middletonexpress1@gmail.com>; 'rmorgan@kellerassociates.com' <rmorgan@kellerassociates.com>

**Subject:** Legal Notice CR2023-0006 & SD2023-0009

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Dear Agencies:

Your agency is being notified pursuant to the Local Land Use Planning Act, Idaho Code 67-6509, to all political subdivisions providing services within the planning jurisdiction of Canyon County, including school districts and media.

No response is required from your agency unless you have input on the proposed project

Contact the planner of record **Dan Lister** at [daniel.lister@canyoncounty.id.gov](mailto:daniel.lister@canyoncounty.id.gov) with any questions or additional agency comment or concerns if applicable.

Thank you,



**Amber Lewter**

Hearing Specialist

Canyon County Development Services Department

111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: [amber.lewter@canyoncounty.id.gov](mailto:amber.lewter@canyoncounty.id.gov)

Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

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 \*\*



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

In the matter of the application of:

**Maestresjuan – Case CR2023-0006**

The Canyon County Planning and Zoning Commission considers the following:

1. Conditional Rezone of approximately 27.17 acres from “A” Agricultural to “CR-R-R” (Conditional Rezone - Rural Residential) zone. The request includes a development agreement (Attachment A). [CR2023-0006, 18257 Batt Corner Rd, Wilder, Parcel Number: R37244011; a portion of the SW<sup>1</sup>/<sub>4</sub> of Section 09, T3N, R3W, BM, Canyon County, Idaho]

**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 CR2023-0006.

**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 §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-25 (Purposes of Zone), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-05-25 (Area of City Impact Agreement).
  - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
  - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
  - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-05-01
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6511.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 67-6511.
4. The Board can sustain, modify or reject the Commission’s recommendations. *See* CCZO §07-05-03.
5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
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. 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, CR2023-0006, was presented at a public hearing before the Canyon County Board of County Commissioners on April 17, 2024. 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 Board of County Commissioners decides as follows:**

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

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

**Conclusion:** The proposed conditional rezone is consistent with the 2030 Canyon County Comprehensive Plan.

- Findings:**
- (1) The Canyon County Future Land Use Map designates the subject property as “Rural Residential” (Exhibit 3c, Staff Report). The designation provides for rural transitional areas to create a boundary between agricultural and urban areas. (Comp Plan 2030, Pg. 26).
  - (2) The parcel lies within the Area of Impact for the City of Homedale. Pursuant to 09-05-17 of the Canyon County Code, the County recognizes that the City of Homedale has also developed a comprehensive plan that addresses this area of impact. Conversations with the City of Homedale revealed that the City has no zonings for the Area of Impact and defers to the county for zonings and future land use of properties in the AOCI (Section 09-05-19 Canyon County Code).
  - (3) This request aligns with the following goals, policies, and actions of the 2030 Comprehensive Plan:
    - **P1.01.01** No Person should be deprived of private property without due process of law.
    - **P1.01.03** Ordinances and land use decisions should avoid imposing unnecessary conditions or procedures on development approvals
    - **P2.01.01** Plan for anticipated population and households the community can support with adequate services and amenities.
    - **G2.02.00** Promote housing, business, and service types needed to meet the demands of the future and existing population.
    - **P4.01.01** Maintain a balance between residential growth and agriculture that protects the rural character
    - **P4.03.02** Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns
    - **P4.03.03** Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.
    - **P4.05.01** Promote future development and land use decisions that do not create hardship for farmers and agricultural operators.
    - **P4.06.03** Development should sustainably provide roadway and pathway connections, downward lighting, drainage, stormwater runoff, landscaping, revegetation of disturbed areas, underground utilities and weed control.
    - **P11.01.01** Encourage a variety of housing sizes that meet the needs of families, various age groups, and incomes.
  - (4) Evidence includes the conclusions and evidence provided in criteria 2 through 8.
  - (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0006.

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

**Conclusion:** As conditioned, the proposed conditional rezone is more appropriate when considering the 2030 Canyon County Comprehensive Plan’s future land use map and previous land use decisions in the area.

- Findings:**
- (1) The Canyon County Future Land Use Map designates the subject property as Rural Residential (Exhibit 3c, Staff Report). The designation provides for rural transitional areas to create a boundary between agricultural and urban areas. (Comp Plan 2030, Pg. 26).
  - (2) Residential zoning is predominant south of Ustick Road, approximately 2,500 feet south of the subject property, as it nears the Snake River and the entry into the City of Homedale (Exhibit 3a & 3d, Staff Report). Within one (1) mile of the subject property, there are seven (7) platted subdivisions totaling 48 lots (Exhibit 3e, Staff Report).
  - (3) The following are similar land use decisions made within the vicinity:
    - a. R33716 (9.19 acres), R33716012 (3.65 acres), and R33716011 (5.65 acres), located approximately 1,800 feet southwest of the subject property, were created via conditional rezone to “CR-R-R” (Conditional Rezone – Rural Residential). The development agreement locks development to no more than three parcels, a 6.16-acre average lot size (PH2013-12; Exhibit 6a, Staff Report).
    - b. R37244010 (1.82 acres) and R37244010A (1.18 acres), located approximately 140 feet west of the subject parcel, were approved for a 2020 Comprehensive Plan Map Amendment to a residential future land use designation and a rezone to “R-1” (Single Family Residential) in 2017 (PH2017-50; Exhibit 6b, Staff Report).
    - c. Parcel R37255013 (5 acres), located approximately 1,900 feet northwest of the subject property, was conditionally rezoned to “CR-R-R” (Conditional Rezone – Rural Residential, PH2017-48; Exhibit 6c, Staff Report). The development agreement allows a building permit on Parcel R37255013 subject to approximately 14 acres remaining in agricultural use in perpetuity (R37257010A).
    - d. Parcels R37251 (16.65 acres), R37251011 (3.01 acres), and R37251012 (3.01 acres), located approximately 1,310 feet north of the subject parcel, were created via conditional rezone to “CR-R-R” (Conditional Rezone – Rural Residential). The development agreement required approximately 14 acres on parcel R37251 to remain agricultural in perpetuity leaving the existing dwelling and accessory structures within a two-acre building envelope (CR2019-0018; Exhibit 6d, Staff Report).
  - (4) Conditions of the development agreement minimize potential impacts of the residential uses to adjacent agricultural properties (Attachment A).
  - (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0006.

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

**Conclusion:** The conditional rezone is compatible with the surrounding land uses.

- Findings:**
- (1) Residential zoning is predominant south of Ustick Road, approximately 2,500 feet south of the subject property, as it nears the Snake River and the entry into the City of Homedale (Exhibit 3a & 3d, Staff Report). Within one (1) mile of the subject property, there are seven (7) platted subdivisions totaling 48 lots (Exhibit 3e, Staff Report).
  - (2) The following are similar land use decisions made within the vicinity:
    - o R33716 (9.19 acres), R33716012 (3.65 acres), and R33716011 (5.65 acres), located approximately 1,800 feet southwest of the subject property, were created via conditional rezone to “CR-R-R” (Conditional Rezone – Rural Residential). The development



agreement locks development to no more than three parcels, a 6.16-acre average lot size (PH2013-12; Exhibit 6a, Staff Report).

- R37244010 (1.82 acres) and R37244010A (1.18 acres), located approximately 140 feet west of the subject parcel, were approved for a 2020 Comprehensive Plan Map Amendment to a residential future land use designation and a rezone to “R-1” (Single Family Residential) in 2017 (PH2017-50; Exhibit 6b, Staff Report).
- Parcel R37255013 (5 acres), located approximately 1,900 feet northwest of the subject property, was conditionally rezoned to “CR-R-R” (Conditional Rezone – Rural Residential, PH2017-48; Exhibit 6c of the Staff Report). The development agreement allows a building permit on Parcel R37255013 subject to approximately 14 acres remaining in agricultural use in perpetuity (R37257010A).
- Parcels R37251 (16.65 acres), R37251011 (3.01 acres), and R37251012 (3.01 acres), located approximately 1,310 feet north of the subject parcel, were created via conditional rezone to “CR-R-R” (Conditional Rezone – Rural Residential). The development agreement required approximately 14 acres on parcel R37251 to remain agricultural in perpetuity leaving the existing dwelling and accessory structures within a two-acre building envelope (CR2019-0018; Exhibit 6d, Staff Report).

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0006.

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

**Conclusion:** As conditioned, the proposed rezone will not negatively affect the surrounding character of the area.

- Findings:**
- (1) The character of the area is primarily agricultural with associated dwellings and accessory structures and uses. The character changes south of Ustick Road to a residential character and setting closer to the entry into the City of Homedale and the Snake River (Exhibit 3a, Staff Report). The surrounding properties in the area are prime farmland. The property and surrounding area consist of Class III soils (Exhibit 3f, Staff Report). The majority of properties in the area appear to be in active agricultural use (Exhibit 3a & 7, Staff Report).
  - (2) Property owners within 600 feet were noticed on September 24, 2023. A newspaper notice was published on September 24, 2023. A notice was posted on the subject property on September 29, 2023. During the comment period, a mix of support and opposition letters were received (Exhibit 5 of the Staff Report and Exhibits 17 through 21 of the Staff Report Addendum):
    - a. Support comments find a rural residential development in the proposed location is necessary to meet the demands for housing that encourages a rural lifestyle (CCZO Section 07-10-25(2)) while reducing the impacts associated with smaller lot size on surrounding agricultural uses.
    - b. Letters of opposition expressed concerns about future subdivision impacts on groundwater, irrigation, traffic, and farmland.
  - (3) The applicant has submitted a rough draft of the subdivision CC&Rs which include stipulations that prohibit further divisions of platted lots, add provisions for maintenance, and encourage agricultural uses on each lot. The following added conditions were recommended by DSD staff:
    - a. Secondary dwellings (CCZO Section 07-02-03, 07-10-27 and 07-14-25) shall be prohibited. Secondary residences are allowed subject to the property owner living on-site in the primary dwelling. By prohibiting secondary dwellings, residential development will be limited to only primary dwellings which will reduce average daily trips from 228.48 to 114.24.

- b. A one-acre building envelope shall be established on each lot. The envelopes shall be located along the frontage of each lot. Areas outside the building envelope shall remain open for agricultural uses. After testimony by the applicant, including Exhibit 14 of the Staff Report Addendum with conceptual building envelope plans, the Board finds the staff recommended building envelope would not provide open space or buffer from adjacent parcels that would be beneficial (Exhibit 15, Staff Report). Therefore, the condition was removed.

As conditioned (Attachment A), potential impacts will be minimized and aligned with the intent of the rural residential designation in the 2030 Canyon County Comprehensive Plan.

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0006

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

**Conclusion:** Adequate facilities for sewer, water, irrigation, and drainage will be provided for the proposed conditional rezone and subsequent development.

**Findings**

- (1) The development will use private well and septic systems provided for in the applicant’s letter of intent (Exhibit 2a, Staff Report). Per prior IDWR’s recommendations regarding individual and community wells, the request does not create 15 lots or more where a community well would be highly recommended.

A nitrate priority study conducted by Atlas Consultants concluded that the concentration for the individual septic tank systems ranged from 1.3 to 1.8 mg/L under the EPA Point of Compliance of 2.0 mg/L (Exhibit 2g, Staff Report). Southwest District Health approved the study (Exhibit 2h, Staff Report).

- (2) Irrigation will be provided via a 4-inch pressurized irrigation pipe from a pressurized pump house located outside the right of way alongside Boehner Road. These facilities are to be operated and maintained by the Homeowner’s Association. A crossing agreement between the application and the Bureau of Reclamation ensures that the development does not disrupt irrigation facilities on or adjacent to the property (Exhibit 2i, Staff Report).
- (3) A nitrate priority study conducted by Atlas Consultants concluded that the concentration for the individual septic tank systems ranged from 1.3 to 1.8 mg/L under the EPA Point of Compliance of 2.0 mg/L (Exhibit 2g, Staff Report). Southwest District Health approved the study (Exhibit 2h, Staff Report).
- (4) The City of Homedale has approved the request of the applicant to waive the requirement for the development to connect to the city water service. The city’s main well is located directly south of the proposed rezone and development. A water model was completed and reviewed by the City of Homedale (Exhibit 4f, Staff Report). The City of Homedale rejected the request to connect to the city well (Exhibit 16, Staff Report Addendum).
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0006

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

**Conclusion:** The proposed conditional rezone will not require public street improvements to provide access to and from the subject property. Measures to mitigate traffic increases include utilizing Batt Corner Road for access. Access to the property will not be allowed off of Boehner Road.

**Findings:**

- (1) The applicant intends to utilize Batt Corner Rd, a minor collector. A 25’ right of way pre-existing right of way runs along Boehner Road (Exhibit 4c, Staff Report).

- (2) Golden Gate Highway District #3 (GGHD3) indicated that the lot has legal access and that no undue interference with existing or future traffic patterns will be created by this proposed use (Exhibit 4c, Staff Report).
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0006

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

**Conclusion:** Legal access to the subject property and proposed lots will exist through a private road.

- Findings:**
- (1) A private road application, RD2021-0030 (Exhibit 6e, Staff Report), was approved during the first attempt at rezoning and development (Exhibit 6g, Staff Report). The road is required to be a road lot on the plat.
  - (2) GGHD3 also indicated in their response that the site has legal access to Batt Corner Rd. (Exhibit 6e, Staff Report).
  - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0006

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

**Conclusion:** The proposed conditional rezone and subsequent subdivision will not impact essential public services including schools, police, fire, and EMS.

- Findings:**
- (1) Wilder Fire is the responsible fire district for this area. Per Exhibit 4a of the Staff Report, they expect no more than an eight to ten-minute response time under normal conditions. Wilder Fire will review the plat to determine if emergency access is required and if the turnaround meets their requirements.
  - (2) The development is located in the Homedale School District. No comments were received.
  - (3) Policing will be serviced by the Canyon County Sheriff's Department. No response was received.
  - (4) The City of Homedale, after considering a water model completed by the applicant (Exhibit 6f, Staff Report) has approved the request of the applicant to waive the requirement for the development to connect to the city water service (Exhibit 16, Staff Report Addendum).
  - (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0006

**Canyon County Code §09-05-25 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE**

**Conclusion:** The property is located within the Homedale Area of City Impact. A notice was sent to the City of Homedale per Canyon County Code Section 09-05-25(3).

- Findings:**
- (1) The City of Homedale was notified on May 15, 2023, according to 09-05-25(3) and (09-05-17(3).
  - (2) The subject property is located within the Homedale Area of City Impact. The City of Homedale defers to County requirements and standards (Section 09-05-19 Canyon County Code). The City of Homedale, after considering a water model completed by the applicant (Exhibit 6f, Staff Report) has approved the request of the applicant to waive the requirement for the development to connect to the city water service (Exhibit 16, Staff Report Addendum). The applicant's letter of intent (Exhibit 2a, Staff Report) states the preliminary plat includes sidewalks along the private road as requested by Homedale.

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0006.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** Case # CR2023-0006, a conditional rezone of approximately 27.17 acres from “A” Agricultural to “CR-R-R” (Conditional Rezone - Rural Residential) zone subject to conditions of the development agreement (Attachment A).

According to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CANYON COUNTY BOARD OF COMMISSIONERS**

- \_\_\_\_\_ Motion Carried Unanimously
- \_\_\_\_\_ Motion Carried/Split Vote Below
- \_\_\_\_\_ Motion Defeated/Split Vote Below

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

Attest: Rick Hogaboam, Clerk

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

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

**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel, approximately 27 acres, zoned “R-R” (Rural Residential, two-acre average lot size) shall be divided in compliance with Chapter 7, Article 17 (Subdivision) of the Canyon County Zoning Ordinance (CCZO) in substantial compliance with the conceptual site plan (Attachment B) subject to the following restrictions:
  - a. A secondary dwelling (CCZO §07-10-27 & 07-14-25) is prohibited.
  - b. Irrigation water rights shall be utilized via a pressurized system (Idaho Code Sections 31-3805 & 65-6737. Irrigation Agreement between the applicant and neighbor (Attachment C) shall be recorded and honored.
  - c. Conditions of the draft CC&Rs provided by the applicant (Attachment B) shall be adhered to whether recorded as CC&Rs or not.
3. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modifications or improvements shall be approved in writing by the local Irrigation District. A crossing agreement between the applicant/owner and the Bureau of Reclamation is required unless waiver by said jurisdiction.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”



## ATTACHMENT B

### Flying Arrow Landing Subdivision Proposed CC&R's

#### General Provisions:

1. I require owner acknowledgement that owners waive all protests regarding the surrounding farm operations, control of plant and/or animal species, to include the use of herbicides, pesticides, traps, or other methods of eradication. Owners will be asked to sign and agree to the disclosure that no complaints will be made formally to the HOA against the existing neighbors and farm operations unless that mentioned neighbor is breaking local governmental laws.
2. Owners are not prohibited from growing small crops, gardens, have animals or livestock, and will not be prohibited from doing business in the subdivision. A right to farm clause will be established in the HOA.
3. Owners may keep domesticated animals or livestock for their own purposes so long as they do not become a nuisance and if they do not violate any governmental laws regarding care, housing, pasturing etc.
4. Animal owners indemnify and hold harmless the developer, other owners, and the HOA from all damages caused to natural persons, personal property, real property etc. by their domesticated animals or livestock. This includes pollution, infection, contamination caused by their presence or the presence of their urine, feces, or dead bodies or body parts, medicines used to treat them etc.
5. Any animal found roaming, running, straying or being away from owner's lot will be declared to be a nuisance and the animal may be impounded according to applicable county ordinance.
6. Weed control- All owners are financially responsible for weed control of noxious plants to their platted lot and may work with others to maintain and control the spread of noxious weeds in the subdivision, adjacent neighbors, or local farm operations.
7. All lot owners are responsible for providing clean up of the constructions site, resulting from construction activities (building waste, vegetation clean up, landscaping, etc.), and for any manure produced from livestock or animal wastes.
8. All lot owners must provide for sufficient on-site parking and shall not allow any vehicles, at any time, to be parked on the private roadway of the subdivision.
9. No burning of trash, rubbish, or vegetation unless a county permit is obtained, and local fire jurisdictions are aware of such controlled burns.
10. Each lot owner(s) shall be responsible for compliance with all applicable federal, state, county and/or governmental statutes, ordinances and regulations, and any amendments relating in any way to the ownership and/or improvement of the lots within the plat.
11. No future land splits will be available to the platted lots and that disclosure will be agreed upon by the owner upon purchase.
12. All owners will be responsible for their easements and their respective maintenance on their property. All easements for utilities, drainage, etc. shall remain free of obstructions

## ATTACHMENT C

### Proposed Development Agreement

Current property owner: Martin Maestrejuan

18257 Batt Corner Rd.

Wilder, ID 83676

Recipient: Chester Mervin

26747 Boehner Rd.

Wilder, 83676

Responsibilities of developer to recipient upon project approval from Canyon County are as follows:

1. Developer will be responsible for providing new pump irrigation station on recipient's property. Pressurized irrigation system will be installed on recipient's property and financial responsibility from the power pole to the end of the existing underground irrigation water line only. Does not include any above ground irrigation equipment such as wheel lines, hand lines, solid set sprinklers, etc.

Developer's Responsibilities Itemized:

- A. Power pole, electrical panel, sized irrigation pump, and all underground irrigation pipe from pump station to existing main line with risers running east and west on south end of property. Will also install continuous pipe fence with woven no climb wire material from property corner next to pump station adjacent to residence to corner that turns next to irrigation risers.

Recipients' Responsibilities:

- A. Electrical permitting with Idaho Power and the Division of Building Safety.
2. A proposed easement of 20' will be granted on Lot #5 of the preliminary plat to allow recipient access of agricultural equipment only to the property from the private road access in the subdivision. Any future sale agreement of Lot #5 that occurs, the new owner will agree to this condition upon purchase of the property and will also be informed of this condition prior to the sale. Communication responsibilities will need to be established between the recipient and the future property owner of Lot #5, not the developer.

3. Upon completion of Item #1- Recipient agrees to review and possibly sign a proposed release agreement with developer to conclude irrigation responsibilities made to the recipient's property.

Both parties agree to the proposed development agreement with signature:

Owner: Mark Montoya

Recipient: Chris King

Date: 4-20-23

Date: 4-20-23



**Board of County Commissioners  
Flying Arrow Subdivision - SD2023-0009**

**FINDINGS, CONCLUSIONS LAW, AND ORDER**

**Findings of Fact**

1. The applicant, Martin Maestresjuan, is requesting approval for a preliminary plat of the Flying Arrow Landing Subdivision. The subdivision will consist of 12 residential lots and one (1) road lot (Attachment A). The proposed subdivision is located on parcel R37244011, 27.12 acres, at 18257 Batt Corner Rd., Wilder, ID; also referenced as a portion of the SW¼ of Section 34, T4N, R5W, BM, Canyon County, Idaho.
2. The property is currently zoned “A” (Agricultural, Exhibit 3d of the staff report). The 2030 Canyon County Comprehensive Plan’s future land use designation is “Rural Residential” (Exhibit 3c, staff report).
3. The proposed preliminary plat is also being considered concurrently with Case # CR2023-0006, a Conditional Rezone of Parcel R37244011 to a “CR-R-R” (Conditional Rezone - Rural Residential) zone (Exhibit 23, Staff Report).
4. The subject property is located within the Homedale Area of Impact. According to 09-05-17 of the Canyon County Code, the County recognizes that the City of Homedale has also developed a comprehensive plan that addresses this area of impact. The City has no zonings for the Area of Impact and defers to the county for zonings and future land use of properties in the AOCI (Section 09-05-19 of the Canyon County Code). The City of Homedale has approved the request of the applicant to waive the requirement for the development to connect to the city water service (Exhibits 6f and 16, Staff Report). The applicant's letter of intent (Exhibit 2a, Staff Report) states the preliminary plat includes curbs and sidewalks along the private road as requested by Homedale.
5. Each lot of the subdivision will be served by individual wells and septic systems. As a condition of approval, Southwest District Health approval is required. Evidence of approval will be the district’s signature on the final plat.
6. Two private roads, Bow Lane and Lothbrook Lane, provide access to Batt Corner Road, a public road. The private road names are approved (RD2021-0030, Exhibit 6e of the staff report). A road user’s maintenance agreement is required as a condition of approval per CCZO Section 07-10-03(1)B3). Also, the private road must be constructed per CCZO Section 07-10-03(3) before the signing of the final plat by the Board of County Commissioners.
  - a. Lot 5 includes a 20’ wide access easement for Parcel R37244 per the agreement between the developer and neighbor (Exhibit 2e, Staff Report). The size of the easement does not meet County requirements for residential ingress/egress (CCZO Section 07-10-03). Therefore, the easement is for agricultural access only.
7. The subject property abuts Boehner Road and Batt Corner Road, public roads in the Golden Gate Highway District’s jurisdiction. The highway district has submitted comments regarding site visits to address site distancing issues from the private road access onto Batt Corner (Attachment D). As a condition of approval, Golden-Gate Highway District #3 approval is required. Evidence of approval will be the district’s signature on the final plat.
8. Post-development stormwater run-off is to be contained within two stormwater retention ponds within easements on Lots 4 and 12. Access to the drainage pond on Lot 4 will be provided via existing ditch easement access which will require irrigation district approval. Maintenance of the ponds will be the responsibility of the Flying Arrow Landing Homeowner’s Association.
9. The property has water rights available from the Wilder Irrigation District. The District’s box gravity feeds water in an underground pipe to a pressurized pump station on the property. The preliminary



plat identifies the pressurized irrigation line main and service locations for each lot. As a condition of approval, irrigation district approvals of water delivery and drain modification are required before the Board signs the final plat (Exhibit 9, Staff Report). The plat also shows a new pump station and irrigation piping for the adjacent neighbor (R37244) per the agreement between the developer and neighbor (Exhibit 2e, Staff Report).

- a. As a condition of approval, Wilder Irrigation District or Boise Project Board of Control approval is required to use the ditch access, and a storm drainage maintenance plan is required and must be recorded either as a maintenance agreement or part of the CC&Rs (Exhibit 9, Staff Report).

10. The development is not located in a floodplain (Flood Zone X, FEMA Panel 16027C0200F).
11. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies, including the City of Homedale, were noticed on March 4, 2024. Property owners within 600' from the exterior boundaries of the subject parcel were noticed on March 4, 2024. A newspaper notice was published on March 9, 2023. A notice was posted on the subject property on March 4, 2024.
12. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2023-0009.

### **Conclusions of Law**

#### ***CCZO Section 07-17-09(5): Preliminary Plat – Board Action***

- A. *The board shall consider the commission's recommendation at a noticed public hearing.*
  - a. On November 2, 2023, the Planning and Zoning Commission recommended the denial of SD2023-0009 due to the recommendation of denial to the conditional rezone (CR2023-0006). *See Exhibit 11 of the staff report.*
  - b. On January 18, 2024, the Board of County Commissioners heard Cases CR2023-0006 and SD2023-0009. After considering the staff report and exhibits, testimony, and exhibits provided during the hearing (Exhibit 14, Staff Report), the Board made a motion to approve Cases CR2023-0006 and SD2023-0009 (Exhibit 15, Staff Report).
- B. *The board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify, or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:*
  1. *The ordinance and standards used in evaluating the application;*
  2. *The reasons for approval or denial; and*
  3. *If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.*

#### **Standard of Review for Subdivision Plat:**

- A. Idaho Code, Sections 67- 6513 (Subdivisions);
- B. Idaho Code, Section 31-3805 & 67-6537 (Water Rights/Irrigation Water Delivery);
- C. Idaho Code, Section 22-4503 (Right-to-Farm Act);
- D. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- E. Canyon County Zoning Ordinance (CCZO), Article 17 (Subdivision Regulations).
  - The preliminary plat was found to be complete by the County Engineer (Attachment B) subject to conditions of approval.



- F. Canyon County Code Section 09-01-17, Homedale – Area of City Impact Agreement.
- According to Section 09-05-19 of the Canyon Country Code regarding Applicable Ordinances and Standards within the Homedale Area of City Impact (AOCI), Canyon County subdivision ordinance requirements and standards apply in the AOCI. The city waives connection to city service well (Exhibit 6f and 16, Staff Report). The applicant agreed to add sidewalks along the private road based on the City's request (Exhibit 2a, Staff Report).

### **Conditions of Approval**

1. All subdivision improvements (such as drainage, irrigation, curb and sidewalks, and private roads) and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
  - a. Construction drawings and design information for required improvements shall be reviewed and approved by the County Engineer prior to construction commencing.
2. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation entity.
3. Development shall comply with irrigation district requirements (Attachment E). Evidence shall include written correspondence from the irrigation district prior to the Board of County Commissioner's signature on the final plat.
  - a. Approvals for the pressurized irrigation system per IC 31-3805 shall be obtained prior to improvement construction.
  - b. The final plat shall remedy the overlapping easements shown in the preliminary plat, especially along the eastern boundary of the subdivision, unless it can be demonstrated that the uses are not in conflict.
  - c. Use of any irrigation/ditch maintenance roads within an irrigation easement must be approved by the local irrigation district.
4. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
5. Development shall comply with the requirements of the local highway district. All comments provided by the highway district shall be addressed prior to final plat approval (Attachment D). Prior to the Board of County Commissioner's signature on the final plat, the highway district signature on the final plat shall be completed.
6. Development shall comply with Southwest District Health requirements. Prior to the Board of County Commissioner's signature on the final plat, Southwest District Health's signature on the final plat shall be completed.
7. Development shall comply with Fire District requirements (Attachment C). Evidence shall include written correspondence from the Fire District prior to the Board of County Commissioner's signature on the final plat.
8. A Road Water User's Maintenance Agreement for all lots within the development shall be recorded with the Canyon County Recorder's Office prior to the Board signing the final plat.
9. Prior to the Board signing the final plat, an easement or common lot shall be added to provide a United States Postal Service community mailbox unless waived by the United States Postal Service.
10. An irrigation and stormwater retention maintenance plan shall be included in the recorded CC&Rs prior to the signing of the final plat by the Board.

11. All conditions of the approved development agreement associated with CR2023-0006 shall be incorporated into the final plat prior to the signing by the Board.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2023-0009, the Board of County Commissioners **approve** Case No SD2023-0009, a preliminary plat for Flying Arrow Landing Subdivision subject to conditions of approval as enumerated herein.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

- \_\_\_\_\_ Motion Carried Unanimously
- \_\_\_\_\_ Motion Carried/Split Vote Below
- \_\_\_\_\_ Motion Defeated/Split Vote Below

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

Attest: Chris Yamamoto, Clerk

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

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



FLYING ARROW LANDING SUBDIVISION  
GRADING & DRAINAGE PLAN

- LEGEND
- Boundary Line
  - Section Line
  - Easement Line
  - Right-of-way Line
  - Top of Bank
  - Proposed Lot Line
  - Property Line
  - Contour Line

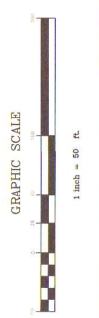
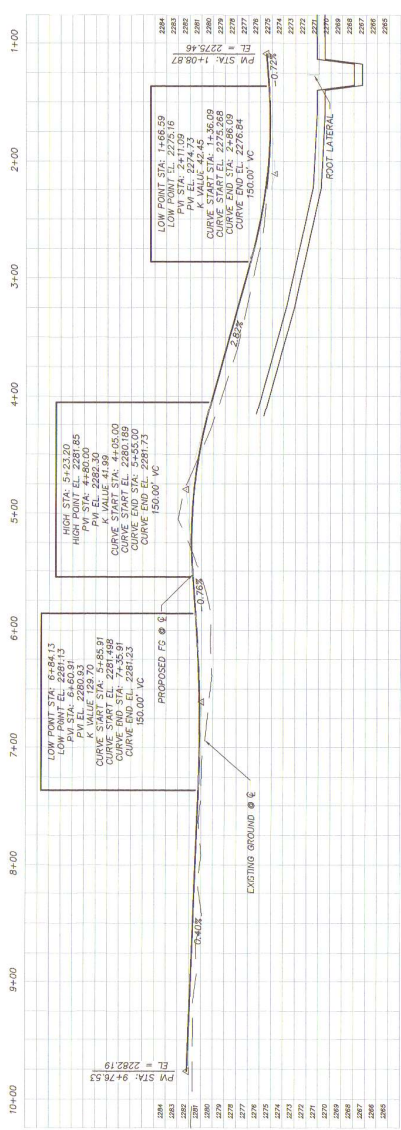
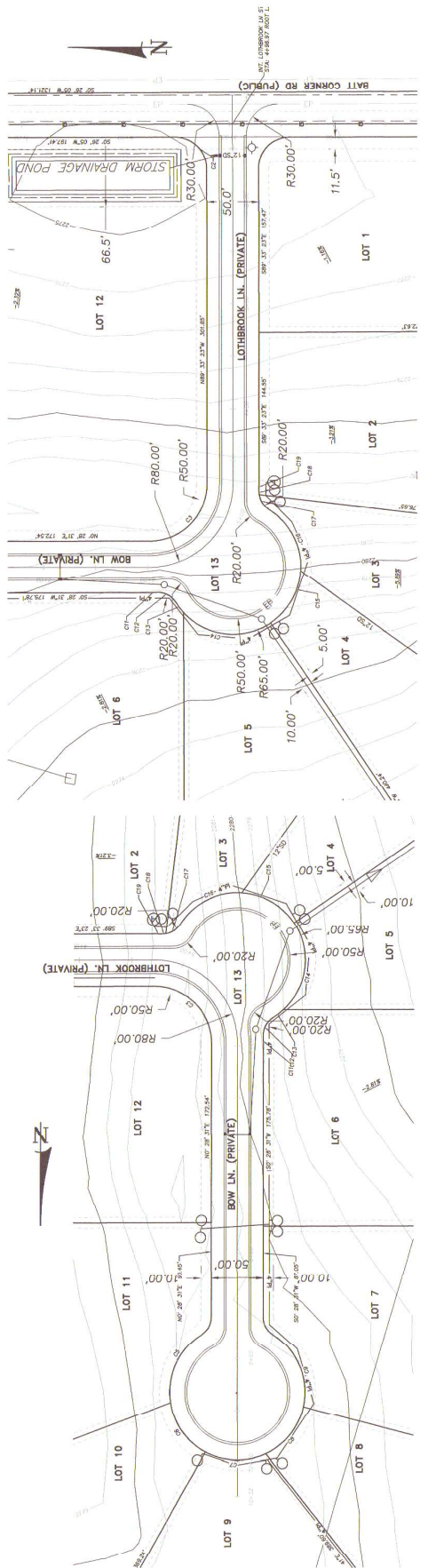


CLIENT: MARTIN MAESTRIJUAN  
18257 BATT CORNER RD.  
MILDER, IDAHO 83676  
FIELD BOOK NO.

INTERMOUNTAIN ENGINEERING P.C.  
DESIGNED BY: LKS 7-18-21  
DRAWN BY: LKS 7-18-21  
CHECKED BY: LKS  
APPROVED BY: LKS

REVISION

NO.	DATE	DESCRIPTION
1	8/1/21	SUBMITTED FOR REVIEW
2	11/22/21	REVISED PER COUNTY AND HIGHWAY DISTRICT REQUIREMENTS
3	12/09/21	REVISED FOR HIGHWAY DISTRICT REQUIREMENTS
4	12/09/21	REVISED DRAWING TO INCLUDE CURB & GUTTER





CLIENT: MARTIN MAESTRILAN  
 0808 NO. MAESTRILAN, JR.  
 12627 BATT CORNER RD.  
 WILDER, IDAHO 83676  
 (202) 741-7059

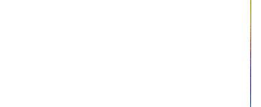
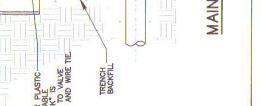
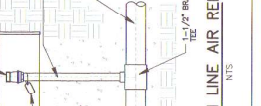
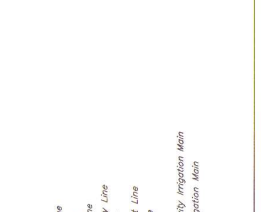
INTERMOUNTAIN ENGINEERING P.C.  
 2007 SOUTHWEST PLAZA, SUITE 100  
 (208) 485-2489 FAX  
 (208) 481-1245

DESIGNED BY: KKS 7-18-21  
 CHECKED BY: KKS 7-18-21  
 APPROVED BY: [Signature] 12/20/21

REVISIONS:  
 NO. BY DATE  
 1 KKS 9/14/21 SUBMITTED FOR REVIEW  
 2 KKS 11/22/21 REVISED PER COUNTY AND HIGHWAY DISTRICT REQUIREMENTS  
 3 KKS 12/20/21 REVISED ROADWAY TO INCLUDE CURB & GUTTER

FIELD BOOK NO. \_\_\_\_\_  
 SCALE: 1"=100'  
 SHEET NO. 3 OF 3

FLYING ARROW LANDING SUBDIVISION  
 PRELIMINARY IRRIGATION PLAN







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

### Preliminary Plat Check-List

<b>Applicant:</b> Martin Maestrejuan	<b>Case Number:</b> SD2023-0009
<b>Subdivision Name:</b> Flying Arrow	<b>Plat Date (Review #):</b> 9/11/2023 (2)

#### **CANYON COUNTY CODE OF ORDINANCES 07-17-09**

The information hereinafter required as part of the preliminary plat submitted shall be shown graphically or by note on plans, and may comprise several sheets showing various elements or required data. *Italicized items are supplemental to CCZO 07-17-09.*

<b>GENERAL REVIEW ITEMS</b>	<b><u>Meets Code / Comments</u></b>
1. Complete initial review of <b>all</b> information given graphically and by note on the plat	<b>OK</b>
2. Check for compliance with FCOs and/or Development Agreement from entitlement process if applicable	<b>OK</b> DA Submitted, CR running concurrently to this application
3. Check for compliance with CCO Chapter 9 - Areas of City Impact. Chapter 9 lists requirements unless waived.	<b>OK</b> Per <a href="#">CCZO 09-05-19</a> Canyon County subdivision ordinance is applicable in Homedale's AOI.
4. Check for applicable agency comment. These comments could have been made at the entitlement stage or after.	<b>OK</b> No agency comment for new application as of 9/12/23  Some agency comments from previous applications for the subject parcel were reviewed
5. Make note of agencies that should be noticed if not typically included on the notice list and pass information along to planner	<b>OK</b>

Items A through E below are directly from CCZO 07-17-09. Italicized items are checklist items related to requirements found in ordinance and may not be strictly required.

<b>A. FORM OF PRESENTATION</b>	<b><u>Meets Code / Comments</u></b>
1. Scale of Drawing (No more than 1"=100' unless approved by DSD prior to submission)	Meets Code
2. Size of Drawing (No larger than 24' x 36") <ul style="list-style-type: none"> <li>Obtain electronic version of all submittals</li> </ul>	Meets Code
<b>B. IDENTIFICATION AND DESCRIPTIVE DATA</b>	<b><u>Meets Code / Comments</u></b>
1. Proposed name of subdivision and its location by section, township, and range <ul style="list-style-type: none"> <li>Name of sub needs to be reserved through DSD GIS</li> </ul>	Meets Code
2. Reference by dimension and bearing to a section corner or quarter section corner	Meets Code
3. Name, address and phone number of developer	Meets Code
4. Name address and phone number of the person preparing the plat	Meets Code
5. North arrow	Meets Code
6. Date of preparation	Meets Code
7. Revision block showing dates if any revisions subsequent to the original preparation date. The revision block shall be part of the title block which shall be placed along the right edge of the drawing sheet.	Meets Code
8. Vicinity map drawn to scale, clearly showing proposed subdivision location in relationship to adjacent subdivisions, main arterial routes, collector streets, etc. <ul style="list-style-type: none"> <li>Check for consistency between pre-plat and vicinity map</li> </ul>	Meets Code

<b>C. EXISTING CONDITIONS DATA</b>	<b><u>Meets Code / Comments</u></b>
1. 2 Foot Contours shown unless otherwise approved; show all areas in excess of 15% slope	Meets Code
2. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes or other water features; direction of flow; location and extent of known areas subject to inundation.	Meets Code pending a few minor drafting updates
3. Location, widths and names of all platted streets, railroads, utility rights of way of public record, public areas, permanent structures to remain including water wells and municipal corporation lines within or adjacent to the tract <ul style="list-style-type: none"> <li>Future use of remaining wells, if applicable</li> </ul>	Meets Code
4. Name, book and page numbers of any recorded adjacent subdivisions having a common boundary with the tract	N/A

<p>5. Existing zoning classification, by note</p> <ul style="list-style-type: none"> <li>Proposed zoning, by note, if new zoning is being proposed concurrently with pre-plat application</li> </ul>	<p>Meets Code</p>
<p>6. Approximate acreage of the tract, by note</p>	<p>Meets Code</p>
<p>7. Boundary dimensions of the tract</p>	<p>Meets Code</p>
<p>8. Names and addresses of adjoining property owners within three hundred (300) feet of the exterior boundary of the tract</p>	<p>Meets Code</p>
<p><b>D. PROPOSED CONDITIONS DATA</b></p>	<p><b><u>Meets Code / Comments</u></b></p>
<p>1. Road layout, including location, width and proposed names of roads, alleys, pathways, easements, and roadway connections, if any, to an adjoining platted tract</p> <ul style="list-style-type: none"> <li>Confirmation that highway district will allow proposed access if new access is on an arterial.</li> <li>Check alignment of stub streets with adjacent developments, if applicable</li> <li>Private roads shall not have direct access to arterials or local roads within a platted subdivision (ACCHD 2020.040)</li> <li>Private road names need to be reserved through DSD GIS. Private roads require a separate application.</li> <li>Public road names must be checked for availability with DSD GIS</li> <li>If typical sections are shown make sure they are consistent with what will be required</li> </ul>	<p>Meets Code</p> <p>Private roads and driveways will need to be constructed to requirements of <a href="#">07-10-03</a>. Which includes approval from fire district.</p>
<p>2. Typical lot dimensions including curvilinear data to scale; each lot numbered individually; total number of lots by type and grand total. A private road must be a lot.</p> <ul style="list-style-type: none"> <li>Curve table is present and matches data shown graphically</li> <li>Minimum lot size</li> <li>Average lot size (calculated as total residential area divided by the number of residential lots)</li> <li>Check block numbering</li> <li>Consider any phasing shown</li> </ul>	<p>Meets Code</p> <p>Pending small update to note 9</p>
<p>3. Location, width and use of easements</p> <ul style="list-style-type: none"> <li>Provide documentation of or reference to any existing easements, especially access easements for existing parcels that are part of the plat.</li> <li>Show easements for all shared infrastructure</li> </ul>	<p>Meets Code</p>
<p>4. Designation of all land to be dedicated or reserved for public use with use indicated</p>	<p>N/A</p>
<p>5. If plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification and status of zoning change, if any</p>	<p>N/A</p>

6. If the proposed subdivision is part of a larger area intended for development, a development master plan of the entire area shall be provided	N/A
<p>7. Appropriate information that sufficiently details the proposed development within any special development area such as hillside, PUD, flood plain, cemetery, manufactured home, large scale development, hazardous and unique areas of development</p> <ul style="list-style-type: none"> <li>• <i>Check mapping layers for above special development items. Include wetland and natural drainage ways.</i></li> <li>• <i>Consider recommended conditions related to special development areas and related reports</i></li> </ul>	Meets Code
8. All roads must be labeled as either "private" or "public" behind or beneath the road name	Meets Code
<b>E. PROPOSED UTILITY METHODS</b>	<b><u>Meets Code / Comments</u></b>
<p>1. <b>Sewage:</b> A statement as to the type of proposed sanitary sewage facilities</p> <ul style="list-style-type: none"> <li>• <i>Preliminary location/layout of proposed sewage facilities</i></li> <li>• <i>Nutrient-Pathogen study if required by SWDH</i></li> <li>• <i>If sewage facilities will be shared, provide preliminary arrangements for future operation and maintenance of the facilities, including financial arrangements. Also include preliminary sewer plan. DSD should complete high level feasibility review of shared utilities</i></li> </ul>	Meets Code
<p>2. <b>Water Supply:</b> A statement as to the type of proposed water supply facilities</p> <ul style="list-style-type: none"> <li>• <i>Preliminary location/layout of proposed potable water facilities</i></li> <li>• <i>If potable water facilities will be shared, provide preliminary arrangements for future operation and maintenance of the facilities, including financial arrangements. Also include preliminary potable water plan. DSD should complete high level feasibility review of shared utilities</i></li> </ul>	Meets Code
<p>3. <b>Storm Water Disposal:</b> A statement as to the type of storm water disposal facilities which may include evidence as may be required relative to the design and operation of proposed storm water system</p> <ul style="list-style-type: none"> <li>• <i>Include statement that all storm water shall be retained on site, if appropriate</i></li> <li>• <i>Consider any required protection for roadside swales during home construction and/or long-term protection from landscaping, roadside parking, regrading/filling swale, ect</i></li> <li>• <i>Maintenance easements for storm drain facilities treating drainage from public roads should be in place</i></li> </ul>	Meets Code
<p>4. <b>Irrigation System:</b> A statement as to the proposed irrigation system, which may include evidence as may be required relative to the design and operation of any proposed irrigation system</p>	<p>Meets Code</p> <p>Is there any anticipated issues with shoulder season irrigation needs for ≈2</p>

<ul style="list-style-type: none"> <li>• Irrigation Supply And Distribution Systems: The developer shall disclose, pursuant to Idaho Code section 31-3805, and file as part of the preliminary plat with DSD, evidence that an adequate irrigation supply and distribution system to serve the land within the plat to be recorded will be provided and must include consideration of using existing water rights that go with the land being platted. Such evidence shall include, but not be limited to, the following: <ul style="list-style-type: none"> <li>- Copies of the plans of the proposed distribution system for the lots and areas to be served in the proposed development; and</li> <li>- Copies of the community association's or similar organization's documents which may be required precedent to the establishment of an irrigation distribution system within the proposed development.</li> </ul> </li> </ul>	<p>acre lots given the limitations in the <a href="#">domestic exemption</a> (&lt; 0.5 acre yards)?</p>
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<p>5. <b>Utility Easement:</b> The utility easement width shall be a minimum of ten (10) feet from the exterior boundaries and five (5) feet from the interior boundaries. Utility easements shall be shown graphically on the plat.</p>	<p style="text-align: center;"><b>Meets Code</b></p> <p>There seems to be some overlapping easements, especially along the eastern boundary of the subdivision. For example, will the owner/users of Root lateral allow the required 10 ft utility easement to be located within the Root Lateral easement or should they be stacked? And the 10 ft utility easement along the eastern boundary of lot 12 is overlapped entirely by the storm pond easement and the Root Lateral easement.</p> <p>See recommended condition of approval #3b.</p>
--	--

**CURRENT RECOMMENDED CONDITIONS**

1. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
2. Development shall comply with requirements of the local highway district. Evidence shall include written correspondence from the highway district prior to the first public hearing held for the preliminary plat and highway district signature on the final plat.
3. Development shall comply with irrigation district requirements. Evidence shall include written correspondence from the irrigation district prior to the first public hearing held for the preliminary plat and prior to Board of County Commissioner's signature on the final plat.
  - a. Approvals for the pressurized irrigation system per IC 31-3805 shall be obtained prior to improvement construction.
  - b. The final plat shall remedy the overlapping easements shown in the preliminary plat, especially along the eastern boundary of the subdivision, unless it can be demonstrated that the uses are not in conflict.



4. Development shall comply with Southwest District Health requirements. Evidence shall include written correspondence from the Southwest District Health prior to the first public hearing held for the preliminary plat and Southwest District Health signature on the final plat.
5. Development shall comply with Fire District requirements. Evidence shall include written correspondence from the Fire District prior to the first public hearing held for the preliminary plat and prior to Board of County Commissioner's signature on the final plat.
6. After preliminary plat approval applicant shall provide GIS data containing georeferenced lot line and roadway linework to be included in Development Services GIS mapping.
7. Construction drawings and design information for required improvements shall be reviewed and approved by the County Engineer prior to construction commencing.

**FOR DEVELOPMENT SERVICES INTERNAL USE ONLY**

Date Reviewed	Reviewer
8/28-9/5 2023	Devin Krasowski + Ivan Kowalczyk
9/12/23	Devin Krasowski

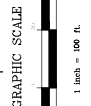
**COMPLIANCE WITH CONDITIONS OF APPROVAL:**

Concurrent with CR2023-0006 DA conditions pending

<b>Pink</b>	<b>Planning</b>
<b>Blue</b>	<b>Planning &amp; Engineering</b>
<b>Green</b>	<b>Engineering</b>



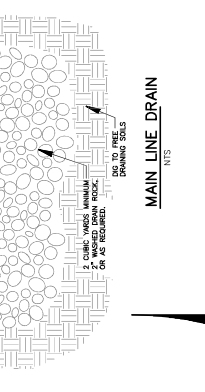




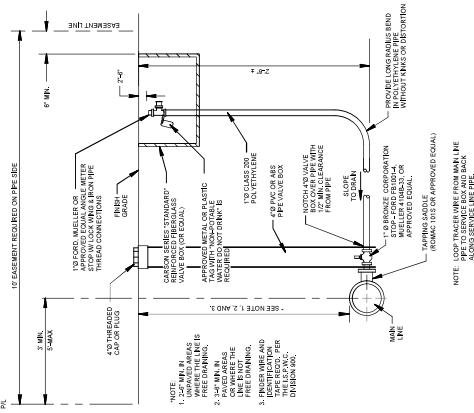
CLIENT: MR. MAESTRUJAN  
 1827 BATT CORNER RD.,  
 WILDER, IDAHO 83676  
 (272) 741-7059

INTERMOUNTAIN ENGINEERING P.C.  
 2807 SUTTERS RD., MERIDIAN, ID 83641  
 (208) 941-1245

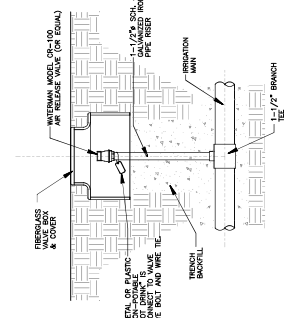
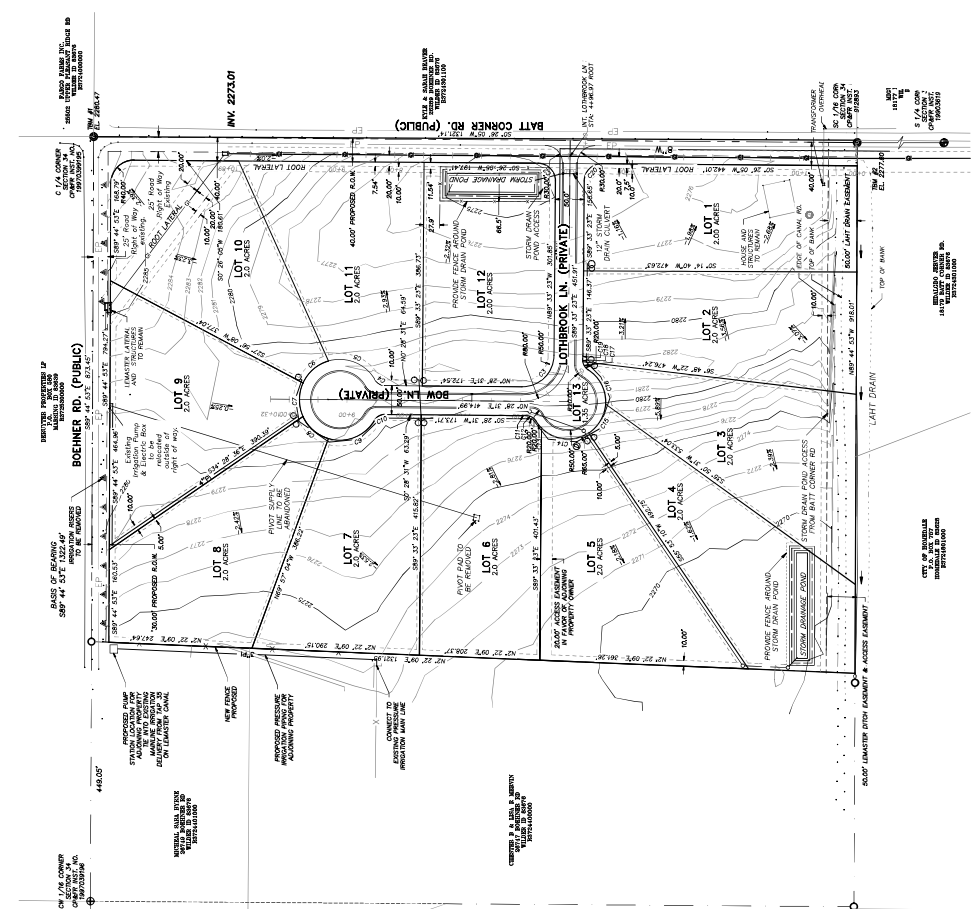
NO.	DATE	REVISION
1	08/23	REVISED FOR REVIEW
2	09/23	REVISED CUD-DE-SAC BLUE RADII PER COUNTY PERMIT.



**TYPICAL PRESSURIZED LOT SERVICE**



- LEGEND**
- Boundary Line
  - Section Line
  - Essentment Line
  - Right-of-way Line
  - Top of Bank
  - Proposed Lot Line
  - Property Line
  - City of Meridian, County Irrigation Main
  - Pressure Irrigation Main
  - Irrigation Gate Valve
  - CB-140 Precast MH
  - Lot Service
  - AP Riser Valve
  - Main Line Drain
  - Existing Irrigation
  - anchored Valve





# WILDER RURAL FIRE PROTECTION DISTRICT



Chris Wolf  
Commissioner Dist 1

Brandon Badiola  
Commissioner Dist 2

Mike Gooding  
Commissioner Dist 3

601 Patriot Way  
Wilder, ID 83676

208-482-7563

Steve Rhodes  
Fire / EMS Chief

Chad Christiansen  
Assistant Chief

Jeanne Maloney  
Secretary

September 26, 2023

Ivan Kowalczyk  
Canyon County Development Services  
111 North 11<sup>th</sup> Avenue, Suite 140  
Caldwell, ID 8305

**Subject: Case # CR2023-0006/SD2023-0009**  
**Applicant: Martin Maestrejuan**

Dear Ivan:

Wilder Rural Fire Protection District is in receipt of a letter dated 9/21/2023 from Pam Dilbeck, requesting that we provide comments about the subject case.

The applicant is requesting a rezone of 27.17 acres from Agricultural to a Rural Residential zone and he intends to have 12 residential lots with one private road lot on the property.

In order to approve the access roads, the applicant must provide a site plan (plat) of the subdivision which outlines the proposed 12 residential lots, while adhering to the International Fire Code. Wilder Fire District recommends a secondary emergency exit for emergency vehicle use and appropriate turnarounds and main road needs to meet all driving material requirements and approval before any building can begin.

If you have any questions, don't hesitate to call me at 208-482-7563.

Sincerely,

Chad Christiansen

CC/jmm





**J-U-B ENGINEERS, INC.**

J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

May 16, 2023

Canyon County Development Services Department  
Attn: Ivan Kowalczyk, Planner  
111 North 11<sup>th</sup> Ave., Ste. 310  
Caldwell, ID 83605  
Phone: (208)454-7459  
Email: [ivan.kowalczyk@canyoncounty.id.gov](mailto:ivan.kowalczyk@canyoncounty.id.gov)

RE: Case Name: Maestrestrejuan, Case Number: CR2023-0006, Parcel #: R37244011

Mr. Kowalczyk:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the subject Conditional Rezone submitted to GGHD in an email dated May 15, 2023. The subject parcel is located on the southwest corner of the intersection of Boehner Road and Batt Corner Road in portions of the NE1/4SW1/4, Section 34, T4N, R5W, BM.

The application requests a rezone of Parcel #R37244011 from A (Agricultural) to R-R (Rural Residential) for the entire property, 27.17 acres, with the purpose of creating a 12-lot subdivision via the subdivision process. A preliminary plat has been submitted concurrently with the rezone request. Proposed access for the subdivision would be from Batt Corner Road to a private road in the subdivision. Batt Corner Rd is a Minor Collector according to the GGHD's 2019 Functional Classification Map.

At this time, and based upon said written information provided with the application, the following findings and conditions of approval apply:

1. Proposed access on Batt Corner Rd to meet the rural roadway spacing requirements of Section 3061.010 and applicable standard drawings of the ACCHD Standards.
2. It appears legal access is available to the property for the requested use.
3. It does not appear any undue interference with existing or future traffic patterns will be created by the requested use.
4. A site visit by GGHD representatives 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, P.E.**

*Project Manager/Engineer, Transportation Services Group  
Technical Resources Team Lead (Central)*

CC: Bob Watkins, GGHD Director of Highways

**DONALD BARKSDALE**  
CHAIRMAN OF THE BOARD  
**FRED BUTLER**  
VICE CHAIRMAN OF THE BOARD

# BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

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

**ROBERT D. CARTER**  
PROJECT MANAGER

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

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

**THOMAS RITTHALER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

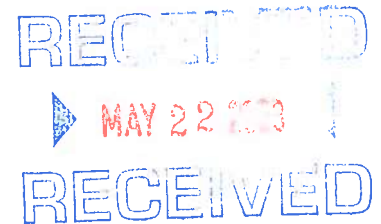
**MARY SUE CHASE**  
ASSISTANT SECRETARY-  
TREASURER

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

17 May 2023

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

RE: Martin Maestrejuan **CR2023-0006/SD2023-0009**  
18257 Batt Corner Rd  
Wilder Irrigation District W-1156-2  
Lemaster Lateral 03+60, Root lateral and Laht Drain  
Sec.34, T4N, R5W, BM.



Ivan Kowalczyk:

The United States' Lemaster and Root Lateral along with the Laht Drain lies within the boundary of the above-mentioned location. The easement for these facilities is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

**The Boise Project Board of Control is contracted to operate and maintain these facilities. We assert the federal easement 20 feet southwest and 20 feet northeast of the Lemaster Lateral, 20 feet east and 20 feet west of the Root Lateral and 50 feet north and 50 feet south of the Laht Drain from the facilities centerline. Whereas this area is for the operation and maintenance of our facilities, no activity should hinder our ability to do so.**

The Boise Project does not approve landscaping other than gravel within its easements, as this will certainly increase our cost of maintenance. All easements must remain a flat drivable surface.

Fencing, gates and pathways (as may be required) must be constructed just off the canal easement, to ensure public safety and prevent encroachments. No exceptions will be granted.

Parking lots, curbing, light poles, signs, etc. and the placing of asphalt and/or cement over Project facility easements must be approved by Boise Project Board of Control prior to construction.

Project facilities and/or easements that parallel, and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated outside of road right-of-ways. The easements of Boise Project facilities will remain the same unless agreed upon and/or approved with written permission from Boise Project Board of Control.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the canal is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case, no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

Crossing agreements must be secured and signed by all parties prior to March 1<sup>st</sup> of each year. A time schedule for the construction to be done during the non-irrigation season must be approved by Boise Project prior to any activity within Project easements. No construction will be allowed within the easement boundaries of the Boise Project Board of Control facilities after March 15<sup>th</sup> of each year. However, on a case-by-case basis, overhead utilities and utilities boring underneath a Project facility may be allowed after March 15<sup>th</sup> if reviewed and approved by the Boise Project.

The piping and relocation of any Lateral, Canal and/or Drain must be reviewed and approved by the Project and the Bureau of Reclamation and is to include all appurtenant boxes and/or structures and must be warranted by the landowner/developer/contractor for a period of (5) five-years. The Warrantee Agreement must be secured prior to ANY disturbance of that facility.

Boise Project Board of Control must approve any requests and/or relocation of delivery points prior to construction.

Storm Drainage and/or Street Runoff must be retained on site.

NO DISCHARGE into any live irrigation system is permitted.

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

**This development is subject to Idaho Code 31-3805, in accordance, this office is requesting 1 full size copy of the irrigation and drainage plans.**

**Wilder Irrigation District and Boise Project will need to be informed as to whom will own and operate any pressure irrigation system.**

Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statutes, Title 42-1209.

Future preliminary and final plats must call out the Project easements and the plats must also note, which lots have surface irrigation water rights and which lots do not.

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors and may be requested during the construction phase as well.

Contractor will be required to contact the Division 5 Watermaster prior to any construction at 208-482-6203 to identify all Boise Project facilities located on the project.

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

Sincerely,



Thomas Ritthaler  
Assistant Project Manager

tbr/tr

cc: Matt Freelove                      Watermaster, Div; 5 BPBC  
Lisa Sweet                              Secretary – Treasurer, WID  
File



Director Decision
Private Road Width Reduction - SD2021-0049

Canyon County Code of Ordinances 16-007, Article 10

Development Services Department

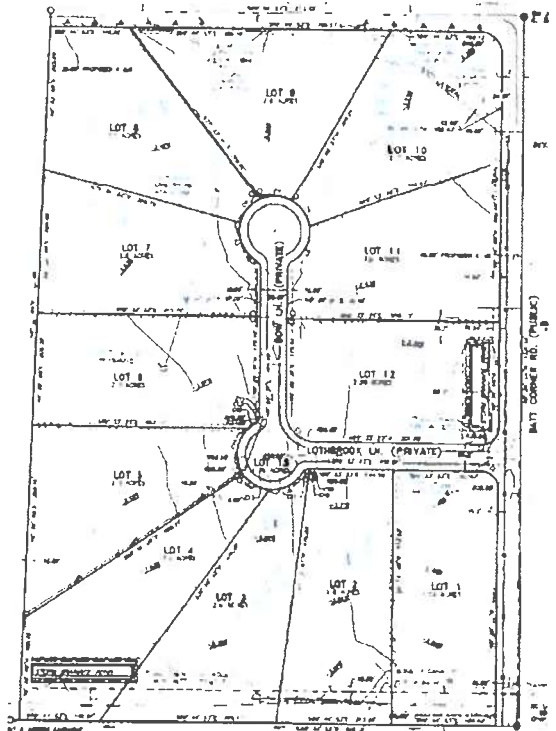
Case Number: SD2021-0049 - Admin Decision for Flying Arrow Landing Subdivision
Parcel: R37244011
Property Owner: Martin Maestrejuan

Request: Martin Maestrejuan. is requesting a private road width reduction for two (2) proposed private roads ( Lothbrook Ln. and Bow Ln.) to 50 ft. as part of the preliminary plat application for Flying Arrow Landing Subdivision.

Finding: Pursuant to CCZO §07-10-03(C), a private road shall be shown as a separate, non-buildable lot in accordance with §07-17-31. §07-17-31 requires a minimum private road lot width of sixty feet (60'). The road lot with may be reduced to not less than fifty feet(50') in accordance with §07-10-03 (1) D.

Consistent with Section 07-10-03(1) D of the Canyon County Zoning Ordinance, the private road lot width reduction will provide adequate access to the proposed lots within Flying Arrow Subdivision.

Physical characteristics of the site do not require a width reduction; however, installation of curb & gutter per City of Homedale required a modification to the site design and required a width reduction of the private roads. There is no evidence that the reduction will cause injury, damage or a safety hazard.



Decision: The application to complete an private road width reduction per Section 07-10-03(1)D is APPROVED.

Steve Fultz, Director

1/19/22

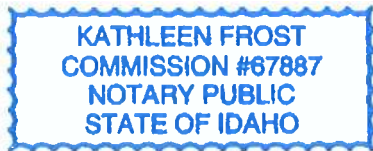
Date

State of Idaho )

SS

County of Canyon County )

On this 19th day of January, in the year of 2022, before me Kathleen Frost, a notary public, personally appeared Stephen Fultz, personally known to me 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.



Notary: Kathleen Frost

My Commission Expires: 6-3-2022



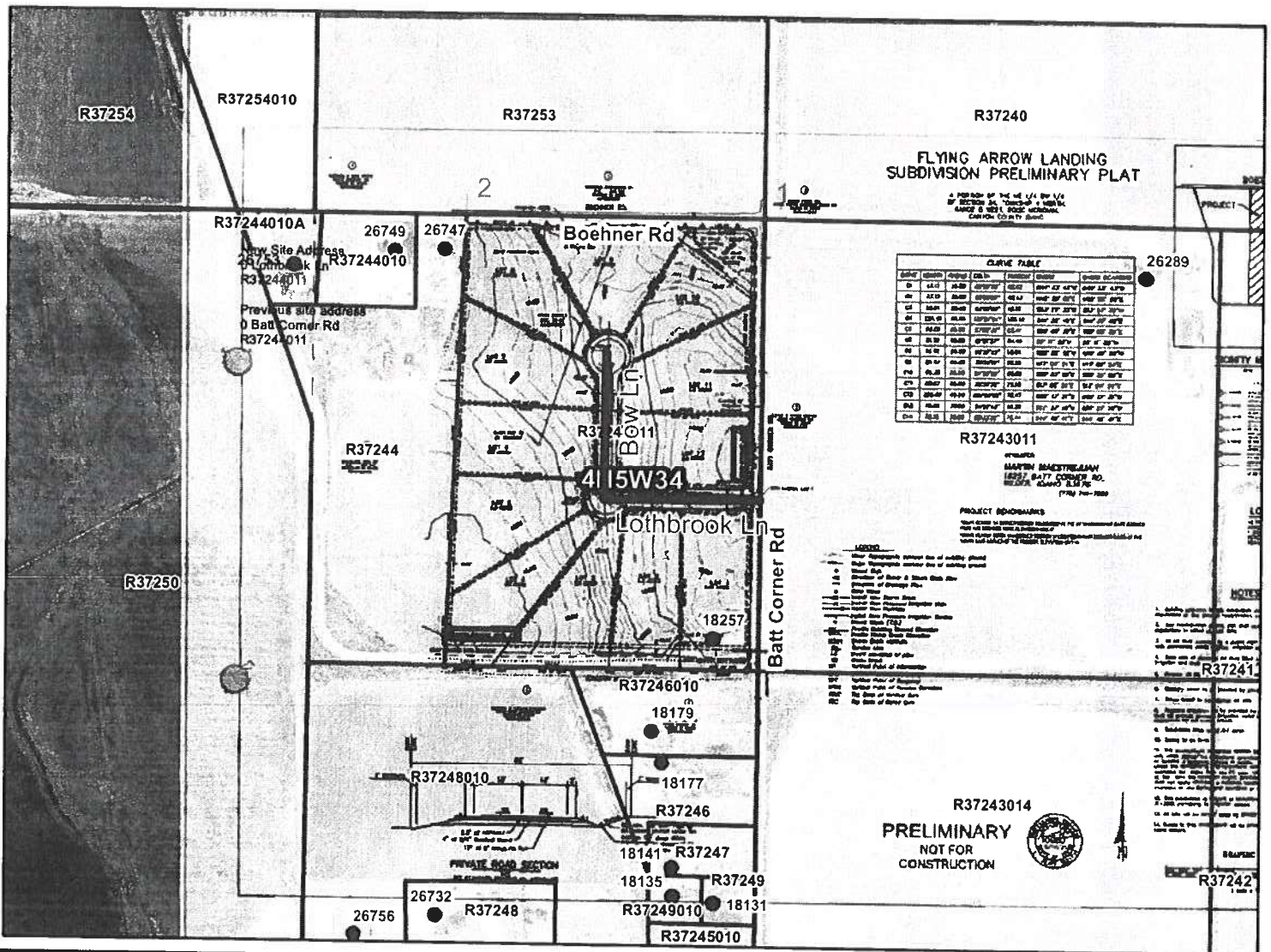
**Issuance of a Certificate of Address**  
**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

111 North 11th Avenue, #140, Caldwell, ID 83605  
 www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633

Addressing Ordinance § 06-05-19 Authority: This article is authorized by Idaho Code sections 31-714 and 31-828 and article 12, section 2 of the Idaho constitution. (2) Purpose: The purpose of this article is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of the county and the inhabitants thereof and to provide for: A. The coordination of street names and a numbering grid system; B. Coordination of addresses for the quick efficient delivery of emergency services; C. The administration and enforcement of this article by defining the powers and duties of the director.

**New Private Roads**  
**Lothbrook Ln & Bow Ln**

Effective Date: 10/20/2021  
 Address Issued By: TAlmeida



The Canyon County Assessor, Canyon County Sheriff's Office, Canyon County Elections, applicable USPS post office, applicable Fire District, applicable Highway District and interested agencies are notified of the new address. It is the owner's responsibility to place new address numbers or replace old address numbers on the property, mail box and personal information to reflect the address or new address assigned. The display of the address numbers shall be in accordance with Canyon County Addressing Ordinance 06-05-19. The address or address change should reflect within six (6) weeks of date on Canyon County Issuance of Certificate Address. Canyon County assumes no responsibility for the determination of which post office (city) delivers mail to this address.

**Addresses are subject to change upon discrepancies with addresses out of sequence and are also subject to change upon driveway location.**

**Legend**

- Address Point
- ▨ Caldwell
- ▨ City Limits
- ▨ Nampa
- ══ Highway
- ══ Interstate
- ══ Roads

**SCALE** 1 in = 463 feet Map Scale: 1:5,560

The maps are provided "as-is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the user accessing this information. Canyon County, ID makes no warranties.



**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458

Fax: (208) 454-6633 • www.canyoncounty.org/dsd

**DEVELOPMENT AGREEMENT  
BETWEEN CANYON COUNTY AND APPLICANT**

**Agreement number: \_\_\_\_\_**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and Martin Dario Maestrejuan, hereinafter referred to as "Applicant."

**RECITALS**

**WHEREAS**, Applicants have applied to the County for a conditional rezone from the "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone – Rural Residential) Zone (CR2023-0006), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

**WHEREAS**, Parcels R37244011, approximately 27.17 acres, is owned by the Applicant.

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-R" (Conditional Rezone – Rural Residential) Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B".

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

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

**SECTION 1. AUTHORIZATION.**

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

## **SECTION 2. PROPERTY OWNER.**

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

## **SECTION 3. RECORDATION.**

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

## **SECTION 4. TERM.**

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

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

## **SECTION 5. MODIFICATION.**

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

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

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

**SECTION 7. COMMITMENTS.**

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Properties from “A” (Agricultural) Zone to “CR-R-R” (Conditional Rezone – Rural Residential) Zone, which conditions are attached hereto as EXHIBIT “B”.

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

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see Exhibit “B”). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to a “CR-R-R” (Conditional Rezone – Neighborhood Rural Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

**SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.**

**A. COUNTY REVIEW.**

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

**B. COUNTY PROCEDURES.**

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant’s conditional rezone application in Development Services Department Case Number CR2023-0006 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings,

correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

**C. INDEMNITY.**

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

**D. DEFENSE EXPENSES.**

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

**SECTION 10. PERIODIC REVIEW.**

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

**SECTION 11. REQUIRED PERFORMANCE.**

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

**SECTION 12. DEFAULT AND REMEDIES.**

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and



safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

**SECTION 13. ZONING REVERSION CONSENT.**

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

**SECTION 14. COMPLIANCE WITH LAWS.**

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

**SECTION 15. RELATIONSHIP OF PARTIES.**

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

**SECTION 16. CHANGES IN LAW.**

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

**SECTION 17. NOTICES.**

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business

day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

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

Director  
Development Services Department  
Canyon County Administration  
111 North 11<sup>th</sup> Avenue, #310  
Caldwell, Idaho 83605

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

Name: Martin Maestrejuan  
Street Address: PO BOX 250  
City, State, Zip: Wilder, ID 83676

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

**SECTION 18. TERMINATION.**

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

**SECTION 19. EFFECTIVE DATE.**

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

**SECTION 20. TIME OF ESSENCE.**

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

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

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

**APPLICANT**

\_\_\_\_\_  
Commissioner Holton

\_\_\_\_\_  
Martin Dario Maestrejuan, Property Owner

\_\_\_\_\_  
Commissioner Van Beek

\_\_\_\_\_  
Commissioner Brooks

ATTEST: Rick Hogaboam, Clerk

BY: \_\_\_\_\_  
Deputy

DATE: \_\_\_\_\_

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

STATE OF IDAHO )

) ss.

County of Canyon )

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

\_\_\_\_\_  
Notary Public for Idaho

Residing at: \_\_\_\_\_

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

**EXHIBIT “A”**  
**LEGAL DESCRIPTION**

A portion of the Northeast quarter of the Southwest quarter of Section 34, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of said Northeast quarter of the Southwest quarter; thence South 89°44'57" East along the North boundary of said Northeast quarter of the Southwest quarter a distance of 449 feet to the True Point of Beginning; thence continuing South 89°44'57" East along said North boundary a distance of 873.46 feet to the Northeast corner of said Northeast quarter of the Southwest quarter; thence South 0°26'01" West along the East boundary of said Northeast quarter of the Southwest quarter a distance of 1321.19 feet to the Southeast corner of said Northeast quarter of the Southwest quarter; thence North 89°44'49" West along the South boundary of said Northeast quarter of the Southwest quarter a distance of 918.07 feet; thence North 2°22'03" East a distance of 1322.05 feet to the True Point of Beginning.

**EXHIBIT “B”**  
**CONDITIONS OF APPROVAL**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel, approximately 27 acres, zoned “R-R” (Rural Residential, two-acre average lot size) shall be divided in compliance with Chapter 7, Article 17 (Subdivision) of the Canyon County Zoning Ordinance (CCZO) in substantial compliance with the conceptual site plan (Attachment B) subject to the following restrictions:
  - a. A secondary dwelling (CCZO §07-10-27 & 07-14-25) is prohibited.
  - b. Irrigation water rights shall be utilized via a pressurized system (Idaho Code Sections 31-3805 & 65-6737. Irrigation Agreement between the applicant and neighbor (Exhibit “D”) shall be recorded and honored.
  - c. Conditions of the draft CC&Rs provided by the applicant (Exhibit “C”) shall be adhered to whether recorded as CC&Rs or not.
3. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modifications or improvements shall be approved in writing by the local Irrigation District. A crossing agreement between the applicant/owner and the Bureau of Reclamation is required unless waiver by said jurisdiction.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”



## EXHIBIT "C"

### Flying Arrow Landing Subdivision Proposed CC&R's

#### General Provisions:

1. I require owner acknowledgement that owners waive all protests regarding the surrounding farm operations, control of plant and/or animal species, to include the use of herbicides, pesticides, traps, or other methods of eradication. Owners will be asked to sign and agree to the disclosure that no complaints will be made formally to the HOA against the existing neighbors and farm operations unless that mentioned neighbor is breaking local governmental laws.
2. Owners are not prohibited from growing small crops, gardens, have animals or livestock, and will not be prohibited from doing business in the subdivision. A right to farm clause will be established in the HOA.
3. Owners may keep domesticated animals or livestock for their own purposes so long as they do not become a nuisance and if they do not violate any governmental laws regarding care, housing, pasturing etc.
4. Animal owners indemnify and hold harmless the developer, other owners, and the HOA from all damages caused to natural persons, personal property, real property etc. by their domesticated animals or livestock. This includes pollution, infection, contamination caused by their presence or the presence of their urine, feces, or dead bodies or body parts, medicines used to treat them etc.
5. Any animal found roaming, running, straying or being away from owner's lot will be declared to be a nuisance and the animal may be impounded according to applicable county ordinance.
6. Weed control- All owners are financially responsible for weed control of noxious plants to their platted lot and may work with others to maintain and control the spread of noxious weeds in the subdivision, adjacent neighbors, or local farm operations.
7. All lot owners are responsible for providing clean up of the constructions site, resulting from construction activities (building waste, vegetation clean up, landscaping, etc.), and for any manure produced from livestock or animal wastes.
8. All lot owners must provide for sufficient on-site parking and shall not allow any vehicles, at any time, to be parked on the private roadway of the subdivision.
9. No burning of trash, rubbish, or vegetation unless a county permit is obtained, and local fire jurisdictions are aware of such controlled burns.
10. Each lot owner(s) shall be responsible for compliance with all applicable federal, state, county and/or governmental statutes, ordinances and regulations, and any amendments relating in any way to the ownership and/or improvement of the lots within the plat.
11. No future land splits will be available to the platted lots and that disclosure will be agreed upon by the owner upon purchase.
12. All owners will be responsible for their easements and their respective maintenance on their property. All easements for utilities, drainage, etc. shall remain free of obstructions

## EXHIBIT "D"

### Proposed Development Agreement

Current property owner: Martin Maestrejuan

18257 Batt Corner Rd.

Wilder, ID 83676

Recipient: Chester Mervin

26747 Boehner Rd.

Wilder, 83676

Responsibilities of developer to recipient upon project approval from Canyon County are as follows:

1. Developer will be responsible for providing new pump irrigation station on recipient's property. Pressurized irrigation system will be installed on recipient's property and financial responsibility from the power pole to the end of the existing underground irrigation water line only. Does not include any above ground irrigation equipment such as wheel lines, hand lines, solid set sprinklers, etc.

Developer's Responsibilities Itemized:

- A. Power pole, electrical panel, sized irrigation pump, and all underground irrigation pipe from pump station to existing main line with risers running east and west on south end of property. Will also install continuous pipe fence with woven no climb wire material from property corner next to pump station adjacent to residence to corner that turns next to irrigation risers.

Recipients' Responsibilities:

- A. Electrical permitting with Idaho Power and the Division of Building Safety.
2. A proposed easement of 20' will be granted on Lot #5 of the preliminary plat to allow recipient access of agricultural equipment only to the property from the private road access in the subdivision. Any future sale agreement of Lot #5 that occurs, the new owner will agree to this condition upon purchase of the property and will also be informed of this condition prior to the sale. Communication responsibilities will need to be established between the recipient and the future property owner of Lot #5, not the developer.

ORDINANCE NO. \_\_\_\_\_

ORDINANCE DIRECTING AMENDMENTS TO THE  
CANYON COUNTY ZONING MAP  
(Maestresjuan – Conditional Rezone – CR2023-0006)

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

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

SECTION 1. TITLE.

This Ordinance shall be known as the “Ordinance Directing Amendments to Canyon County Zoning Map (for approximately 27.17 acres of R37244011).

SECTION 2. STRUCTURE.

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

SECTION 3. PURPOSE.

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

SECTION 4. AUTHORITY.

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

SECTION 5. REZONE.

The subject property shall be and is rezoned from “A” (Agricultural) to “CR-R-R” (Conditional Rezone – Rural Residential), as specifically identified and described in the attached Exhibit “A”, pursuant to the Findings of Fact, Conclusions of Law and Order issued on *April 17, 2024*, the Board of Canyon County Commissioners as authorized by Canyon County Zoning Ordinance, Chapter 7, Article 6; the Idaho Constitution; and Idaho Code § 67-6511, 67-6511A.

SECTION 6. SEVERABILITY CLAUSE.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be in full force and effect on \_\_\_\_\_, 2024.

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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

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

Attest: Rick Hogaboam, Clerk

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

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

Publication Date: \_\_\_\_\_ 2024, Idaho Press-Tribune

**EXHIBIT "A"**

A portion of the Northeast quarter of the Southwest quarter of Section 34, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

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