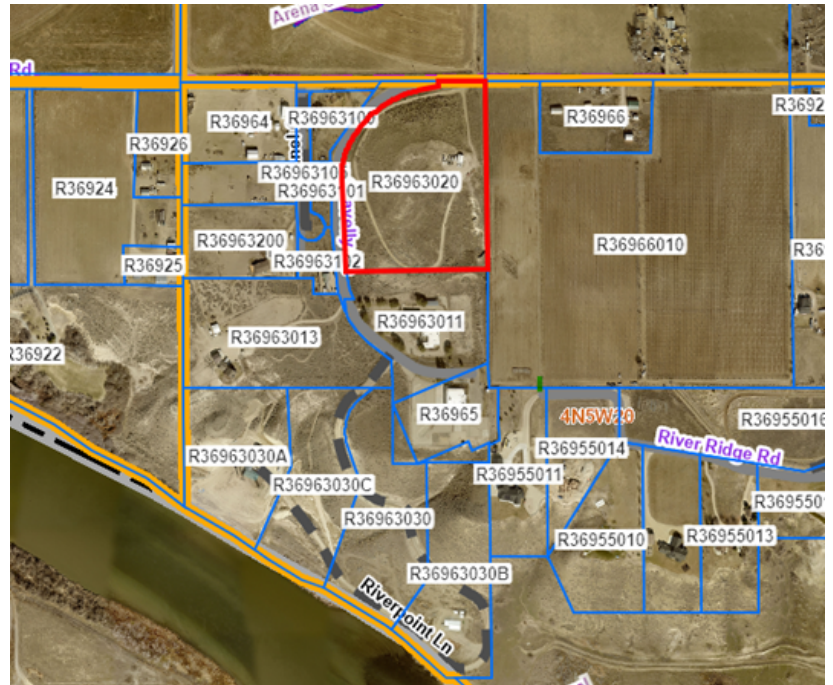




BOARD OF COUNTY COMMISSIONERS

STAFF REPORT ADDENDUM OR2022-0005/CR2022-0011 Person

HEARING DATE:	April 30, 2024
OWNER:	Margaret Person
APPLICANT/REP:	Steve Law
PLANNER:	Michelle Barron, Principal Planner
CASE NUMBER:	OR2022-0005 CR2022-0011
LOCATION:	R36963020 28753 Peckham Rd, Wilder, ID (+/- 10.66 acres)



EXECUTIVE SUMMARY:

Margaret Person, being represented by Steve Law, is requesting a Comprehensive Plan Map Amendment and Conditional Rezone of approximately 10.66 acres from an “A” (Agricultural) zone to a “CR-R-1” (Single-Family Residential) zone for a future 7-lot subdivision. A Preliminary Plat has been submitted and will serve as a Concept Plan for these applications. The subject property, R36963020 is located at 28753 Peckham Rd, Wilder, in the NW ¼ of Section 20, T4N, R5W, BM, Canyon County, Idaho.

The Conditional Rezone, if approved will include a Development Agreement to limit future development to only seven (7) residential lots in substantial compliance with the Concept Plan.

At the request of the planner, the Planning and Zoning Commission continued the hearing that was originally scheduled for September 7, 2023 to October 19, 2023. The application was lacking information for the Comprehensive Plan Amendment from the applicant.

A public hearing was held before the Planning and Zoning Commission on October 19, 2023. There were no members of the public that provided testimony. After deliberation, the Commission recommended the denial of the Comprehensive Plan Amendment and the Conditional Rezone and signed the FCOs on October 19, 2023 (Exhibit 2). See Exhibit 4 for full analysis.

DECISION OPTIONS for Comprehensive Plan Amendment:

- The Board of County Commissioners may **approve** the Comprehensive Plan Amendment and direct staff to return with finds that support the decision along with conditions for the Development Agreement; or
- The **Board of County Commissioners** may recommend **deny** of the Comprehensive Plan Amendment;
- The **Board of County Commissioners** may **continue the discussion** and request additional information on specific items.

DECISION OPTIONS for Conditional Rezone:

- The Board of County Commissioners may **approve** the conditional rezone and direct staff to return with finds that support the decision along with conditions for the Development Agreement; or
- The Board of County Commissions may **deny** the conditional rezone; or
- The Board of County Commissions may **continue the discussion** and request additional information on specific items.

ATTACHMENTS/EXHIBITS:

Exhibit 1: Draft BOCC FCO's

Exhibit 2: Signed P & Z FCO's from 10/19/23

Exhibit 3: P & Z Minutes from 10/19/23

Exhibit 4: P & Z Staff Report for 9/7/23

Attachment A: Parcel Tool

Attachment B: P & Z Draft FCO's for OR2022-0005 and CR2022-0011

B1: Original Letter of Intent

B2: Updated Letter of Intent

B3: Land Use Worksheet and Irrigation Plan

B4: Geology & Hydrology Study

B5: Lot Concept Plan

B6: Maps

6a: Aerial Map

6b: Zoning

6c: Future Land Use

6d: Plats and Subdivisions

6e: Prime Farmland Report

6f: Soil Report

6g: Soil and Farmland Summary

6h: Nitrate Priority & Wells

6i: Traffic Analysis Zone (TAZ)

B7: Agency Comments

7a: Golden Gate Highway District Letter #1

7b: Golden Gate Highway District Letter #2

7c: Idaho Department of Environmental Quality Letter #1

7d: Idaho Department of Environmental Quality Letter #2

7e: Wilder Fire District

7f: Canyon Soil Conservation District

7g: Idaho Transportation Department

7h: Black Canyon Irrigation District



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

In the matter of the application of:

Person – OR2022-0005

The Canyon County Board of County Commissioners considers the following:

- 1) Comprehensive Plan Map Amendment to amend the 2020 Canyon County Comprehensive Plan future land use map for a 10.66-acre parcel from “agriculture” to “residential”.

[Case #OR2022-0005, 28753 Peckham Road, Wilder (Parcel Number: R36963020), a portion of the NW¼ of Section 20, T4N, R5W, 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 OR2022-0005.
 - a. The request is being considered concurrent with a conditional rezone application (CR2022-0011).
 - b. The hearing on September 7, 2023, was tabled to October 19, 2023, by the Planning and Zoning Commission.
 - c. On October 19, 2023, the Planning and Zoning Commission forwarded the case to the Board of County Commissioners with a recommendation of denial.

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 §07-06-03 (Comprehensive Plan Amendment Criteria), and Idaho Code §67-6509 (Recommendation and Adoption, Amendment and Repeal of the Plan).
 - a. Notice of the public hearing was provided in accordance with CCZO §07-05-01 and Idaho Code §67-6509.
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, including subdivision permits. *See* I.C. §67-6504, §67-6509.
3. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
4. No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk. *See* I.C. §67-6509(c).

The application, OR2022-0005, was presented at a public hearing before the Canyon County Board of County Commissioners on April 30, 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:

A. Is the requested type of growth generally in conformance with the comprehensive plan?

Conclusion: The request is not in conformance with the type of growth anticipated in the area as depicted in the 2020 Canyon County Comprehensive Plan.

- Findings:** (1) The future land use map within the 2020 Comprehensive Plan designates the area as “agriculture” (Attachment B6c of the staff report). The nearest residential designation is over 2 miles east of the subject property where the City of Wilder’s area of city impact is located (Attachment B6b of the staff report). The definition of the residential designation in the Comprehensive Plan states: “*Residential must be compatible with the existing agricultural activity. Residential development should be encouraged in or near areas of city impact or which areas that demonstrate a development pattern of residential land uses.*” The property is not located in an area of city impact. Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. Therefore, there is no residential growth in the area, nor does the Comprehensive Plan provide guidance that promotes residential growth in the area.
- (2) The requested residential designation would promote residential growth within an agricultural area that would impact existing agricultural activity and the character of the area. The agricultural designation is defined as the base zone throughout the County. “*It contains areas of production irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.*” The definition of the residential designation in the Comprehensive Plan states: “*Residential must be compatible with the existing agricultural activity.*” Although the property is 50% class 4 soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area. Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Attachment B6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
- (3) The request does *not align* with the following goals and policies of the Canyon County Comprehensive Plan:

Chapter 2: Population	
Policy 3.	Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 4: Economic Development	
Policy 1.	Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Policy 7.	Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.
Chapter 5: Land Use	
Goal 1.	To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2.	To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Goal 4.	To encourage development in those areas of the county which provide the most favorable conditions for future community services.
Policy 2.	Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

Policy 9.	Encourage and support land use proposals that are consistent with the community design goals and policies within the county.
Residential Policy 1.	Encourage high density development in areas of city impact.
Residential Policy 3.	Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

Chapter 6: Natural Resources/Agricultural Land & Water

Ag Land Goal 1.	To support the agricultural industry and preservation of agricultural land.
Ag Land Policy 1.	Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development
Ag Land Policy 3.	Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

Chapter 13: Agriculture

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

- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.
- (5) Evidence includes associated findings and evidence supported within this document.

B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation?

Conclusion: The request is not more appropriate than the current comprehensive plan designation.

- Findings:**
- (1) The nearest residential designation is over 2 miles east of the subject property where the City of Wilder’s area of city impact is located (Attachment B6b of the staff report). The property is not located in an area of city impact. Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009 which does not align with the guidance in the 2020 Canyon County Comprehensive Plan. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The subject parcel was created by conditional use permit in 2004 which found the 10.66-acre parcel in alignment with the character of the area. Residential growth in the area has not changed much since that decision and therefore the parcel is commensurate with rural parcels within the vicinity in its current configuration (Attachment B6b of the staff report).
 - (2) The requested residential designation would promote residential growth within an agricultural area that would impact existing agricultural activity and the character of the area. Although the property is 50% class 4 soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area (Attachment B6a of the staff report). Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Attachment B6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

C. Is the proposed comprehensive plan amendment compatible with surrounding land use?

Conclusion: The request will allow development incompatible with surrounding land uses.

- Findings:**
- (1) The residential designation would allow residential zones that (1) have not been historically approved in the area, and (2) parcel lot sizes is inconsistent with the area. The nearest similar residential zone is approximately two miles east within Wilder's area of city impact Attachment B6b of the staff report). Residential uses in the area were either created via the County's land division process or through a conditional use permit between 2004-2009 which does not align with the guidance in the 2020 Canyon County Comprehensive Plan. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The subject parcel was created by conditional use permit in 2004 which found the 10.66-acre parcel in alignment of the character of the area. Residential growth in the area has not changed much since that decision and therefore the parcel is commensurate with rural parcels within the vicinity in its current configuration.
 - (2) The requested residential designation would promote residential growth within an agricultural area that would impact existing agricultural activity and the character of the area. Although the property is 50% class 4 soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area (Attachment B6f of the staff report). Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Attachment B6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted?

Conclusion: Development trends and circumstances in the general area have not changed.

- Findings:**
- (1) The nearest residential designation is over two miles east of the subject property where the City of Wilder's area of city impact is located (Attachment B6b of the staff report). The property is not located in an area of city impact (Attachment B6b of the staff report). Residential uses in the area were either created via the County's land division process or through a conditional use permit between 2004-2009 which no longer aligns with the guidance in the 2020 Canyon County Comprehensive Plan or County Code. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The subject parcel was created by conditional use permit in 2004 which found the 10.66-acre parcel in alignment with the character of the area. Residential growth in the area has not changed much since that decision and therefore the parcel is commensurate with rural parcels within the vicinity in its current configuration (Attachment B6b of the staff report).
 - (2) The subject parcel is located within a 2,000-acre TAZ (Traffic Analysis Zone; Zone 2776 – Canyon West Demographic). The TAZ is delineated by the state and/or local transportation officials for tabulating traffic-related data (Attachment B6i). COMPASS (Community Planning Association of Southwest Idaho) also uses the data as part of the Communities in Motion Regional Transportation Plan. As part of each TAZ zone, data is generated forecasting future population, households, and jobs which is used by COMPASS to identify growth areas and the necessary infrastructure and funding. This area is forecasted to have little to no residential

growth because the character is rural/agricultural (Attachment B6b of the staff report). Therefore, the property is not in a growth area and does not have future funding for necessary infrastructure.

- (3) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600' were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

E. Will the proposed comprehensive plan amendment impact public services and facilities. What measures will be implemented to mitigate impacts?

Conclusion: No comments were received demonstrating the request would have impacts on public services and facilities.

- Findings:**
- (1) Golden Gate Highway District does not oppose the request subject to conditions of approval regarding the meeting of ACCHD standards and addressing site distance issues (Attachment B7a and B7b of the staff report). Idaho Transportation Department had no comments (Attachment B7g of the staff report). Wilder Fire District requests future access to meet their requirements and highly recommends a secondary emergency exit for emergency vehicles (Attachment B7e of the staff report). None of the comments opposed the request.
 - (2) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600' were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

Per Idaho Code §67-6537(4): When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

Conclusion: No water studies were submitted as part of the request. Therefore, impacts on water source, quality and quantity in the area are unknown. Future development will use individual domestic wells and individual septic systems.

- Findings:**
- (1) Due to the City of Wilder being over two miles from the subject property, future development would use individual wells and septic systems (CR2022-0011). The property is located in a Nitrate Priority area (Attachment B6h of the staff report).
 - (2) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600' were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **deny** Case # OR2022-0005, a comprehensive plan map amendment to amend the 2020 Canyon County Comprehensive Plan future land use map for a 10.66-acre parcel, R36963020, from “agriculture” to “residential”.

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: _____



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

In the matter of the application of:

Person – CR2022-0011

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of approximately 10.66 acres from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone, and (3) a Development Agreement limited future development to seven buildable lots, a 1.3-acre average lot size.
[Case #CR2022-0011, 28753 Peckham Road, Wilder (Parcel Number: R36963020), a portion of the NW¼ of Section 20, T4N, R5W, 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 CR2022-0011.
 - a. The request is being considered concurrently with a comprehensive plan amendment application (OR2022-0005).
 - b. The hearing on September 7, 2023, was tabled to October 19, 2023, by the Planning and Zoning Commission.
 - c. On October 19, 2023, the Planning and Zoning Commission forwarded the case to the Board of County Commissioners with a recommendation of denial.

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 §07-06-05 (Zoning Amendment Criteria), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The

County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application, CR2022-0011, was presented at a public hearing before the Canyon County Board of County Commissioners on April 30, 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:

ZONING AMENDMENT CRITERIA – CCZO §07-06-07(6)

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The request is inconsistent with the 2020 Canyon County Comprehensive Plan.

- Findings:**
- (1) The future land use map within the 2020 Comprehensive Plan designates the area as “agriculture” (Attachment B6c of the staff report). The nearest residential designation is over 2 miles east of the subject property where the City of Wilder’s area of city impact is located (Attachment B6b of the staff report). The definition of the residential designation in the Comprehensive Plan states: “Residential must be compatible with the existing agricultural activity. Residential development should be encouraged in or near areas of city impact or which areas that demonstrate a development pattern of residential land uses.” The property is not located in an area of city impact. Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The applicant is requesting a 1.3-acre average lot size which is not commensurate with the agricultural/rural area (Attachment B6b of the staff report).
 - (2) Although the property is 50% class soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area (Attachment B6b of the staff report). Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Attachment B6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
 - (3) The subject parcel is located within a 2,000-acre TAZ (Traffic Analysis Zone; Zone 2776 – Canyon West Demographic). The TAZ is delineated by the state and/or local transportation officials for tabulating traffic-related data (Attachment B6i). COMPASS (Community Planning Association of Southwest Idaho) also uses the data as part of the Communities in Motion Regional Transportation Plan. As part of each TAZ zone, data is generated forecasting future population, households, and jobs which is used by COMPASS to identify growth areas and the necessary infrastructure and funding. This area is forecasted to have little to no residential growth because the character is rural/agricultural (Attachment B6b of the staff report). Therefore, the property is not in a growth area and does not have future funding for necessary infrastructure.
 - (4) The request does not align with the following goals and policies of the Canyon County Comprehensive Plan:

Chapter 2: Population	
Policy 3.	Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 4: Economic Development	
Policy 1.	Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.

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

Chapter 5: Land Use

Goal 1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.

Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.

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

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

Policy 9. Encourage and support land use proposals that are consistent with the community design goals and policies within the county.

Residential Policy 1. Encourage high density development in areas of city impact.

Residential Policy 3. Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

Chapter 6: Natural Resources/Agricultural Land & Water

Ag Land Goal 1. To support the agricultural industry and preservation of agricultural land.

Ag Land Policy 1. Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development

Ag Land Policy 3. Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

Chapter 13: Agriculture

Goal 1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.

Goal 2. Support and encourage the agriculture use of agriculture lands.

Goal 3. Protect agricultural lands and land uses from incompatible development.

Policy 1. Preserve agricultural lands and zoning classifications.

- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.
- (6) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The request is not more appropriate than the current zoning designation.

Findings: (1) Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code. The majority of the parcels with residential dwellings

in the vicinity range between 3 to 6-acre lot sizes. The applicant is requesting a 1.3-acre average lot size which is not commensurate with the agricultural/rural area (Attachment B6b of the staff report).

- (2) There are no residential zones in the area. The closest residential zone is over two miles east within Wilder's area of city impact (Attachment B6b of the staff report). Approval of the request could promote residential growth outside of an area of city impact or planned growth area which could impact the surrounding agricultural uses. Although the property is 50% class soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the. Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Attachment B6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: Based on the proposed lot sizes, the request is not compatible with the surrounding area.

Findings: As proposed, the development of the parcel will allow seven 1.3 acre lots. This is out of character with the area which appears to have allowed 3-6-acre parcel sizes via land divisions process or conditional use permits between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code.

- (1) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

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

Conclusion: The request will negatively impact the character of the area.

Findings: (1) As proposed, the development of the parcel will allow seven 1.3 acre lots. This is out of character with the area which appears to have allowed 3-6-acre parcel sizes via land divisions process or conditional use permits between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code.

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600' were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.
- (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Adequate facilities and services would be provided for wells and septic systems. Irrigation is unavailable per the applicant.

Findings: (1) The applicant proposes development will use domestic wells and septic systems. City services are over 2.5 miles east of the property in the City of Wilder. The property is located within a nitrate-priority area. No comments were received from IDWR.

- (2) Southwest District Health did not provide a response, but there is email correspondence from DEQ to Southwest District Health stating what type of systems would be required after evaluating the NPI study and that they determined that the proposed concept plan would not significantly impact groundwater quality. (Attachment B7c and B7d)
- (3) No comments were received from Wilder Irrigation District. Therefore, impacts and compliance standards are unknown.
- (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600' were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: The parcel has legal access to Peckham Road, a major collector.

- Findings:**
- (1) Parcel has legal access to Peckham Road, a major collector. The applicant proposes access from Gravelly Lane and will have to comply with the Golden Gate Highway District standards. (Attachment B7a and B7b)
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600' were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The request, as proposed, is not anticipated to create a traffic impact. Mitigation measures would be addressed during platting.

- Findings:**
- (1) The property will use an existing private road, Gravelly Lane, to connect to Peckham Road, a major collector. The request will create a total of seven buildable lots (66.64 average daily trips (ADT), 133.28 ADT if secondary dwellings are allowed. The ADT on Gravelly Lane is unknown but can be reasonably assumed to exceed 100 ADT. Therefore, private road improvements may be required at the time of platting per CCZO Section 07-10-03.
 - (2) Golden Gate Highway District does not oppose the request subject to conditions of approval regarding the meeting of ACCHD standards and addressing site distance issues (Attachment B7a and B7b of the staff report). Idaho Transportation Department had no comments (Attachment B7g of the staff report).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600' were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

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

H. Will the proposed zoning map 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 request is not anticipated to impact essential services subject to conditions. No comments were received from Wilder School District, Canyon County Ambulance, or the County Sheriff’s Department.

- Findings:**
- (1) The nearest school and fire station are approximately 2.5 miles from the subject property. Wilder Fire District requests future access to meet their requirements and highly recommends a secondary emergency exit for emergency vehicles (Attachment B7e of the staff report).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 21, 2024. Newspaper notice was published on March 21, 2024. Property owners within 600’ were notified by mail on March 21, 2024. Full political notice was provided on March 21, 2024. The property was posted on March 28, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **deny** Case CR2022-0011, a conditional rezone of approximately 10.66 acres from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone, and (3) a Development Agreement limited future development to seven buildable lots, a 1.3-acre average lot size.

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

- 1. Consider a conditional rezone to a “CR-R-R” (Conditional Rezone – Rural Residential) zone with a development agreement limiting development to three (3) lots/three-acre lot sizes.

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: _____

DRAFT

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

In the matter of the application of:

Person – CR2022-0011

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of approximately 10.66 acres from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone, and (3) a Development Agreement limited future development to seven buildable lots, a 1.3-acre average lot size.

[Case #CR2022-0011, 28753 Peckham Road, Wilder (Parcel Number: R36963020), a portion of the NW¼ of Section 20, T4N, R5W, 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 CR2022-0011.
 - a. The request is being considered concurrently with a comprehensive plan amendment application (OR2022-0005).
 - b. The hearing on September 7, 2023, was tabled to October 19, 2023, by the Planning and Zoning Commission.

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 §07-06-05 (Zoning Amendment Criteria), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application, CR2022-0011, was presented at a public hearing before the Canyon County Planning and Zoning on October 19, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

ZONING AMENDMENT CRITERIA – CCZO §07-06-07(6)

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The request is inconsistent with the 2020 Canyon County Comprehensive Plan.

- Findings:** (1) The future land use map within the 2020 Comprehensive Plan designates the area as “agriculture” (Exhibit B, Attachment 6c of the staff report). The nearest residential designation is over 2 miles east of the subject property where the City of Wilder’s area of city impact is located (Exhibit B, Attachment 6b of the staff report). The definition of the residential designation in the Comprehensive Plan states: “*Residential must be compatible with the existing agricultural activity. Residential development should be encouraged in or near areas of city impact or which areas that demonstrate a development pattern of residential land uses.*” The property is not located in an area of city impact. Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The applicant is requesting a 1.3-acre average lot size which is not commensurate with the agricultural/rural area (Exhibit B, Attachment 6b of the staff report).
- (2) Although the property is 50% class soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area (Exhibit B, Attachment 6b of the staff report). Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Exhibit B, Attachment 6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
- (3) The subject parcel is located within a 2,000-acre TAZ (Traffic Analysis Zone; Zone 2776 – Canyon West Demographic). The TAZ is delineated by the state and/or local transportation officials for tabulating traffic-related data (Exhibit B, Attachment 6i). COMPASS (Community Planning Association of Southwest Idaho) also uses the data as part of the Communities in Motion Regional Transportation Plan. As part of each TAZ zone, data is generated forecasting future population, households, and jobs which is used by COMPASS to identify growth areas and the necessary infrastructure and funding. This area is forecasted to have little to no residential growth because the character is rural/agricultural (Exhibit B, Attachment 6b of the staff report). Therefore, the property is not in a growth area and does not have future funding for necessary infrastructure.
- (4) The request does not align with the following goals and policies of the Canyon County Comprehensive Plan:

Chapter 2: Population

Policy 3.	Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
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Chapter 4: Economic Development

Policy 1.	Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Policy 7.	Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in

close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5: Land Use

Goal 1.	To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2.	To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Goal 4.	To encourage development in those areas of the county which provide the most favorable conditions for future community services.
Policy 2.	Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.
Policy 9.	Encourage and support land use proposals that are consistent with the community design goals and policies within the county.
Residential Policy 1.	Encourage high density development in areas of city impact.
Residential Policy 3.	Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

Chapter 6: Natural Resources/Agricultural Land & Water

Ag Land Goal 1.	To support the agricultural industry and preservation of agricultural land.
Ag Land Policy 1.	Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development
Ag Land Policy 3.	Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

Chapter 13: Agriculture

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

(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

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

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

Conclusion: The request is not more appropriate than the current zoning designation.

Findings: (1) Residential uses in the area were either created via the County's land division process or through a conditional use permit between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The applicant is requesting a 1.3-acre

average lot size which is not commensurate with the agricultural/rural area (Exhibit B, Attachment 6b of the staff report).

- (2) There are no residential zones in the area. The closest residential zone is over two miles east within Wilder's area of city impact (Exhibit B, Attachment 6b of the staff report). Approval of the request could promote residential growth outside of an area of city impact or planned growth area which could impact the surrounding agricultural uses. Although the property is 50% class soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the. Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Exhibit B, Attachment 6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: Based on the proposed lot sizes, the request is not compatible with the surrounding area.

Findings: As proposed, the development of the parcel will allow seven 1.3 acre lots. This is out of character with the area which appears to have allowed 3-6-acre parcel sizes via land divisions process or conditional use permits between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code.

- (1) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

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

Conclusion: The request will negatively impact the character of the area.

Findings: (1) As proposed, the development of the parcel will allow seven 1.3 acre lots. This is out of character with the area which appears to have allowed 3-6-acre parcel sizes via land divisions process or conditional use permits between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code.

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.
- (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Adequate facilities and services would be provided for wells and septic systems. Irrigation is unavailable per the applicant.

Findings: (1) The applicant proposes development will use domestic wells and septic systems. City services are over 2.5 miles east of the property in the City of Wilder. The property is located within a nitrate-priority area. No comments were received from IDWR.

- (2) Southwest District Health did not provide a response, but there is email correspondence from DEQ to Southwest District Health stating what type of systems would be required after evaluating the NP1 study and that they determined that the proposed concept plan would not significantly impact groundwater quality. (Exhibit B, Attachment 7c and 7d)
- (3) No comments were received from Wilder Irrigation District. Therefore, impacts and compliance standards are unknown.
- (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: The parcel has legal access to Peckham Road, a major collector.

- Findings:**
- (1) Parcel has legal access to Peckham Road, a major collector. The applicant proposes access from Gravelly Lane and will have to comply with the Golden Gate Highway District standards. (Exhibit B, Attachment 7a and 7b)
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The request, as proposed, is not anticipated to create a traffic impact. Mitigation measures would be addressed during platting.

- Findings:**
- (1) The property will use an existing private road, Gravelly Lane, to connect to Peckham Road, a major collector. The request will create a total of seven buildable lots (66.64 average daily trips (ADT), 133.28 ADT if secondary dwellings are allowed. The ADT on Gravelly Lane is unknown but can be reasonably assumed to exceed 100 ADT. Therefore, private road improvements may be required at the time of platting per CCZO Section 07-10-03.
 - (2) Golden Gate Highway District does not oppose the request subject to conditions of approval regarding the meeting of ACCHD standards and addressing site distance issues (Exhibit B, Attachment 7a and 7b of the staff report). Idaho Transportation Department had no comments (Exhibit B, Attachment 7g of the staff report).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

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

H. Will the proposed zoning map 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 request is not anticipated to impact essential services subject to conditions. No comments were received from Wilder School District, Canyon County Ambulance, or the County Sheriff's Department.

- Findings:**
- (1) The nearest school and fire station are approximately 2.5 miles from the subject property. Wilder Fire District requests future access to meet their requirements and highly recommends a secondary emergency exit for emergency vehicles (Exhibit B, Attachment 7e of the staff report).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case CR2022-0011, a conditional rezone of approximately 10.66 acres from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone, and (3) a Development Agreement limited future development to seven buildable lots, a 1.3-acre average lot size.

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

- 1. Consider a conditional rezone to a "CR-R-R" (Conditional Rezone – Rural Residential) zone with a development agreement limiting development to three (3) lots/three-acre lot sizes.

DATED this 19 day of October, 2023.

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


Robert Sturgill, Chairman

State of Idaho)

SS

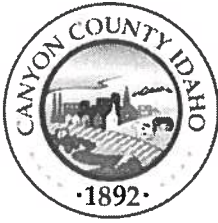
County of Canyon County)

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



Notary: Pamela Dilbeck

My Commission Expires: 10/14/2028



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

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

Commissioners Present : Robert Sturgill, Chairman
 Brian Sheets, Vice Chairman
 Harold Nevill, Commissioner
 Miguel Villafana, Commissioner
 Geoff Mathews, Commissioner

Arrived and joined the meeting at 7:20 pm:

Matt Dorsey, Commissioner
 Patrick Williamson, Commissioner

Staff Members Present: Dan Lister, Principal Planner
 Debbie Root, Planner
 Amber Lewter, Hearing Specialist
 Jennifer Almeida, Office Manager

Chairman Robert Sturgill called the meeting to order at 6:32 p.m.

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

Item 1A:

Case No. CU2023-0006- Babcock / Cope Sand and Gravel. - Approval of revised FCO's.

MOTION: Due to a technical error and audio equipment failure, no audio was recorded for this case. The signed FCO's were approved and are available on record for case CU2023-0006 Babcock / Cope Sand and Gravel.

Item 1B:

Case No. OR2022-0005 & CR2022-0001- Margaret Person / Steve Law- Margaret Person, being represented by Steve Law, is requesting a (1) Comprehensive Plan Map Amendment to amend the future land use designation of approximately 10.66 acres from "agriculture" to "residential, (2) Conditional Rezone of approximately 10.66 acres from an "A" (Agricultural) zone to an "CR-R-1" (Conditional Rezone - Single-Family Residential) zone, and (3) a Development Agreement limited future development to seven buildable lots, a 1.3 acre average lot size. The subject property, R36963020 is located at 28753 Peckham Rd, Wilder, in the NW ¼ of Section 20, T4N, R5W, BM, Canyon County, Idaho.

Planner Dan Lister reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

STEVE LAW – Applicant (Representative) – IN FAVOR – 28753 Peckham Rd, Wilder, ID

Mr. Law stated that the land does not have any current irrigation or water rights. Mr. Law feels that the land is a sandy hill and nothing will ever change unless his plan moves forward. Mr. Law addressed in regard to the area impact for growth, Mr. Law is aware of two other projects below his property, down by the river, that are currently going through the same process. Mr. Law explained that this is his second round going through this process, originally in 2005 – 2008 but the economy shut him down when he was on the final plat. Mr. Law wants to see the project move forward, he wants to live there himself and hopes to retire there.

Commissioner Nevill explained that staff recommended denial but did list a recommendation to get approval, the recommendation is to apply for a conditional rezone with a development agreement, agreeing to three lots. Commissioner Nevill asked Mr. Law how he felt about doing three 2-acre size lots. Mr. Law explained that it isn't feasible financially for him to proceed in the direction staff is recommending. Commissioner Nevill clarified the location of the access point for the property. Commissioner Nevill asked if the plan has another access point, Commissioner Nevill explained he is asking because the fire department normally likes to have two access points. Mr. Law stated there is not a plan for more than the one access point and that there isn't a capability either, due to a 7% incline that would be too steep for fire trucks. Commissioner Nevill asked Mr. Law if he saw the Fire District exhibit stating the Hammer Head is not acceptable and they would like a Cul-De-Sac. Mr. Law stated that he is fine doing a Cul-De-Sac and one is feasible.

Chairman Sturgill asked if Mr. Law were to do a Cul-De-Sac if it would reduce the lot size any further. Mr. Law stated that it would not.

Commissioner Sheets asked what the land is currently being used for. Mr. Law explained that the lot is not currently being used for anything, at the moment nothing is on the lot but weeds. Commissioner Sheets clarified with Mr. Law that the property doesn't have water rights and has never had water rights. Commissioner Sheets asked how Mr. Law plans on getting water to the properties. Mr. Law stated that it would be wells. Commissioner Sheets asked for clarification on the wells, if they will be individual wells used for domestic expanded use or limiting it to .5-acre irrigation ability. Mr. Law stated he is trying to keep the vegetation down only the lawns would need to be irrigated. Mr. Law stated that in the area there is existing wells.

BOB ARNOLD – IN FAVOR – 14355 Battenberg, Boise, ID

Mr. Arnold introduced himself as the Geotech of Record. Mr. Arnold made himself available for questions regarding soil or Geotech concerns.

MOTION: Commissioner Nevill moved to close public testimony on Case OR2022-0005 & CR2022-0001 seconded by Commissioner Sheets. Voice vote, motion carried.

DELIBERATION:

Commissioner Sheets stated while looking at the Comprehensive Plan he agrees with the staff's findings and based on the staff report and the findings found during testimony the plan is not in favor of the comprehensive plan as well as not in character of the area. Commissioner Sheets would not be in favor for OR2022-0005. Commissioner Sheets moves for recommendation of denial. Seconded by Commissioner Nevill.

Commissioner Nevill stated important testimony came from staff by supporting their findings. For example, it is 2-miles from the nearest similar zone, knowing that transportation upgrade is not planned in the area and with the size of the lots being predominantly 5-6 acre lots. Commissioner Nevill pointed out that staff did give the recommendation for larger lots to get approval.

MOTION: Commissioner Sheets moved to deny Case OR2022-0005 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Nevill.

Roll call vote: 5 in favor, 0 opposed, motion passed.

MOTION: Commissioner Sheets moved to deny Case CR2022-0001 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Mathews.

Roll call vote: 5 in favor, 0 opposed, motion passed.

Item 2A:

Case No. DA2023-0002- Dave & Cami Larsen and Terry Richards – The applicants, Dave & Cami Larsen and Terry Richards, are requesting a development agreement modification to terminate development agreement #22-031 and revert the zoning from a “CR-R-1” (Conditional Rezone – Single Family Residential) zone to an “A” (Agricultural) zone. The request affects Parcels R37619010, R37619010A and R37619010B, approximately 31.89 acres. The property is located at 8771 Purple Sage Road. Middleton, also referenced as a portion of the NW¼ quarter of Section 34, T5W, R2W, BM, Canyon County, Idaho.

Planner Debbie Root reviewed the Staff report for the record.

Commissioner Sheets asked if any ground breaking has taken place, ground structures put in, or hard construction initiated that would make it less applicable to an agricultural zone. Planner Debbie Root explained the preliminary plat was not approved, the road construction hasn’t been started, and the crossing agreements needed significant upgrading for irrigation which has not been completed. Planner Debbie Root stated the only things that has been done are a road lot size reduction from 60 to 50 for the long lane that comes into the property and believes some removal of buildings, Planner Debbie root recommends verifying with the applicant. Commissioner Sheets asked if utility installation or significant infrastructure change has been made on the property. Planner Debbie Root informed that to her knowledge no utility installation or significant infrastructure change has occurred on the property.

Testimony:

DAVE LARSEN – Applicant (Representative) – IN FAVOR – 24551 Benhaven Ln, Middleton, ID

Mr. Larsen explained that Jerry was a great friend and they bought and bundled the property together but unfortunately Jerry had an accident in April 2023. Mr. Larsen wants Jerry’s wife and kids to be able to get out of the debt and move forward with their lives. Mr. Larsen states he is trying to do what is right for them and unbundle the properties so Jerry’s wife can sell her portion to move forward. Nothing has been done to the property other than taking out a manufactured home that was in bad condition as well as testing was completed for a new septic.

Commissioner Sheets asked Mr. Larsen what his plans are with the property due to the other party

wanting to sell. Mr. Larsen stated he is staying. Commissioner Sheets asked if Mr. Larsen is wanting to partner with anyone else to move forward with the development. Mr. Larsen explained that he is not wanting to move forward with developing. Commissioner Sheets clarified with Mr. Larsen that the request is to unbundle the property and rezone back to Agriculture. Mr. Larsen confirmed and stated there is no opposition from the neighbors.

MOTION: Commissioner Nevill moved to close public testimony on Case DA2023-0002 seconded by Commissioner Mathews. Voice vote, motion carried.

Planner Debbie Root clarified once the property is reverted back to AG the property owners may come back through and request to change the zone.

DELIBERATION:

Chairman Sturgill inquired if this case is an action for Planning and Zoning or will go forward to the Board of Canyon County Commissioners. Planner Debbie Root advised this case will go in front of the Board of Canyon County Commissioners.

MOTION: Commissioner Nevill moved to approve Case OR2023-0002 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Mathews.

Commissioner Sheets encouraged others to come forth if circumstances change and things aren't working for them.

Roll call vote: 5 in favor 0 opposed, motion passed.

Commissioner Dorsey and Commissioner Williamson sworn in at 7:20 pm

Item 2B:

Case No. VAC2023-0002 – Emil Michael Siron – The applicant, Emil Michael Siron, represented by Justin Smith of Sundown Woodwork, is requesting a plat vacation to remove a fifteen (15') access easement located on the east boundary of Parcel R37629103 (approx. 2.15 acres). The subject property is located at 24731 Blessinger Road, Star within Sage Canyon Estates Subdivision (Lot 4, Block 1), also referenced as a portion of the NW¼ of Section 36, T5N, R2W, BM, Canyon County, Idaho.

Planner Debbie Root reviewed the Staff report for the record.

Commissioner Sheets requested explanation on who the access benefits. Planner Debbie Root explained at the time of the development the Highway District required some shared access easement on certain lots. Planner Debbie Root stated that the Highway District provided access at a different location so the easement is not being used for the purpose intended. Commissioner Sheets asked if there is an easement document. Debbie Root confirmed that there is not and it is a platted easement reflected on the plat.

Commissioner Nevill had concerns regarding Idaho Power Transformer boxes. Planner Debbie Root advised there are a number of Idaho Power Transformer boxes for joint or shared use between the property owners and that the structure the applicant is trying to build still has to meet the setbacks and cannot build within five-foot easement of the transformer box.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

JUSTIN SMITH – Applicant (Representative) – IN FAVOR – 24735 Blessinger Rd, Star, ID

Mr. Smith explained the access isn't being utilized and the power box is off site some. Mr. Smith stated everything he wanted to address staff has already stated.

Chairman Sturgill wanted clarification that the shop is going to be used for personal or business. Mr. Smith stated it is a personal shop. Chairman Sturgill inquired where Mr. Smith's business operates. Mr. Smith advised he works on site at the different locations.

STEVE BURTON – IN FAVOR – 6915 Canyon Bird Ct, Star, ID

Mr. Burton introduced himself as part of the architectural committee. Mr. Burton stood for any questions.

MOTION: Commissioner Williamson moved to close public testimony on Case VAC2023-0002 seconded by Commissioner Sheets. Voice vote, motion carried.

DELIBERATION:

MOTION: Commissioner Sheets moved to approve Case VAC2023-0002 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Mathews.

Roll call vote: 7 in favor 0 opposed, motion passed.

Item 2C:

Case No. SD2022-0024- Joe Rumsey / Hornet Cove Subdivision– The applicant, Joe Rumsey, is requesting approval of a preliminary plat, irrigation and drainage plans for Hornet Cove Subdivision, a seven (7) residential lot development with a 2.08-acre average residential lot size on parcel R37877011B containing approximately 16.19 acres. The property is zoned rural residential and is located on Monarch Road 200 feet south of the intersection of Swallowtail and Monarch Roads, Middleton, ID. and is a portion of section 7-5N-3W SW B.M; Canyon County, Idaho.

Due to a technical error and audio equipment failure, no audio was recorded for this case. The P&Z Commission is a recommending body to the Board of County Commissioners on this SD2022-0024 Joe Rumsey / Hornet Cove Subdivision and there will be another public hearing held by the Board of County Commissioners where the final decision is made.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 9/7/2023, seconded by Commissioner Dorsey. Voice vote, motion carried.

Due to a technical error and audio equipment failure, no audio was recorded for this case. The motion was recorded on paper by Hearing Specialist Amber Lewter.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Mathews. Voice vote motion carried. Hearing adjourned at 9:21pm.

Due to a technical error and audio equipment failure, no audio was recorded for this case. The motion was recorded on paper by Hearing Specialist Amber Lewter.

Approved this 21st day of December, 2023



Brian Sheets, Vice Chairman

ATTEST



Amber Lewter, Hearing Specialist



CANYON COUNTY PLANNING & ZONING COMMISSION
 MINUTES OF REGULAR MEETING HELD
 Thursday, September 7, 2023
 6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
 Brian Sheets, Commissioner
 Patrick Williamson, Commissioner
 Harold Nevill, Commissioner
 Miguel Villafana, Commissioner
 Geoff Mathews, Commissioner

Staff Members Present: Dan Lister, Assistant Planning Manager
 Debbie Root, Principal Planner
 Ivan Kowalczyk, Associate Planner
 Jennifer Almeida, Office Manager

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

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

Item 1A:

Case No. SD2022-0024: Hornet Cove Subdivision - The applicant, Joe Rumsey, is requesting approval of a preliminary plat, irrigation and drainage plans for Hornet Cove Subdivision, a seven (7) residential lot development with a 2.08-acre average residential lot size on parcel R37877011B containing approximately 16.19 acres. The property is zoned rural residential and is located on Monarch Road 200 feet south of the intersection of Swallowtail and Monarch Roads, Middleton, ID and is a portion of section 7-5N-3W SW B.M; Canyon County, Idaho.

MOTION: Commissioner Nevill moved, seconded by Commissioner Williamson to postpone Item 1A, Hornet Cove Subdivision to a date certain of 10/19/23. Voice vote, motion carried.

Item 1B:

Case No. OR2022-0005 & CR2022-0011: Margaret Person / Steve Law- Margaret Person, being represented by Steve Law, is requesting (1) a Comprehensive Plan Map Amendment to amend the future land use designation of approximately 10.66 acres from "agriculture" to "residential, (2) a Conditional Rezone of approximately 10.66 acres from an "A" (Agricultural) zone to an "CR-R-1" (Conditional Rezone - Single-Family Residential) zone, and (3) a Development Agreement limited future development to seven lots. The subject property, R36963020 is located at 28753 Peckham Rd, Wilder, in the NW 1/4 of Section 20, T4N, R5W, BM, Canyon County, Idaho.

MOTION: Commissioner Nevill moved, seconded by Commissioner Sheets to postpone Item 1B, Margaret Person / Steve Law to a date certain of 10/19/23. Voice vote, motion carried.

Item 1C:

Case No. CU2023-0005: Schober and Son, LLC – The applicant, Schober and Son LLC, represented by Atlas Tower 1, LLC, is requesting a conditional use permit to construct a telecommunication facility

including a 100' monopole. The monopole will be designed as an Evergreen Pine Tree. The tower will be lit only in accordance with FAA regulations. The facility will provide co-location; the leasing of space to other service providers. The only utilities that will be provided are electrical and the site will have backup generators in the case of an emergency power loss. The subject property is located on Lone Star Road, also referenced as Parcel 31463010, a portion of the SW quarter of Section 19, T3N, R2W, BM, Canyon County, Idaho.

Planner Ivan Kowalczyk reviewed the staff report for the record.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

MICHAEL POWERS (Representative) – IN FAVOR – 3002 Bluff St., Boulder, CO 80302

Mr. Powers stated that the FCC has been empowered by Congress to completely regulate the wireless communication industry. The regulations pre-empt the local and state from regulating or making decisions based on how the federal government is regulating the technology. Mr. Powers compared the regulation to that of the FDA pre-empts the manufacturer, distribution, and sale of medication. The regulations are extensive and safety is absolutely a priority for the FCC and any complaints should be lodged with the FCC as the regulatory body. The particular site was chosen for siting based on its location from other smaller parcels and residential uses. The application met all of the County codes and no waivers or exemptions were requested. This application is quite typical of other wireless communication facilities in the County. Wireless antennas are everywhere. Wireless communication is a community resource and everyone uses it including first responders (police and fire).

Commissioner Nevil asked why a parcel that is considered prime farmland was selected to site the tower on. Mr. Powers responded that typical lease area is square 50 x50 ft. In this case, the landowner is a farmer and wanted to minimize impact. As a result, the application has a 46x25 ft. lease area to maintain irrigation and farming. Commissioner Nevill asked what the intended height of the tower would be. Mr. Powers stated that the proposed tower would be 100 ft. The height was reduced from 120 ft. to 100 ft. after discussion with staff. Commissioner Nevill asked what the normal power output is at the antenna. Mr. Powers replied that he is not an Electrical Engineer and not qualified to answer the question. He also stated that they were operating under AT&T's FCC licensee of which contains very specific regulations that must be followed. The FCC will require AT&T to comply with regulations. The requirements and specifications are quite complex. Commissioner Nevill asked what frequency the antenna operate in? Mr. Powers reiterated that he is not an Electrical Engineer, but could get the information if needed. The construction, attachment, and use of antennas are under a federal operated license. Commissioner Nevill inquired about the back up power plan is for the site and maintenance. Mr. Powers stated that a back up generator usually a diesel gen set with a bathtub underneath for catching any leaks. Over the last three years, back up batteries have been used to minimize the use of the generator. ATLAS Tower will not own or maintain the equipment, that responsibility falls on AT&T.

Commissioner Sheets inquired about a stealth mono-pine and asked for explanation. Mr. Powers noted that over the last ten years there have been attempts to disguise or acclimate the structure to what is around it, a mono-pine is a fake tree. Commissioner Sheets stated the Commission has not seen any pictures as to what that looks like or what the footprint is... will the footprint be bigger than a regular tall tree? Mr. Powers indicated yes, and no, provided that the branches weren't required to be attached below 15 ft. Commissioner Sheets noted testimony received in regard to views and property values and the lack of information supplied of how a "stealth mono-pine" will affect surrounding properties. Mr.

Powers stated that branch density does matter. Commissioner Sheets asked if there were other pine trees in the surrounding area. Mr. Powers indicated he did not believe so. Commissioner Sheets inquired about the purpose and need discussed in the proposal summary. Are there any other towers that provide similar service within the area? Mr. Powers indicated that within 1.5 miles there is no competing towers. Had there been a structure within the 1.5-mile radius that had the structural capacity for AT&T to install, they would have done it, as it is much cheaper.

Commissioner Williamson asked if the FCC controls the number of branches per foot? Mr. Powers indicated that FCC does not regulate that, provided, branches don't provide a hazard or something to that effect. The designers of the tower would be given a directive and their engineers would create construction drawings for the structure.

Chairman Sturgill asked if the antenna pattern would be omni-directional. Mr. Powers indicated that AT&T's design would be 3 or 4 antennas. Chairman Sturgill noted that the tower would be on the west side of the City of Nampa and asked if the majority of the subscribers initially would be within the City of Nampa and questioned why a tower wouldn't be located within the city Mr. Powers replied most likely, yes, the initial subscribers would be within the city. However, there was not a way to locate the tower within city limits that was within the search ring. Chairman Sturgill stated that the site was selected because it was away from residences, and asked if the applicant would be comfortable with a condition of approval that would not allow the balance of the land to be developed so long as the tower was in place. Mr. Powers indicated he did not have authorization to answer that question and it was not practical to do so. He noted that they try to site locations in a corner to leave the rest of the parcel for what the landowner chooses to do with the land.

JUSTIN MACK – IN NEUTRAL– 11367 N. Kipling Way, Nampa, ID 83651

Mr. Mack lives directly north of the subject property. He had three (3) land use questions. One was answered regard to the monopole. He had a question about lighting and what was proposed. The documentation indicates that the lighting would be in accordance with FAA, what does that require? What is the plan for maintenance of the property? He is curious about fire suppression on the site. He has studied electronics, difficult math, and physics for his degree. There are multiple poles along Indiana at the end of Lonestar for radio frequencies.

DAVID HURT – IN OPPOSITION – 11256 W. Quartet St., Nampa, ID 83651

Mr. Hurt felt that it was a mischaracterization to say that this is farmland. There are 12 houses on the southside of Lonestar. The proposed tower is directly across the street from him. There are also subdivisions in the area (i.e. Mission Pointe). He has concerns regarding health. This proposed tower will negatively affect his property value due to the close location. The proposed tower should be located more to the west where there are not residential uses. The proposed use will negatively affect the character of the area and is injurious to him as well as his other neighbors.

Commissioner Nevill asked if there were any trees that could disguise the mono-pine. Mr. Hurt stated there are trees, but thought that they are further west. On the north side of Lonestar, right next to the tower, is Home Health Services that does memory care. If this 100 ft. tower fell it would land on the house/business; it is not a field. Mr. Hurt proceeded to point out where his home and the memory care center is located on a map.

Commissioner Williamson asked if Mr. Hurt tried to stay outside of cities because there's probably more towers scattered and more concealed. Mr. Hurt replied he's not opposed to cell towers; but this one is right in his backyard. There are three towers west of the proposed location.

JOSHUA SHIMANOUSKY – 11497 W. SOLO CT., NAMPA, ID 83651

Mr. Shimanousky wanted to discuss the health effects of MF and EMF but it sounded like he could not. He stated that you're three times as likely to suffer a miscarriage from MF radiation, he's not going to talk about the fact that children are vulnerable to EMF and MF radiation and there's a school nearby. He is concerned that the pole would obstruct the beautiful view that they have. It will impact his property value. There are no trees tall enough that will hide this pole. The urban development (HUD) classifies cell towers as hazardous and a nuisance to urban homes. They also declare that cell towers decrease property value. He is not a fan of a big corporation coming in and bullying people into having certain things; using the federal government to appeal and sue when food prices are skyrocketing and we're not empowering our farmers to grow, instead we're building towers.

JOSEPH STONE – 11426 LONESTAR RD. NAMPA, ID 83651

The property he owns is directly south of the subject property. Mr. Stone clarified that his property is not a home health care center anymore, it is just a single-family residence. He noted that he submitted a letter for the record. The proposed use has a very negative impact to property values as it borders his property. He has lost a sale for the property. Two others have expressed interest, if there is not a cell tower located there. He stated he met with ATLAS when they had their neighborhood meeting, we told them that this was, in our opinion, the worst location on our property line that they could pick. We offered to work with them so we would be in support rather than opposed. He referenced his letter, which highlighted in yellow what they felt would be a better location on the site. He also indicated he offered to more the lease over to his ground since it is not farm ground. They expressed interest, however, no response was received from subsequent contacts. He is the most affected by this tower. If it was moved to the corner to the eastern boundary of the property it would be less impactful. This also may have impact for him to locate a road on his property.

Commissioner Nevill asked about the road. Mr. Stone indicated this is the farmer's dirt road. Commissioner Nevill asked if there were trees in the area. Mr. Stone said there are trees on his property, and he would be willing to stipulate to future development on his property, they could put it just about anywhere they want. He would be willing to put in more trees to buffer and hide it.

Commissioner Sheets asked about the offer Mr. Stone had received for the sale of his property. Mr. Stone stated that the offer received was a private offer his property was not on the market. The offer would have been approximately February. Commissioner Sheets asked for clarification of the testimony provided by Mr. Stone in regard to being opposed to the tower on his neighbors' property but he's not opposed to it on his property. Mr. Stone clarified his testimony as, he's not opposed to the tower but he is opposed to the proposed location. If it was on his property he would not develop it further. The property is an investment property and the home there is a rental.

LISA SMITH – 14230 N. MISSION POINTE LOOP, NAMPA, ID 83651

Ms. Smith had come with a lot more in regard to health concerns. She did point out that property values would be impacted. Ms. Smith questioned the "need" for the tower as she had never heard of anyone in the area having bad service. What happens when the FCC changes their regulations? Ms. Smith stated there is not another 100 ft. pine tree in the area. She stated that she was not aware of any issue with first responders not having service to this area.

JUDY YOUNG – 13765 S. GREYBULL ST., NAMPA, ID 83651

Ms. Young referenced an article subtitled "Industry standards are biologically irrelevant." Ms. Young read some excerpts of the article, "according to current industry standards our bodies must not exceed a radio frequency exposure of 1.6 watts per kilogram averaged over 1 gram of tissue over a 30-minute period.

The safety standard set by the FCC has remained unchanged since 1996, which is 27 years ago. Technology has changed drastically since that time. The current FCC standard which considers average intensity over a few minutes is irrelevant to biology. It is more meaningful to determine intensity peaks rather than average values. Exposure to 2G, 3G, 4G and WIFI has been linked to stress, inflammation, cellular damage and cell death in animal and human cell studies. Telecommunication devices use pulses to transmit data. The more pulses sent out the higher the likelihood of potential biological effects. Ms. Young noted an article from Power Watch. Power watch is an organization that has conducted research of the links between EMF and health risks for more than 25 years. The organization is independent from government and industry. In the article, a list of 1670 peer reviewed scientific study papers about electronic fields published in scientific journals from 1979-2018. Power watch has selected these studies from about 15,000 scientific papers, most of which address EMF. Ms. Young went on to list the numbers associated with papers published with different technologies. Ms. Young stated he has seen a mono-pine tower and they are not pretty and they do not look like a real tree.

MARYAN SLAVIK – 11354 W. QUARTET ST. NAMPA, ID 83651

Mr. Slavik stated that he has four friends that work on installation of cell towers. On paper they look good but in practice it is a different story. His friends who work on cell towers have had to leave job sites due to headaches. To his understanding, cell companies can lease out to other companies and add antennas which increases radiation. Mr. Slavik stated that most of his neighbors did not receive notice of the hearing. Mr. Slavik wants to know if additional antennas are intended to be added to the tower.

STO WHITE – 11103 W. BLAINE AVE. NAMPA, ID 83651

Mr. White lives approximately one (1) mile from the proposed tower site. He added that there have been class action lawsuits that have been won. He referenced one from two years ago, which stated every municipality is responsible for adopting its own set of laws governing the placement, design standards and safety features for wireless telecommunication equipment. Mr. White stated that the P&Z Commission has more power than they think.

Commissioner Nevil asked for the legal reference for the court case Mr. White spoke of during his testimony. Mr. White replied that it is the Environmental Health Trust vs. FCC and The United States of America.

Planner Lister provided comment that there are jurisdictions that can regulate the siting and design of the facilities through use & design standards. Canyon County does not currently have ordinances in place that have these standards. The findings for a conditional use permit apply to the requested use.

Mr. White noted that the particular case provided examples of schoolboards that no longer allow cell towers or cell tower antennas near schools.

RUTH COOK – 14873 HENSEN DR., NAMPA, ID 83651

Ms. Cook stated that very little research has been done or it is inconclusive or the effort to provide information to the public has dwindled. People love fast online connections; however, health of other people should be considered, noting brain cancer and leukemia. The loss of property value should be considered once the tower is installed. Ms. Cook stated that information in regard to cell towers and health are not easily found, and appear to have decreased over the last 10 years.

JESSICA SHIMANOUSKY – 11497 W. SOLO CT. NAMPA, ID 83651

Ms. Shimanousky noted that the proposed tower is near residential subdivisions and a middle school is located approximately ½ mile from the tower. Ms. Shimanousky is worried about health effects of the tower including miscarriage. She also worries about her younger child and potential health impacts.

MICHAEL POWERS – Applicant (Representative) – REBUTTAL – 3002 BLUFF ST., BOULDER, CO 80302

Mr. Powers reiterated that the application is legal pursuant to County Code. Most of the comments received are in regard to Federal Law which is not proper subject matter for discussion. In regard to lighting, the FAA conducted a “no hazard to air navigation study” for this site. The study concluded that the site was legal and safe for air navigation at 125 ft. and there would be no lighting required. Mr. Powers addressed property values and the concerns of the surrounding property owners and noted that this is an asset that some people look for and want. He noted that most of America is within 1,000 feet of a cell tower antenna and 95-97% of daycare centers have connectivity. Mr. Powers stated that there is no right in Idaho for neighbors to control what their neighbors do on their land provided it is a legal application. The Environmental Health Trust case specifically focuses on EIS’s and NEEPA’s. This lawsuit has nothing to do with State Law. Mr. Powers encouraged those in opposition to go to the Federal Government to advocate. The proposed tower is sited to provide service to the area.

Commissioner Williamson asked for information in regard to fire suppression. Mr. Powers stated that all sites get regular maintenance and weeds are maintained. Technicians have apps to send notices out to the appropriate parties to get fixed. Commissioner Williamson questioned the need for the project and why the information wasn’t provided. Mr. Powers stated that it wasn’t provided in the application packet. It wasn’t required to be submitted but he would be happy to provide it should this be added as a condition of approval.

Commissioner Matthews asked if AT&T had any discussions about locating on existing towers in the area. Mr. Powers indicated that the mandate was to go inside search ring and unfortunately the ring did not include the existing towers.

Chairman Sturgill asked if any other providers could locate on the tower. Mr. Powers replied that they could apply to co-locate on the site.

Mr. Powers added that radio towers and cell towers don’t mix. There is no chance of a radio tower or a broadcast antenna being put on the proposed tower, the wattages are different.

Commissioner Nevill asked staff about an application that hasn’t been brought to hearing yet in regard to Mr. Stone’s application. Planner Kowalczyk explained the proposed application, however, it would be in the City of Nampa.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2022-0005, seconded by Commissioner Sheets, voice vote, motion carried.

DELIBERATION:

Chairman Sturgill reminded the Commission that the request is for a Conditional Use Permit and the decision on this case is made by the P&Z Commission, unless appealed to the Board.

Commissioner Nevill referred to the criteria for a conditional use permit, and specifically # 4 as it pertains to, will the proposed use be injurious to property in the immediate vicinity or change the

essential character of the area? There has been photos and testimony provided in regard to this finding. The proposed mono-pine will not fit in with the area and he is concerned about the property values.

Commissioner Sheets agreed with Commissioner Nevill in regard to criteria number four. The proposed tower is being located near residential uses and subdivisions. There is a conflict with the proposed application and the properties in the immediate vicinity.

Commissioner Villafana stated that he is in the middle and he hears everyone’s concerns. However, the criteria has been met. The criteria is very subjective. He stated he can see both sides of the issue.

Commissioner Williamson agreed with Commissioner Villafana and can also see both sides of the issue. Commissioner Williamson added that presenting more information beforehand would have been helpful for the Commission to see the visual representation of the need and the proposed mono-pine tower.

Commissioner Matthews agreed with Commissioner Villafana.

Commissioner Nevill stated that the applicant has met the requirements for the application, however, that gets you due process before the Commission. Testimony has been provided in regard to property rights on both sides of the issue. With that in mind, a decision can be made to say no. All of the information has to be considered.

MOTION: Commissioner Nevill moved to deny Case CU2022-0005, and adopt the Findings of Fact and Conclusions of law prepared by staff, with a modification to number 4:
The proposed use is injurious to property, noting the photos and testimony received that there are no trees that exist that would help to screen the mono-pine tower, all testimony received in regard to adverse effects on property values. Findings will be revised by staff and brought back to the P&Z Commission at a later date for signature. Motion seconded by Commissioner Mathews.

Discussion on the motion:

Commissioner Williamson noted there may be more people within 600 ft. that weren’t able to attend the meeting.

Commissioner Villafana stated it is important to note that the finding states would the proposed use be injurious to property in the immediate vicinity.... although the tower would provide a service to the area, in the immediate vicinity it is more injurious than it is beneficial. Roll call vote: 6 in favor, 0 opposed, motion passed.

- **Case No. OR2022-0003/Todd Lakey:** The applicant is requesting a zoning ordinance text amendment in accordance with CCZO §07-06-01 & 05. The application includes a proposed text amendment to add a definition for “Machine Shop” and to add “Machine Shop” to CCZO 07-10-27 Zoning Use Regulations. The request proposes “Machine Shop” as a conditional use in the Agricultural, Rural Residential and Neighborhood Commercial Zones and as an allowed use in the Service Commercial, Light Industrial, Heavy Industrial, and Mixed Use-Arterial zones.

Planner Debbie Root viewed the Staff report for the record.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

TODD LAKEY – Applicant (Representative) – IN FAVOR – 12905 VENIZIA Ct. Nampa, ID 83651

Mr. Lakey stated he submitted slides for his presentation, and was not aware they had to be submitted in advance.

Chairman Sturgill asked for a motion to accept the late exhibit of Mr. Lakey's slides. No motion was made.

Mr. Lakey noted this matter is legislative and his request is not site specific. The request is an amendment to the zoning ordinance and type of use. The proposal is in regards to smaller operations and shops. The type of operations that have minimal impact. These types of shops often supply agricultural operators. Mr. Lakey noted that a neighbor near him has a machine shop approved by CUP years ago, and it does not have any impact. In Mr. Lakey's written comments he supplied goals and policies from the comprehensive plan that align with the proposed ordinance amendment. In regard to compatibility, it is a low impact use that fits with other rural uses. The proposed uses are small footprints and smaller than ag operations. The operations would be in a rural type shop or barn, and would fit with surrounding agricultural uses. The only City that responded to the notification in regard to Rural Residential zones. Mr. Lakey referred the Commission to pg.12 of his submittal, Mr. Lakey discussed the uses in the table that are allowed in the AG zone some of which are far more impactful than what is being discussed. The Commissioners have the ability to add more restrictive language to the definition of a machine shop such as size, number of employees, and equipment.

Commissioner Nevill wanted to discuss potential safety uses. Commissioner Nevill noted the explosion that happened at the Idaho Ecology Waste site. It appears that the cause was magnesium dust and that is of concern in regard to this use. Commissioner Nevill would like to limit what can be done on sites and delivery/distribution. Fire fighting is also an issue in regard to the machine shop use, especially in agricultural or residential areas. Mr. Lakey replied that this is an advantage of a legislative action, the Commission has the ability to work on language and restrictions or bring language back.

Commissioner Williamson mirrored Commissioner Nevill's concerns in regard to scale. Mr. Lakey stated that the proposal is in regard to small scale and definition. If it is small scale machine shop, it could be left out of industrial zones. The less complicated option would be to define a small-scale machine shop. Commissioner Williamson questioned how the County could enforce what materials the machine shop would be utilizing. Mr. Lakey noted that if a property owner is operating outside of their CUP and the definition, they are in violation and their permit can be revoked. Commissioner Williamson noted the photos presented and potential traffic impacts on rural roads. Mr. Lakey replied that smaller operations would not have semi deliveries but the Commission would have to determine on a case by case basis what would be appropriate for conditions in that particular area.

Chairman Sturgill discussed violations of conditional use permits and observability. In the case of a machine shop and chemicals, it may not be noticeable by the County and has the potential to be dangerous to surrounding property owners. Mr. Lakey noted other uses that have the potential observation issues. Conditions are there to be enforced and that is the process.

Commissioner Sheets discussed machine shops and supplementary materials that are used, such as lubricants and solvents. Conditions can be placed to a certain extent for machine shops in residential areas, however, he was concerned that the Commission may not have the level of expertise required on the subject of machine shops to place appropriate conditions. Mr. Lakey replied that he is not an expert in machine shops and as part of the public hearing process information can be gathered from applicants

and/or agencies that regulate. A conditional use permit application would be required for these uses and the Commission has the ability to deny applications.

Commissioner Matthews noted his concerns in regard to future Commissions; the request is too broad.

Commissioner Williamson asked if the applicant received any industry input on the proposal due to the technical aspects of this application. Mr. Lakey noted that the applicant may be able to provide more information.

CHRISTINE V. JONES - IN FAVOR – 19814 LAHT CREEK CT., WILDER ID 83676

Ms. Jones lives next to the Sullivan's. Ms. Jones discussed the impact on the adjacent use and she was not aware it existed until she was told. There are no issues with noise, odors or traffic. She was home for a month and there were no issues with deliveries or anything outside of the ordinary. She is not concerned for her safety.

Commissioner Nevill discussed the Idaho Ecology Waste site explosion. He discussed the hypothetical question of impact to Ms. Jones. He asked if she would be in favor of reducing potential impacts in residential areas. Ms. Jones replied yes.

Chairman Sturgill asked Ms. Jones if she had any sort of machining background. Ms. Jones replied no. Chairman Sturgill asked Ms. Jones how close her residence is to the Sullivan's. She supplied an approximation of 50 yards. Chairman Sturgill asked how qualified Ms. Jones may be to monitor condition compliance. Ms. Jones said she did not have anything other than reasonable observation.

Commissioner Williamson asked if Ms. Jones had any small children. Ms. Jones replied no. Commissioner Williamson asked if her neighbor had any mechanism of children or farm animal to wander on to her neighbors' property. Ms. Jones replied yes, the machine shop is enclosed and there are fences.

JOSEPH SULLIVAN - IN FAVOR – 19736 LAHT CREEK WAY, WILDER ID 83676

Mr. Sullivan discussed agricultural operators that they have provided service to. The application pertains to small machine shops. It will not be a large shop. Mr. Sullivan was not aware that a machine shop was not allowed. Machine shops can provide a service to the agricultural community.

Chairman Sturgill asked if smaller shops were inspected by OSHA. Mr. Sullivan replied no, however, they were a member of the Idaho Manufacturers Alliance. He encouraged every manufacturer to join. Mr. Sturgill asked how the county can place conditions in regard to management of machine shops in rural areas and monitoring for safety so someone is not injured. Mr. Sullivan replied with a question as to how the County monitors machine shops in industrial areas? Mr. Sullivan feels there is no difference.

Commissioner Villafana discussed Mr. Sullivan's testimony in regard to being a service to agriculture. He asked Mr. Sullivan to put himself in his neighbor's shoes and what he could do to mitigate impacts on them. Mr. Sullivan noted that they have been in operation for two (2) years. He feels they currently have very minimal impact due to the fact many neighbors not even being aware that they operate at the location. There is one neighbor that is displeased with the use. Mr. Sullivan noted that for the past two years he has been maintaining the road. He is trying to be an asset to the community. Commissioner Villafana noted that Mr. Sullivan is in a subdivision that didn't allow the type of use and what the cost would be to move location to industrial. Mr. Sullivan did not know he was out of compliance. He has invested a large amount of money for his home and shop for a pristine operation. He needs the income from the shop to cover his costs. It would be detrimental to re-locate.

Commissioner Matthews stated his concerns are in regard to inexperienced operators. Mr. Sullivan disagreed, machine shops are not cheap to operate. It is incumbent on the person to operate safely.

Commissioner Nevill asked about Mr. Sullivan's machines and who set them up. Mr. Sullivan hired a local company to set it up. Commissioner Nevill asked what his product is. Mr. Sullivan stated his company makes a product for the film industry. Commissioner Nevill asked if his company is visited by the manufacturer for calibration. Mr. Sullivan replied that he takes care of most of that. Commissioner Nevill asked if Mr. Sullivan's machines were quiet because they were fully enclosed. Mr. Sullivan replied yes and proceeded to indicate which machines he has that are fully enclosed. Commissioner Nevill asked if there were external deliveries to the site. Mr. Sullivan indicated that they occasionally have freight. The last freight they had inbound was the first week in July and outbound was in June. The freight was on tractor trailers. Mr. Sullivan indicated there is a turnaround on his property.

Commissioner Nevill questioned staff about how long the applicant can operate out of compliance? Planner Lister indicated there was a decision made by the previous Director that allowed the applicant to operate so long as this application is moving forward.

Commissioner Williamson asked Mr. Sullivan if he had worked with any industry experts to get input. Mr. Sullivan stated that the Commission could petition the IMA (Idaho Manufacturers Alliance) to gather input.

DOUG AMICK – IN FAVOR – 26645 DESERT HILLS DR., WILDER, ID 83676

Mr. Amick stated he ran a machine shop for 25 years. OSHA does not conduct inspections. Mr. Amick has been on the advisory board for COSSA. There are many machine shops that are operating under the radar, he noted at least four (4) near his residence. Most small machine shops cannot afford to locate in an industrial area most of them begin in residential area and the equipment is costly. Mr. Amick indicated that if a person is prone to not follow rules you're going to find that whether the shop is small or large. If rules are placed on the approvals, you have to trust that the rules will be followed.

Commissioner Sheets asked about the illegal machine shops Mr. Amick testified to. Mr. Amick stated that there is a diesel repair shop, welding shop, and machine shop that custom builds stainless steel equipment. None are zoned for the use. Commissioner Sheets asked if there are any adverse impacts from the uses near him? Mr. Amick replied no. Mr. Amick added that his daytime job is the Public Services Director for the City of Greenleaf. Mr. Sullivan allowed Mr. Amick to machine a part and he noted his facility is very clean.

Commissioner Nevill asked Mr. Amick about fire suppression and his previous shop. Mr. Amick's previous shop was located within the city limits and did have fire flow. Mr. Amick noted that he also was employed for 30 years with Wilder Fire and retired as Chief. In his role as Chief, he would talk to property owners about materials they have and fire suppression requirements.

Commissioner Villafana asked staff if there was a place to check to see if people have CUPs. Planner Root suggested submitting the address to P&Z to research if there are applications or approvals.

Chairman Sturgill stated he's seen multiple businesses started in a garage and once they become a full-time endeavor for the operator they've located in industrial parks in a bay. Mr. Amick stated for some that would be an alternative for some but not all. It is dependent on the point at which they can fully transition to that being their full-time job and support the costs associated with the businesses. Chairman

Sturgill stated in large part the only difference would be the lease associated with the facility (bay). In his opinion that seemed like a small barrier. Mr. Amick stated that it is a bigger step when it is more than they can financially afford with their amount of work. It is more than the facility, it's paying personal bills in the middle while you don't have income.

JOSH JETTON – IN OPPOSITION – 27255 LOWER PLESANT RIDGE RD., WILDER, ID 83676

Mr. Jetton said most of his opposition was in regard to the specific property. However, what categorizes a "small shop." He indicated that the applicant's shop is 6,000 sq. ft. with 8 milling machines. Any new build over 5,000 sq. ft. would fire suppression systems. What about existing shops with these types of uses? Are there evacuation areas? Fire extinguishers? OSHA doesn't get involved with anyone that has ten employees or under unless something goes wrong. Mr. Jetton stated if you're putting in a business you would have to get 24-40 ft. wide roads, a 20 ft. circumference turn around and blacktop aprons according to fire district. Mr. Jetton was concerned that if this application passes, there would not be capacity to monitor the approvals and conditions. The subdivision they live in has CCR's that indicate residential uses only.

Commissioner Nevill stated that the one way to assist with concerns is to send this back for "re-wording." Commissioner Nevill asked if Mr. Jetton would be willing to take part in that. Mr. Jetton indicated yes, he would. He added that the applicant was served a cease and desist four months prior to hiring Mr. Lakey and they operated during that time. He noted concerns regarding the roads and deliveries and how that impacts the neighbors within the subdivision. Commissioner Nevill asked if there is a road user's maintenance agreement. Mr. Jetton indicated, yes, there is.

Commissioner Villafana asked what could make the situation better for Mr. Jetton so they could co-exist. Chairman Sturgill reminded the Commission that the line of questioning was site specific, and not in regard to the Ordinance.

Commissioner Williamson asked if there was anything in the proposed ordinance that wasn't included but should be. Mr. Jetton stated that language is one thing, but who checks into compliance? He feels that it opens up a "can of worms."

Commissioner Sheets asked Mr. Jetton whether a machine shop should be allowed in residential zones. Mr. Jetton stated, no, the infrastructure is not there to bring in the raw materials.

Planner Lister stated that the application was one of the mechanisms to solve a Code Enforcement violation. To date, staff has only received a definition and land use standards from the applicant. Typically, ordinance changes are vetted out via workshops. What is presented this evening is what was submitted by the applicant. Typically use standards would be required and the application is too vague.

Chairman Sturgill asked how a member of the public would initiate a change in the ordinance other than what we're seeing here? Perhaps staff could have said that maybe there is more to this .

Planner Lister stated that ordinances are typically ordered by the Board. Very rarely do we see a member of the public initiate the change. The precedence set is that once the Commission calls this a conditional use permit and a permit is denied, is it a taking?

Commissioner Mathews stated there is a known violation of CCR's here. The specific case is coming to us as a means to allow the use and fixing the violation.

TODD LAKEY – APPLICANT (REPRESENTATIVE) – REBUTTAL – 12905 VENEZIA COURT NAMPA ID 83651

Mr. Lakey reminded the Commission that this is a legislative request. Mr. Lakey stated they met with staff as soon as his client knew there was a County approval required. The County provides a process and fee for text amendments. The opportunity here is to try and put a box around this type of operation. It does not have significant impacts. The Commission can define “small” machine shops. If this is a CUP you also gain responses from agencies and CUPs can be denied. Mr. Lakey is willing to sit with staff and industry experts to help craft language. They are happy to participate in the process.

Commissioner Williamson asked if the item was to be continued to a later date, how much time would they need to get other experts together to help craft language? Mr. Lakey replied 30 days.

Commissioner Sheets asked about “putting a box” around the proposed uses. Mr. Lakey said a “small” shop would be 6,000 sq. foot and three (3) employees. At the end of the day, it is the Commission’s decision.

MOTION: Commissioner Sheets moved to close public testimony on Case OR2022-0003, seconded by Commissioner Villafana. Voice vote, motion carried.

DELIBERATION:

Chairman Sturgill cautioned the Commission about site specifics, but focused on the proposed ordinance. He discussed the options the Commission has in making a decision or continuing to a later date.

Commissioner Nevill was in favor of continuing the case. In order to not endanger the public, he would like to send it back for re-wording. We need specific actions in regard to small scale machine shops, standards, size of shop, traffic limitations, what can be manufactured limitations, no dangerous materials, and most importantly, fire suppression.

Commissioner Williamson would like to see the additional industry input to assist in drafting language.

Commissioner Matthews pointed out that these uses need to be limited to areas that can support the use. He is supportive of continuing, but the broader impacts need to be considered.

Commissioner Sheets stated he understands the nature of the request but there needs to be a reasonable expectation of residents as to what is allowed and not allowed in their neighborhoods. The county should not be supportive of commercial businesses in residential neighborhoods. He is not in favor of continuing the case. If there is direction from the Board of County Commissioners, the Commission can take it up at that time. He would adopt staff’s recommendation of denial.

MOTION: Commissioner Nevill moved to continue Case OR2022-0003 to a date certain of December 7, 2023 for the purpose of wordsmithing the language of the proposed ordinance so there is a definition and standards [size, square footage, traffic, what can be manufactured on site, number of employees, materials, and firefighting capabilities] seconded by Commissioner Williamson.

Roll call vote: 3 in favor, 3 opposed, motion failed.

MOTION: Commissioner Sheets moved to deny Case No. OR2022-0003 to recommend denial to the Board of County Commissioners and to adopt the Findings of Fact, Conclusions of Law, & Order as presented by staff, seconded by Matthews. Roll call vote: 5 in favor, 1 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 8/3/2023, seconded by Commissioner Matthews. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planner Lister reminded the Commission that the next P&Z meeting would be training with Code Enforcement. Discussion will be in regard to conditions and un-enforceable conditions.

Planner Lister noted that the Nampa Area of City Impact was approved by the Board. The next step would be to modify the Ordinance agreement with Nampa.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Villafana. Voice vote, motion carried. Hearing adjourned at 11:51 pm.

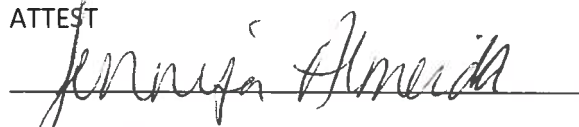
An audio recording is on file in the Development Services Departments' office.

Approved this 19th day of October, 2023



Robert Sturgill, Chairman

ATTEST



Jennifer Almeida - Office Manager

S	Military Buildings, Homesites along the river	A	
W	Residential Homesites, Small Farms	A	

“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)

Surrounding Land Use Cases:

Trunnel Acres Subdivision approved in 2002 with 4 lots. Average Lot size 1.33 acres.

Swartz Family Trust Subdivision approved in 2010 with 2 lots. Average Lot size 2.89 acres.

Character of the Area:

The area across Peckham Road has large agricultural production parcels. There are several homesites of varying sizes along with some smaller family farms. The area is zoned Agricultural, but there are a few subdivisions and smaller lot residential uses in the area. The river runs to the South of the property.

According to Canyon Soil Conservation District, 50% of the soil is Class 4 and 50% was not rated (slope range is 12 to 25%). (Exhibit B, Attachment 7f)

The parcel itself has some very steep slopes and many native plants. See images below:



These images are looking on to the property at various locations. There are steep slopes that would have building restrictions at the platting stage.



The 2 images above are looking out across Peckham Road from the subject parcel looking North.

The image to the left was taken from the property boundary on Gravelly Lane looking Southwest.

Access and Traffic:

The parcel has an approved access off of Peckham Road. The applicant is proposing access off of Gravelly Lane. The applicant would have to comply with the conditions proposed in the Golden Gate Highway District Engineer letter including site distance evaluation. (Exhibit B, Attachments 7a and 7b). The Highway District requires a cul-de-sac rather than a hammerhead. The Golden Gate Highway District Engineer does not expect any additional traffic impacts.

Facilities:

This parcel is located outside of the Area of City Impact and no services are available.

Southwest District Health has determined that the NP1 study showed that the proposed concept plan would not significantly impact groundwater quality and DEQ approves the nutrient pathogen evaluation for the proposed use.

Essential Services:

All essential services were notified of the proposed change of use. Wilder Fire District submitted a comment stating that they would require a cul-de-sac turn around rather than the proposed hammerhead. The fire district also highly recommends a secondary access for emergency vehicle use. The parcel doesn't have irrigation water rights. No other responses were received from agencies.

COMPREHENSIVE PLAN ALIGNMENT:

The subject property is designated as Agricultural in the 2020 Canyon County Comprehensive Plan Future Land Use Map. The proposal *aligns* with the following goals and policies of the 2020 Comprehensive Plan:

Chapter 1: Property Rights	
Goal 1.	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
Policy 1.	No person should be deprived of private property without due process of law.
Chapter 5: Land Use	
Policy 11.	Coordinate planning and development with applicable highway district and health officials.
Chapter 6: Natural Resources/Agricultural Land	
Policy 2.	Development should not be allowed to disrupt or destroy irrigation canals, ditches, laterals and associated rights-of-way.
Chapter 8. Public Services, Facilities and Utilities Component	
Policy 3.	Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

The proposal does *not align* with the following goals and policies of the 2020 Comprehensive Plan:

Chapter 2: Population	
Policy 3.	Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 4: Economic Development	
Policy 1.	Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Policy 7.	Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.
Chapter 5: Land Use	

Goal 1.	To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2.	To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Goal 4.	To encourage development in those areas of the county which provide the most favorable conditions for future community services.
Policy 2.	Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.
Policy 9.	Encourage and support land use proposals that are consistent with the community design goals and policies within the county.
Residential Policy 1.	Encourage high density development in areas of city impact.
Residential Policy 3.	Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

Chapter 6: Natural Resources/Agricultural Land & Water

Ag Land Goal 1.	To support the agricultural industry and preservation of agricultural land.
Ag Land Policy 1.	Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development
Ag Land Policy 3.	Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

Chapter 13: Agriculture

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

COMMENTS:

- **Public:**
No comments from the public were received.
- **Agencies:**
Golden Gate Highway District (JUB Engineering) - Exhibit B, Attachments 7a and 7b
Idaho DEQ - Exhibit B, Attachments 7c and 7d
Wilder Fire District - Exhibit B, Attachment 7e
Canyon Soil Conservation District – Exhibit B, Attachment 7f
ITD – Exhibit B, Attachment 7g
Black Canyon Irrigation District – Exhibit B, Attachment 7h

RECOMMENDATION:

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed requests.

Staff is recommending *denial* of the Comprehensive Plan Amendment and the Conditional Rezone and has provided findings of fact and conclusions of law for the Planning and Zoning Commission's consideration found in Exhibit B.

DECISION OPTIONS:

The Planning and Zoning Commission may recommend approval of the Comprehensive Plan Amendment and Conditional Rezone to the Board of County Commissioners as conditioned and/or amended;

The Planning and Zoning Commission may recommend denial of the Conditional Rezone to the Board of County Commissioners and direct staff to return with findings that support the decision; or

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

ATTACHMENTS/EXHIBITS:

Exhibit A: Parcel Tool

Exhibit B: Draft FCO's for OR2022-0005 and CR2022-0011

Attachment 1: Original Letter of Intent

Attachment 2: Updated Letter of Intent

Attachment 3: Land Use Worksheet and Irrigation Plan

Attachment 4: Geology & Hydrology Study

Attachment 5: 7 Lot Concept Plan

Attachment 6: Maps

6a: Aerial Map

6b: Zoning

6c: Future Land Use

6d: Plats and Subdivisions

6e: Prime Farmland Report

6f: Soil Report

6g: Soil and Farmland Summary

6h: Nitrate Priority & Wells

6i: Traffic Analysis Zone (TAZ)

Attachment 7: Agency Comments

7a: Golden Gate Highway District Letter #1

7b: Golden Gate Highway District Letter #2

7c: Idaho Department of Environmental Quality Letter #1

7d: Idaho Department of Environmental Quality Letter #2

7e: Wilder Fire District

7f: Canyon Soil Conservation District
7g: Idaho Transportation Department
7h: Black Canyon Irrigation District

R36963020 PARCEL INFORMATION REPORT

10/10/2023 10:33:44 AM

PARCEL NUMBER: R36963020

OWNER NAME: PERSON MARGARET L

CO-OWNER:

MAILING ADDRESS: PO BOX 213 FT HARRISON MT 59636

SITE ADDRESS: 28753 PECKHAM RD

TAX CODE: 0900000

TWP: 4N RNG: 5W SEC: 20 QUARTER: NW

ACRES: 10.66

HOME OWNERS EXEMPTION: No

AG-EXEMPT: No

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: GOLDEN-GATE HWY

FIRE DISTRICT: WILDER FIRE

SCHOOL DISTRICT: WILDER SCHOOL DIST

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE 2011-2022 : AG

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: AG

IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL \ WILDER IRRIGATION DISTRICT

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0200F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: ADA CANYON

FUNCTIONAL Classification: Major Collector

INSTRUMENT NO. : 2009041069

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 20-4N-5W NW TAX 28 IN NWNW

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERRIF'S CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



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

In the matter of the application of:

Person – OR2022-0005

The Canyon County Planning and Zoning Commission considers the following:

- 1) Comprehensive Plan Map Amendment to amend the 2020 Canyon County Comprehensive Plan future land use map for a 10.66-acre parcel from “agriculture” to “residential”.

[Case #OR2022-0005, 28753 Peckham Road, Wilder (Parcel Number: R36963020), a portion of the NW¼ of Section 20, T4N, R5W, 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 OR2022-0005.
 - a. The request is being considered concurrent with a conditional rezone application (CR2022-0011).
 - b. The hearing on September 7, 2023, was tabled to October 19, 2023, by the Planning and Zoning Commission.

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 §07-06-03 (Comprehensive Plan Amendment Criteria), and Idaho Code §67-6509 (Recommendation and Adoption, Amendment and Repeal of the Plan).
 - a. Notice of the public hearing was provided in accordance with CCZO §07-05-01 and Idaho Code §67-6509.
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”), and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6509.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, Chapter 65, and in county ordinances. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
5. No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk. *See* I.C. §67-6509(c).

The application, OR2022-0005, was presented at a public hearing before the Canyon County Planning and Zoning Commission on October 19, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

COMPREHENSIVE PLAN AMENDMENT CRITERIA – CCZO §07-06-03

A. Is the requested type of growth generally in conformance with the comprehensive plan?

Conclusion: The request is not in conformance with the type of growth anticipated in the area as depicted in the 2020 Canyon County Comprehensive Plan.

- Findings:**
- (1) The future land use map within the 2020 Comprehensive Plan designates the area as “agriculture” (Exhibit B, Attachment 6c of the staff report). The nearest residential designation is over 2 miles east of the subject property where the City of Wilder’s area of city impact is located (Exhibit B, Attachment 6b of the staff report). The definition of the residential designation in the Comprehensive Plan states: “*Residential must be compatible with the existing agricultural activity. Residential development should be encouraged in or near areas of city impact or which areas that demonstrate a development pattern of residential land uses.*” The property is not located in an area of city impact. Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. Therefore, there is no residential growth in the area, nor does the Comprehensive Plan provide guidance that promotes residential growth in the area.
 - (2) The requested residential designation would promote residential growth within an agricultural area that would impact existing agricultural activity and the character of the area. The agricultural designation is defined as the base zone throughout the County. “*It contains areas of production irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.*” The definition of the residential designation in the Comprehensive Plan states: “*Residential must be compatible with the existing agricultural activity.*” Although the property is 50% class 4 soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area. Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Exhibit B, Attachment 6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
 - (3) The request does *not align* with the following goals and policies of the Canyon County Comprehensive Plan:

Chapter 2: Population	
Policy 3.	Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 4: Economic Development	
Policy 1.	Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Policy 7.	Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.
Chapter 5: Land Use	
Goal 1.	To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2.	To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Goal 4.	To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Policy 2.	Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.
Policy 9.	Encourage and support land use proposals that are consistent with the community design goals and policies within the county.
Residential Policy 1.	Encourage high density development in areas of city impact.
Residential Policy 3.	Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

Chapter 6: Natural Resources/Agricultural Land & Water

Ag Land Goal 1.	To support the agricultural industry and preservation of agricultural land.
Ag Land Policy 1.	Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development
Ag Land Policy 3.	Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

Chapter 13: Agriculture

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

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

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

B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation?

Conclusion: The request is not more appropriate than the current comprehensive plan designation.

Findings: (1) The nearest residential designation is over 2 miles east of the subject property where the City of Wilder’s area of city impact is located (Exhibit B, Attachment 6b of the staff report). The property is not located in an area of city impact. Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009 which does not align with the guidance in the 2020 Canyon County Comprehensive Plan. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The subject parcel was created by conditional use permit in 2004 which found the 10.66-acre parcel in alignment with the character of the area. Residential growth in the area has not changed much since that decision and therefore the parcel is commensurate with rural parcels within the vicinity in its current configuration (Exhibit B, Attachment 6b of the staff report).

(2) The requested residential designation would promote residential growth within an agricultural area that would impact existing agricultural activity and the character of the area. Although the property is 50% class 4 soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area (Exhibit B, Attachment 6a of the staff report). Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Exhibit B, Attachment 6b of the staff report). The

Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

C. Is the proposed comprehensive plan amendment compatible with surrounding land use?

Conclusion: The request will allow development incompatible with surrounding land uses.

- Findings:**
- (1) The residential designation would allow residential zones that (1) have not been historically approved in the area, and (2) parcel lot sizes is inconsistent with the area. The nearest similar residential zone is approximately two miles east within Wilder’s area of city impact (Exhibit B, Attachment 6b of the staff report). Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009 which does not align with the guidance in the 2020 Canyon County Comprehensive Plan. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The subject parcel was created by conditional use permit in 2004 which found the 10.66-acre parcel in alignment of the character of the area. Residential growth in the area has not changed much since that decision and therefore the parcel is commensurate with rural parcels within the vicinity in its current configuration.
 - (2) The requested residential designation would promote residential growth within an agricultural area that would impact existing agricultural activity and the character of the area. Although the property is 50% class 4 soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area (Exhibit B, Attachment 6f of the staff report). Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Exhibit B, Attachment 6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted?

Conclusion: Development trends and circumstances in the general area have not changed.

- Findings:**
- (1) The nearest residential designation is over two miles east of the subject property where the City of Wilder’s area of city impact is located (Exhibit B, Attachment 6b of the staff report). The property is not located in an area of city impact (Exhibit B, Attachment 6b of the staff report). Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009 which no longer aligns with the guidance in the 2020 Canyon County Comprehensive Plan or County Code. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The subject parcel was created by conditional use permit in 2004 which found the 10.66-acre parcel in alignment with the character of the area. Residential growth in the area has not changed much since that decision and therefore the parcel is commensurate with rural parcels within the vicinity in its current configuration (Exhibit B, Attachment 6b of the staff report).
 - (2) The subject parcel is located within a 2,000-acre TAZ (Traffic Analysis Zone; Zone 2776 – Canyon West Demographic). The TAZ is delineated by the state and/or local transportation officials for tabulating traffic-related data (Exhibit B, Attachment 6i). COMPASS (Community Planning Association of Southwest Idaho) also uses the data as part of the Communities in Motion Regional Transportation Plan. As part of each TAZ zone, data is generated forecasting

future population, households, and jobs which is used by COMPASS to identify growth areas and the necessary infrastructure and funding. This area is forecasted to have little to no residential growth because the character is rural/agricultural (Exhibit B, Attachment 6b of the staff report). Therefore, the property is not in a growth area and does not have future funding for necessary infrastructure.

- (3) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

E. Will the proposed comprehensive plan amendment impact public services and facilities. What measures will be implemented to mitigate impacts?

Conclusion: No comments were received demonstrating the request would have impacts on public services and facilities.

- Findings:**
- (1) Golden Gate Highway District does not oppose the request subject to conditions of approval regarding the meeting of ACCHD standards and addressing site distance issues (Exhibit B, Attachment 7a and 7b of the staff report). Idaho Transportation Department had no comments (Exhibit B, Attachment 7g of the staff report). Wilder Fire District requests future access to meet their requirements and highly recommends a secondary emergency exit for emergency vehicles (Exhibit B, Attachment 7e of the staff report). None of the comments opposed the request.
 - (2) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

Per Idaho Code §67-6537(4): When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

Conclusion: No water studies were submitted as part of the request. Therefore, impacts on water source, quality and quantity in the area are unknown. Future development will use individual domestic wells and individual septic systems.

- Findings:**
- (1) Due to the City of Wilder being over two miles from the subject property, future development would use individual wells and septic systems (CR2022-0011). The property is located in a Nitrate Priority area (Exhibit B, Attachment 6h of the staff report).
 - (2) Notice of the public hearing was provided in accordance with CCZO §07-05-01 Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0005.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case # OR2022-0005, a comprehensive plan map amendment to amend the 2020 Canyon County Comprehensive Plan future land use map for a 10.66-acre parcel, R36963020, from “agriculture” to “residential”.

DATED this _____ day of _____, 2023.

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

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

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

Notary: _____

My Commission Expires: _____



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

In the matter of the application of:

Person – CR2022-0011

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of approximately 10.66 acres from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone, and (3) a Development Agreement limited future development to seven buildable lots, a 1.3-acre average lot size.
[Case #CR2022-0011, 28753 Peckham Road, Wilder (Parcel Number: R36963020), a portion of the NW¼ of Section 20, T4N, R5W, 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 CR2022-0011.
 - a. The request is being considered concurrently with a comprehensive plan amendment application (OR2022-0005).
 - b. The hearing on September 7, 2023, was tabled to October 19, 2023, by the Planning and Zoning Commission.

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 §07-06-05 (Zoning Amendment Criteria), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application, CR2022-0011, was presented at a public hearing before the Canyon County Planning and Zoning on October 19, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

ZONING AMENDMENT CRITERIA – CCZO §07-06-07(6)

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The request is inconsistent with the 2020 Canyon County Comprehensive Plan.

- Findings:**
- (1) The future land use map within the 2020 Comprehensive Plan designates the area as “agriculture” (Exhibit B, Attachment 6c of the staff report). The nearest residential designation is over 2 miles east of the subject property where the City of Wilder’s area of city impact is located (Exhibit B, Attachment 6b of the staff report). The definition of the residential designation in the Comprehensive Plan states: “Residential must be compatible with the existing agricultural activity. Residential development should be encouraged in or near areas of city impact or which areas that demonstrate a development pattern of residential land uses.” The property is not located in an area of city impact. Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code. The majority of the parcels with residential dwellings in the vicinity range between 3 to 6-acre lot sizes. The applicant is requesting a 1.3-acre average lot size which is not commensurate with the agricultural/rural area (Exhibit B, Attachment 6b of the staff report).
 - (2) Although the property is 50% class soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the area (Exhibit B, Attachment 6b of the staff report). Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Exhibit B, Attachment 6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
 - (3) The subject parcel is located within a 2,000-acre TAZ (Traffic Analysis Zone; Zone 2776 – Canyon West Demographic). The TAZ is delineated by the state and/or local transportation officials for tabulating traffic-related data (Exhibit B, Attachment 6i). COMPASS (Community Planning Association of Southwest Idaho) also uses the data as part of the Communities in Motion Regional Transportation Plan. As part of each TAZ zone, data is generated forecasting future population, households, and jobs which is used by COMPASS to identify growth areas and the necessary infrastructure and funding. This area is forecasted to have little to no residential growth because the character is rural/agricultural (Exhibit B, Attachment 6b of the staff report). Therefore, the property is not in a growth area and does not have future funding for necessary infrastructure.
 - (4) The request does not align with the following goals and policies of the Canyon County Comprehensive Plan:

Chapter 2: Population	
Policy 3.	Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 4: Economic Development	
Policy 1.	Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.

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

Chapter 5: Land Use

Goal 1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.

Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.

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

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

Policy 9. Encourage and support land use proposals that are consistent with the community design goals and policies within the county.

Residential Policy 1. Encourage high density development in areas of city impact.

Residential Policy 3. Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

Chapter 6: Natural Resources/Agricultural Land & Water

Ag Land Goal 1. To support the agricultural industry and preservation of agricultural land.

Ag Land Policy 1. Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development

Ag Land Policy 3. Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

Chapter 13: Agriculture

Goal 1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.

Goal 2. Support and encourage the agriculture use of agriculture lands.

Goal 3. Protect agricultural lands and land uses from incompatible development.

Policy 1. Preserve agricultural lands and zoning classifications.

(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

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

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

Conclusion: The request is not more appropriate than the current zoning designation.

Findings: (1) Residential uses in the area were either created via the County’s land division process or through a conditional use permit between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code. The majority of the parcels with residential dwellings in

the vicinity range between 3 to 6-acre lot sizes. The applicant is requesting a 1.3-acre average lot size which is not commensurate with the agricultural/rural area (Exhibit B, Attachment 6b of the staff report).

- (2) There are no residential zones in the area. The closest residential zone is over two miles east within Wilder's area of city impact (Exhibit B, Attachment 6b of the staff report). Approval of the request could promote residential growth outside of an area of city impact or planned growth area which could impact the surrounding agricultural uses. Although the property is 50% class soils with slopes that range between 12-25%, the 10.66-acre property is commensurate with other parcel sizes created by land division in the. Properties to the north of the property contain many 40 to 80-acre parcels in productive agricultural uses (Exhibit B, Attachment 6b of the staff report). The Comprehensive Plan provides guidance to protect agricultural lands and the economic benefits they bring to the County (Chapters 4, 5, and 13 of the 2020 Comprehensive Plan).
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: Based on the proposed lot sizes, the request is not compatible with the surrounding area.

Findings: As proposed, the development of the parcel will allow seven 1.3 acre lots. This is out of character with the area which appears to have allowed 3-6-acre parcel sizes via land divisions process or conditional use permits between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code.

- (1) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

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

Conclusion: The request will negatively impact the character of the area.

Findings: (1) As proposed, the development of the parcel will allow seven 1.3 acre lots. This is out of character with the area which appears to have allowed 3-6-acre parcel sizes via land divisions process or conditional use permits between 2004-2009 which no longer aligns with the Comprehensive Plan or County Code.

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.
- (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Adequate facilities and services would be provided for wells and septic systems. Irrigation is unavailable per the applicant.

Findings: (1) The applicant proposes development will use domestic wells and septic systems. City services are over 2.5 miles east of the property in the City of Wilder. The property is located within a nitrate priority area. No comments were received from IDWR.

- (2) Southwest District Health did not provide response, but there is email correspondence from DEQ to Southwest District Health stating what type of systems would be required after evaluating the NPI study and that they determined that the proposed concept plan would not significantly impact groundwater quality. (Exhibit B, Attachment 7c and 7d)
- (3) No comments were received from Wilder Irrigation District. Therefore, impacts and compliance standards are unknown.
- (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: The parcel has legal access to Peckham Road, a major collector.

- Findings:**
- (1) Parcel has legal access to Peckham Road, a major collector. The applicant proposes access from Gravelly Lane and will have to comply with the Golden Gate Highway District standards. (Exhibit B, Attachment 7a and 7b)
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The request, as proposed, is not anticipated to create a traffic impact. Mitigation measures would be addressed during platting.

- Findings:**
- (1) The property will use an existing private road, Gravelly Lane, to connect to Peckham Road, a major collector. The request will create a total of seven buildable lots (66.64 average daily trips (ADT), 133.28 ADT if secondary dwellings are allowed. The ADT on Gravelly Lane is unknown but can be reasonably assumed to exceed 100 ADT. Therefore, private road improvements may be required at the time of platting per CCZO Section 07-10-03.
 - (2) Golden Gate Highway District does not oppose the request subject to conditions of approval regarding the meeting of ACCHD standards and addressing site distance issues (Exhibit B, Attachment 7a and 7b of the staff report). Idaho Transportation Department had no comments (Exhibit B, Attachment 7g of the staff report).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600' were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

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

H. Will the proposed zoning map 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 request is not anticipated to impact essential services subject to conditions. No comments were received from Wilder School District, Canyon County Ambulance or County Sheriff’s Department.

- Findings:**
- (1) The nearest school and fire station are approximately 2.5 miles from the subject property. Wilder Fire District requests future access to meet their requirements and highly recommends a secondary emergency exit for emergency vehicles (Exhibit B, Attachment 7e of the staff report).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 27, 2023. Newspaper notice was published on September 9, 2023. Property owners within 600’ were notified by mail on September 8, 2023. Full political notice was provided on July 27, 2023. The property was posted on September 15, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0011.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case CR2022-0011, a conditional rezone of approximately 10.66 acres from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone, and (3) a Development Agreement limited future development to seven buildable lots, a 1.3-acre average lot size.

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

- 1. Consider a conditional rezone to a “CR-R-R” (Conditional Rezone – Rural Residential) zone with a development agreement limiting development to three (3) lots/two acre lot sizes.

DATED this _____ day of _____, 2023.

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

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

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

Notary: _____

My Commission Expires: _____

4-19-2021

Letter Of Intent

Steve Law Construction Company Inc. Plans to develop 10.66 acres into approx. 1.01 to 1.34 the 7th top lot approx.. 2.80-acre 7 total lots with private road. Road name will be Law River View Dr. Develop AG land to residential Rezone to R-1. Parcel # R3696-020/R3696302000.

Homes will be built with rear loading garages off private road around perimeter & 1 on top. Private road will be built to meet county specs paved blacktop. Also plan to add greenbelt walk around perimeter of Subdivision. Valley River View Estates will have an HOA and Covenants.

Valley River View Estates will have an upscale Country Style Living.

Doing Comprehensive Plan For Map Amendment. In order to Rezone. To R-1 Zone Also do Conditional Rezone. Preliminary Plat Submission. 8 ~~7~~ Total Lots. Land Does Not have water Rights.

Steve Law

Conditional Rezone willing To discuss Conditions of Approval.

Letter of Intent
Valley River View Estates Subdivision

We are requesting a Preliminary Plat in an A agricultural Zone. We are planning a rural development that will feature one acre lots. Our development contains approximately ±10.66 acres. We are planning 7 residential lots and 1 common lot that will contain the private access road to the development. The 7 buildable lots planned to be located on the subject parcel will be contained in the 10.66 acres yielding 1.52 buildable acres per lot, or 0.656 lots per acre. The access road will be placed on a common lot and provide access to the development. The gross area of the subdivision yields 1.33 acres per lot, or 0.75 lots per acre. We are requesting a comprehensive plan map amendment to amend the future plan use designation from agricultural zone to a CR-R-1 Conditional rezone to single family residential zone.

Single-Family Residential (R-1)	The R-1 district promotes and enhances predominantly single-family living areas at a low-density standard.	One unit per one acre
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We are intending to enter into a development agreement that will limit our density to the planned 1.33 residential lots to acre. We believe this is the best use of the land as it is hilly and has no water rights. This parcel has been mined in the past there is evidence of gravel and top soil removal from it in the past. The mining has made the land non viable for farming.

We are working with South West District Health Department to provide private wells and septic systems for each lot. We have prepared a N-P Study per the South West District Health requirements and have been approved for 7 wells and septic systems. We are requesting that the county waive any requirement for streetlights and sidewalks to the project as there are none in the area. We feel their installation will change the area’s rural nature and atmosphere.

We are planning to bring underground power and telephone service to our site and are planning a paved rural roadway. We are planning to construct the road section to meet the Canyon County Highway District rural road section requirements. The roadway will not contain curb and gutter in accordance with the Highway District rural road standards. We are planning a hammer head turnaround to meet the Fire Marshal and emergency services requirements. The road will be privately owned operated and maintained by the home owners association. We are not planning streetlights. We are on the top a hill that will lend to streetlights causing light pollution in the area. It is our opinion that the light pollution will disrupt the area. There are no known streetlights in the area. We are requesting that the county waive any requirement for streetlights and sidewalks

The current parcel does not have irrigation water rights so there will be no surface irrigation water available. We are planning on building the project in a single phase. See Pre-Plat for details.

Goals and Policies that support this proposed subdivision:

Property Rights

Property Rights

G1.01.00 Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.

P1.01.01 No person should be deprived of private property without due process of law.

Population

Table 2. Population Goals and Policies

G2.01.00 Incorporate population growth trends & projections when making land-use decisions.

P2.01.01 Plan for anticipated population and households that the community can support with adequate services and amenities.

G2.02.00 Promote housing, business, and service types needed to meet the demand of the future and existing population.

Canyon County Historic Population Estimates

Year	Unincorporated	% Change	Population Estimate	% Change
2022	57,370	10%	192,350	2.6%
2021	52,110	-6.7%	191,270	5.2%
2020	55,788	14%	175,317	2.9%
2019	48,020	2.4%	176,520	3.3%
2018	46,900	-7.5%	170,280	0.8%
2017	50,560	-1.6%	164,870	3.4%
2016	51,360	-4.6%	156,820	0.2%
2015	53,800	-	153,990	-
2010	50,179		138,744	

Based on the above estimates, the population in the County's unincorporated area grew 14.4%, while the population of cities in the County grew 35.24% between 2010 and 2022.¹

Economic Development

G3.05.00 Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.

Land Use and Community

Design

Table 4. Land Use and Community Design

G4.01.00	Support livability and high quality of life as the community changes over time.
P4.01.01	Maintain a balance between residential growth and agriculture that protects the rural character.
<hr/>	
A4.01.01a	Initiate zoning text amendments and update the future land use map to address new land uses through public input and analysis.
<hr/>	
A4.01.01d	Develop and adopt an Intensive Agriculture Overlay.
<hr/>	
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
<hr/>	
G4.02.00	Ensure that growth maintains and enhances the unique character throughout the County.
P4.02.01	Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.
<hr/>	
G4.03.00	Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.
<hr/>	
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.
<hr/>	
P4.05.01	Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.
<hr/>	
P4.05.02	Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area.
<hr/>	
G4.06.00	Development design should improve the area's character and be compatible with the community's visual appearance and the natural environment.

P4.06.02	Encourage development design that accommodates topography and promotes conservation of agricultural land.
P4.06.03	Development should sustainably provide roadway and pathway connections, downward lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.
G4.07.00	Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.

Natural Resources & Hazardous Areas

A5.04.02a	Protect steep slopes and erosive soils from development. Explore the feasibility of requiring adequate on-site mapping of slopes, alluvial fans, and other erosion and debris flow hazard areas in development submittals.
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On page 41 of the 2030 Comprehensive Plan it shown the onsite soils as **Class VIII/Least-Suited**: Limitations preclude their use for commercial plant production and restrict their use to recreation, wildlife water supply or esthetic purposes.

Public Services, Facilities, & Utilities

P7.01.03	New developments should not increase stormwater runoff from the site.
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Transportation

P8.02.01	Promote public safety through safe design.
A8.02.01a	Require all new developments to be accessible and regularly maintain roads for fire protection and emergency service purposes.

Housing

G11.02.00	Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.
P11.02.01	Encourage subdivisions to locate where adequate services and infrastructure exists or can be provided.
G11.01.00	Encourage opportunities for a diversity of housing choices in the County.
P11.01.01	Encourage a variety of housing sizes that meet the needs of families, various age groups, and incomes.

Agriculture

P12.01.01	Preserve and maintain agriculturally designated lands for agricultural use.
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.
G12.04.00	Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses.
P12.04.01	Encourage new development adjacent to agricultural areas to be designed to minimize conflicts with adjacent agricultural uses.
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.

We are looking forward to working with Canyon County Staff on this project and thank the County for their help with this process.

Steve Law

Steve Law.

Property Rights

As a property owner, feel I have the right to share and submit my application with Canyon County with the references defined through the information generated by the 2030 Comprehensive Plan. The right of possession, control, exclusion, disposition, and the right to enjoy are all defined in the property rights section. We want to propose CC&R's that will promote a right to farm, to respect the neighboring farms established, while also maintaining the existing use of the national guard building to the south, with transparency and support, and to offer balance to the current surroundings adjacent to the proposed subdivision. Rural lifestyle property is not available to many individuals and is also in high demand. Many developments are built on fertile farm land. This development does not have best or moderately suited soil according to the Canyon County comprehensive plan 2030 irrigation soil capability map on page 41 the development has soil that is classed as Least-Suited /Class VIII. This seems like a good place to place housing that will not take up valuable farm land in the county. The soil here is not good for farming and has a high probability to erode. I wish to build a home and continue to live on my property and be a good citizen to all that choose to be rural residents of Canyon County.

Population

The numbers in the study at the top of page 14 of the Comp. Plan show that city populations grew by 35.24% and the unincorporated areas grew by 14.4% in a twelve year period. These numbers indicate that growth trends are not balanced by 20%. I do understand the ideal view that growth should be viewed by some to be in more populated areas first, however, not all people want to live in the city ten feet from their neighbor. There is an extreme imbalance present in the absence of rural residential neighborhoods being available for newcomers to Idaho, current residents wanting to relocate, and a place to raise families with options that are pro-farm and pro family rural living oriented. The unincorporated areas for future growth should be considered on land that is non productive farm ground, inside borders of city impact, future land use zonings, and with the long prepared 2030 Comp. Plan the county has put in place and adopted.

Economic Development

In the rural community there are many individuals that have a business established from their property. A variety of demanding services that fit the demographic of the area include welding, mechanics, hobby farmers, excavation, residential tradesmen, and also people that raise livestock. All types of businesses on both sides of the spectrum need housing for workers. A residential lot that is 1 acre in size could be the balance for individuals who need a moderate to small amount of land away from town, to live and sustain their peace and provide the county's small businesses with the resource of small business owners and/or employees that makes the community profitable in their future economic endeavors.

Land Use and Community Design

I believe that balance is the hardest thing to achieve in the changing times that the county faces as more people want to be a part of Canyon County. There are currently

many individuals that are looking for smaller county lots with views. This project is exactly what they are looking for, and the area appeals to them to raise their families. The proposed project is in a location that has established farming nearby, residential properties and national guard building. There is co-existing present in the area between 40 acre farms and small rural residential properties. We feel the character and current demographic of the surrounding area will not be changed much by the proposed project, but will display the same existing rural character with the same opportunities that others possess in the area. Not everyone wants to live inside of city limits and not everyone can afford to buy a 40-acre farm. The community design of the proposed project meets the balance the county needs to maintain a rural agricultural character in the future with projected growth to come.

Natural Resources and Hazardous Areas

Our nitrate priority study already is approved for seven (7) lots with seven (7) individual septic systems. Seven wells on the property will not adversely affect the ground water levels in the area.

In the pursuit to offer a rural lifestyle with balance is to also make sure that individuals can have a small secluded place to live. Our property has Class VIII soil the worst soil classification in the comprehensive plan. The development of a rural residential development on this parcel will save viable farm ground with more suitable soil from being developed into residential property, and save it from being removed from productive farm ground forever. Currently, and in the past, the cities are using the best class soil farm ground (Highway 20/26 east of Caldwell and north of the sugar factory in Nampa) in the county at a very high rate and there is no objection. If one proposes a project with Class VIII soils for a residential development, the proposal should be seen as a positive.

Public Services, Facilities, & Utilities

All storm water and run off will be retained on site and this can be referenced on the preliminary plat layout which has one or more storm drain retention ponds on each lot.

- **Individual Septic Systems** – An individual septic system is a decentralized system that serves one or two homes and usually consists of a septic tank and a drain field or leach field. Southwest District Health is responsible for permitting the septic tank and drain fields for private and commercial properties.

All requirements have been met by the NP study for the 7 proposed lots with Southwest District Health for individual septic systems and IDEQ has approved the NP study.

Transportation

We are planning on a private road way to access the individual lots. Do to the small nature of the development no Traffic Impact Study is warranted. Turnaround requirements to support fire equipment will be the responsibility of each lot/homeowner.

The platted private roads inside the subdivision reveal no concerns for public safety and meet standards set forth by both the governing agencies.

Recreation

Individuals that have animals or wish to participate in 4-H programs while living within the rural lifestyle never have days off from having the responsibility of being there to take care of them, exercise them, and plan for events they both compete in together for enjoyment and reward. Having property to enjoy horses and also property that house them with good practices should be offered for this demographic of people. The rural residential environment including the 4-H programs offer children the opportunity to experience how hard work raising an animal for the fair can have positive impacts for them in learning how to care for an animal while being a part of the rural community. Individuals do not need to purchase a 40-acre farm solely for this kind of lifestyle, balance should be offered through rural residential proposals and should be encouraged. A portion of the rising generation of our children need to be have an environment where they can learn what benefits and lessons a rural lifestyle can offer to them.

Housing

Building opportunities for housing in a rural residential area in Canyon County should be more available to individuals that want to live a rural lifestyle. The current surroundings and properties near our development are a direct reflection of the kinds of dwellings that exist in a rural area. These properties pose no harm or current threat to any existing larger farm operations and some of these properties have small pastures, livestock, and areas to gardens in them. Because of the natural features in this area there are large farm properties and compatible small rural properties. It is our argument that Canyon County should encourage this diversity, encouraging opportunities for rural residential parcels, hobby farm options could lead the county in a better direction of balance and keep agriculture alive. It is our opinion that the people need to have places to live where agriculture can be practiced and enjoyed in the community. This application is a perfect example of how we can encourage more rural residential housing opportunities that don't remove farm land out of viability and also keep agriculture a priority in our county.

Agriculture

Our project area already has non-irrigated residential lots that co-exists near large farms. We are not proposing anything that is new to the area except for seven one acre lots. These properties will be placed on non viable farm ground. These home owners will be allowed to live the rural life style with options to have an option to have a few head of livestock that could include horses, cows, chickens, goats, or any other kind of farm animal that they would care to raise. These parcels will have room for a small garden to help supply their needs or local farmer's markets. Agriculture is extremely important in the county. We do not believe that subdividing our parcel into seven lots will be a negative impact on the rural community next to us. We have stated that our children need to learn how to, and be exposed to, the rural life style. The creation of small rural lots is a sure way that our children can be exposed to agriculture and these kinds of practices. With rising land costs and the focus of development being pushed to town only in It is

becoming more rare for our young people to be exposed to agriculture and the rural life style. This way of life can be preserved through good balance and practice, non-biased leadership decisions, and examples to follow for our county's future in the pursuit of happiness.



LAND USE WORKSHEET

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

LAND USE WORKSHEET

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

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

- 1. DOMESTIC WATER:** Individual Domestic Well Centralized Public Water System City
- N/A – Explain why this is not applicable: _____
- How many Individual Domestic Wells are proposed? _____

- 2. SEWER (Wastewater)** Individual Septic Centralized Sewer system
- N/A – Explain why this is not applicable: _____

- 3. IRRIGATION WATER PROVIDED VIA:**
- Surface Irrigation Well None

- 4. IF IRRIGATED, PROPOSED IRRIGATION:**
- Pressurized Gravity

- 5. ACCESS:**
- Frontage Easement Easement width _____ Inst. # _____

- 6. INTERNAL ROADS:**
- Public Private Road User's Maintenance Agreement Inst # _____

- 7. FENCING** Fencing will be provided (Please show location on site plan)
- Type: _____ Height: _____

- 8. STORMWATER:** Retained on site Swales Ponds Borrow Ditches
- Other: _____

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

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- Residential 7 Commercial _____ Industrial _____
 Common 1 Non-Buildable _____

2. FIRE SUPPRESSION:

Water supply source: _____

3. INCLUDED IN YOUR PROPOSED PLAN?

- Sidewalks Curbs Gutters Street Lights None

NON-RESIDENTIAL USES

1. SPECIFIC USE: _____

2. DAYS AND HOURS OF OPERATION:

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

3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? _____ No

4. WILL YOU HAVE A SIGN? Yes No Lighted Non-Lighted

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

What type of sign: _____ Wall _____ Freestanding _____ Other

5. PARKING AND LOADING:

How many parking spaces? _____

Is there is a loading or unloading area? _____

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: _____

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

Building Kennel Individual Housing Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

Building Enclosure Barrier/Berm Bark Collars

4. ANIMAL WASTE DISPOSAL

Individual Domestic Septic System Animal Waste Only Septic System

Other: _____

IRRIGATION PLAN APPLICATION

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



Applicant(s) Margaret Person
Name PO Box 213 Daytime Telephone Number FT Harrison MT 591634
Street Address City, State Zip

Representative Name Steve Law Daytime Telephone Number / E-mail Address 208-890-5460 NAConstruction42@gmail.com
28753 Peckham Road Wilder, Id 83676
Street Address City, State Zip

Location of Subject Property: Peckham Rd & Gravelly Ln Wilder
Two Nearest Cross Streets or Property Address City

Assessor's Account Number(s): R 3696302 Section 20 Township 4N Range 5W

This land:

- Has water rights available to it.
- Is dry and has no water rights available to it. If dry, please sign this document and return to the Development Services Department representative from whom you received it.

Idaho Code 31-3805 states that when all or part of a subdivision is "located within the boundaries of an existing irrigation district or canal company, ditch association, or like irrigation water delivery entity ... no subdivision plat or amendment to a subdivision plat or any other plat or may recognized by the city or county for the division of land will be accepted, approved, and recorded unless:"

- a. The appropriate water rights and assessment of those water rights have been transferred from said lands or excluded from an irrigation entity by the owner; or
- b. The owner, person, firm, or corporation filing the subdivision plat or amendment to a subdivision plat or map has provided underground tile or conduit for lots of one (1) acre or less, or a suitable system for lots of more than one (1) acre which will deliver water to those land owners within the subdivision who are also within the irrigation entity with the appropriate approvals:
 1. For proposed subdivisions located within negotiated area of city impact, both city and county zoning authorities must approve such irrigation system in accordance with Idaho Code Section 50-1306. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.

Irrigation Plan Map Requirements

The irrigation plan **must be on a scalable map** and show all of the irrigation system including all supply and drainage structures and easements. Please include the following information on you map:

- 1 All canals, ditches, and laterals with their respective names.
- 2 Head gate location and/or point of delivery of water to the property by the irrigation entity.
- 3 Rise locations and types, if any.
- 4 Easements of all private ditches that supply adjacent properties (i.e. supply ditches and drainage ways).
- 5 Slope of the property in various locations.
- 6 Direction of water flow (use short arrows → on your map to indicate water flow direction).
- 7 Direction of wastewater flow (use long arrows -----→ on you map to indicate wastewater direction).
- 8 Location of drainage ponds or swales, anywhere wastewater will be retained on the property.
- 9 Other information: _____

Also, provide the following documentation:

- Copy of any water users' association / agreement (s) that are currently in effect, which outlines water schedules and maintenance responsibilities.

2. For proposed subdivisions outside of negotiated areas of city impact, the delivery system must be approved by the Planning and Zoning Commission and the Board of County Commissioners with the advice of the irrigation entity charged with the delivery of water to said lands.

To better understand your irrigation request, we need to ask you a few questions. A list of the map requirements follows the short questionnaire. **Any information missing information may result in the delay of your request before the Planning and Zoning Commission and ultimately the approval of your irrigation plan by the Board of County Commissioners.**

1. Are you within an area of negotiated City Impact? _____ Yes _____ No
If yes, please include a copy of approvals by the City Planning & Zoning Commission and City Council of your Irrigation Plan.

2. What is the name of the irrigation and drainage entities servicing the property?
Irrigation: _____
Drainage: _____

3. How many acres is the property being subdivided? _____

4. What percentage of this property has water? _____

5. How many inches of water are available to the property? _____

6. How is the land currently irrigated? Surface Irrigation Well
 Sprinkler Above Ground Pipe Underground Pipe

7. How is the land to be irrigated after it is subdivided? Surface Irrigation Well
 Sprinkler Above Ground Pipe Underground Pipe

8. Please describe how the head gate/pump connects to the canal and irrigated land and where ditches and/or pipes go.

9. Are there irrigation easement(s) on the property? Yes No

10. How do you plan to retain storm and excess water on each lot?

11. How do you plan to remove the storm water /excess irrigation water prior to it entering the established drainage system? (i.e. oil, grease, contaminated aggregates)



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Mr. Steve Law
28753 Peckham Road
Wilder, Idaho 83676

March 28, 2023
File # 23773-A
Page 1 of 15

Re: Geology & Hydrology Report
Proposed River Valley View Estates
28753 Peckham Road - Wilder, Idaho

Steve:

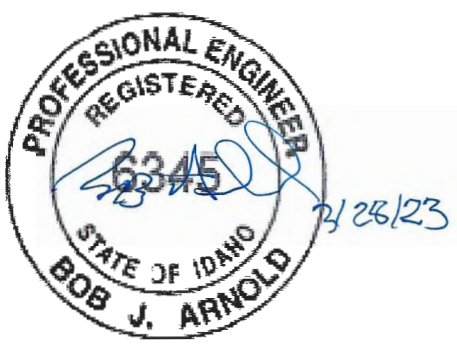
This is a Geologic and Hydrologic addendum to a prior Geotechnical Report issued by Bob J. Arnold, PE, report # 20210001 dated February 2, 2008. Mr. Arnold has since incorporated SITE Consulting, LLC. All geotechnical recommendations and sanitary system design recommendations contained in the original report remain valid.

For this report, SITE staff revisited the project site and researched available published information. Documents reviewed included Canyon County Records, IDWR Records, Historical Aerial Photos (Google Earth), Geologic Mapping, and the Canyon County Soil Profile.

Based upon our research and observations the planned residential development is geologically and hydrologically feasible. No basalt or bedrock is indicated in geologic literature. No active faults or steep slopes with stability concerns were identified. Groundwater is deep and will not impact or be impacted by construction. We appreciate this opportunity to be of service and look forward to working with you and your team during construction of this project.

Respectfully submitted:
SITE Consulting, LLC
Bob J. Arnold, PE
Member-Principal

John E. Anderson, PG
Consultant

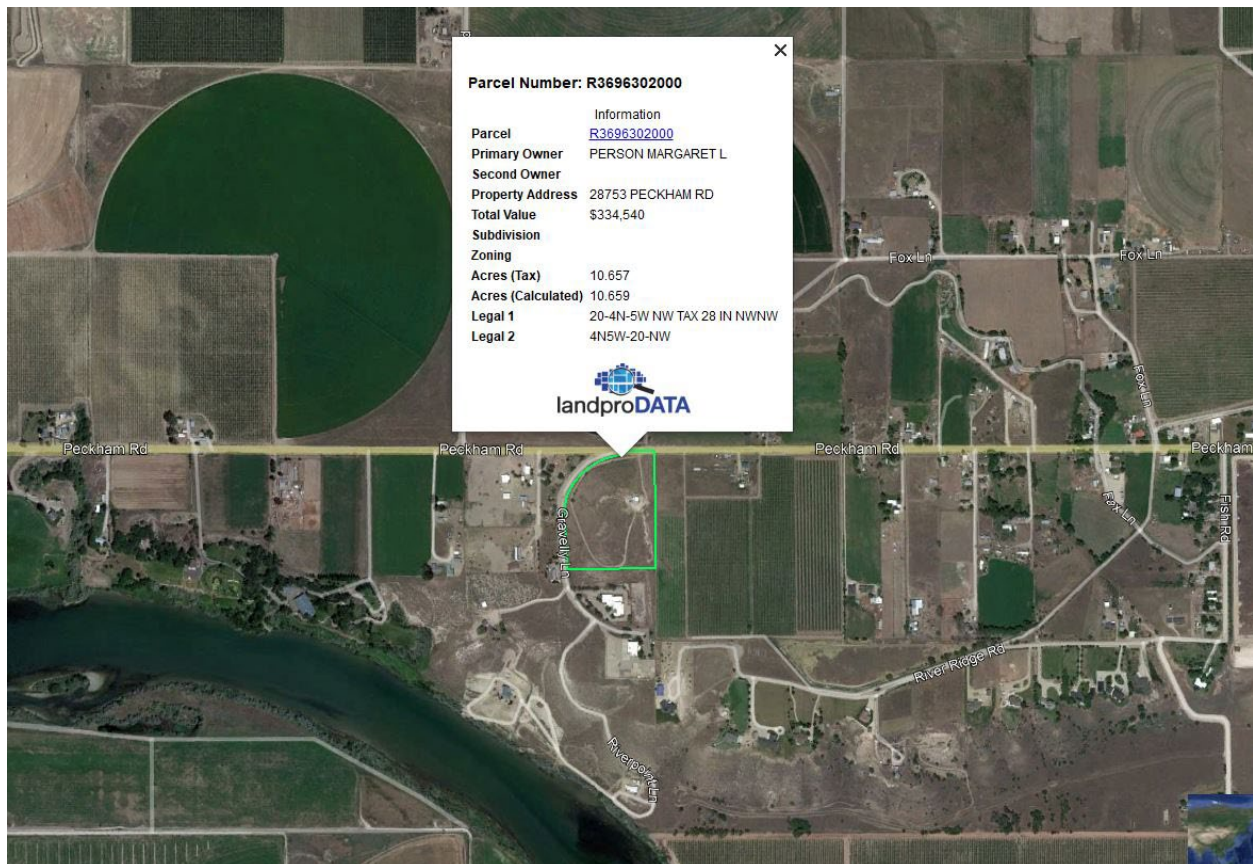


RESEARCH

PROPERTY LOCATION

The subject property is located south of Peckham Road and east of Gravelly Lane in Wilder, Idaho. The property is approximately 1500 feet northeast of the Snake River. The subject property is listed as 28753 Peckham Road in the Canyon County Assessor records.

AERIAL PHOTO / LOCATION MAP





CANYON COUNTY ACCESSOR RECORDS

Canyon County Assessor records indicate that the subject property includes a single tax parcel at 2875 Peckham Road consisting of 10.6 acres.

Property	Parcel #	Address	Acres
A	R-3696302000	28753 Peckham Road	10.55

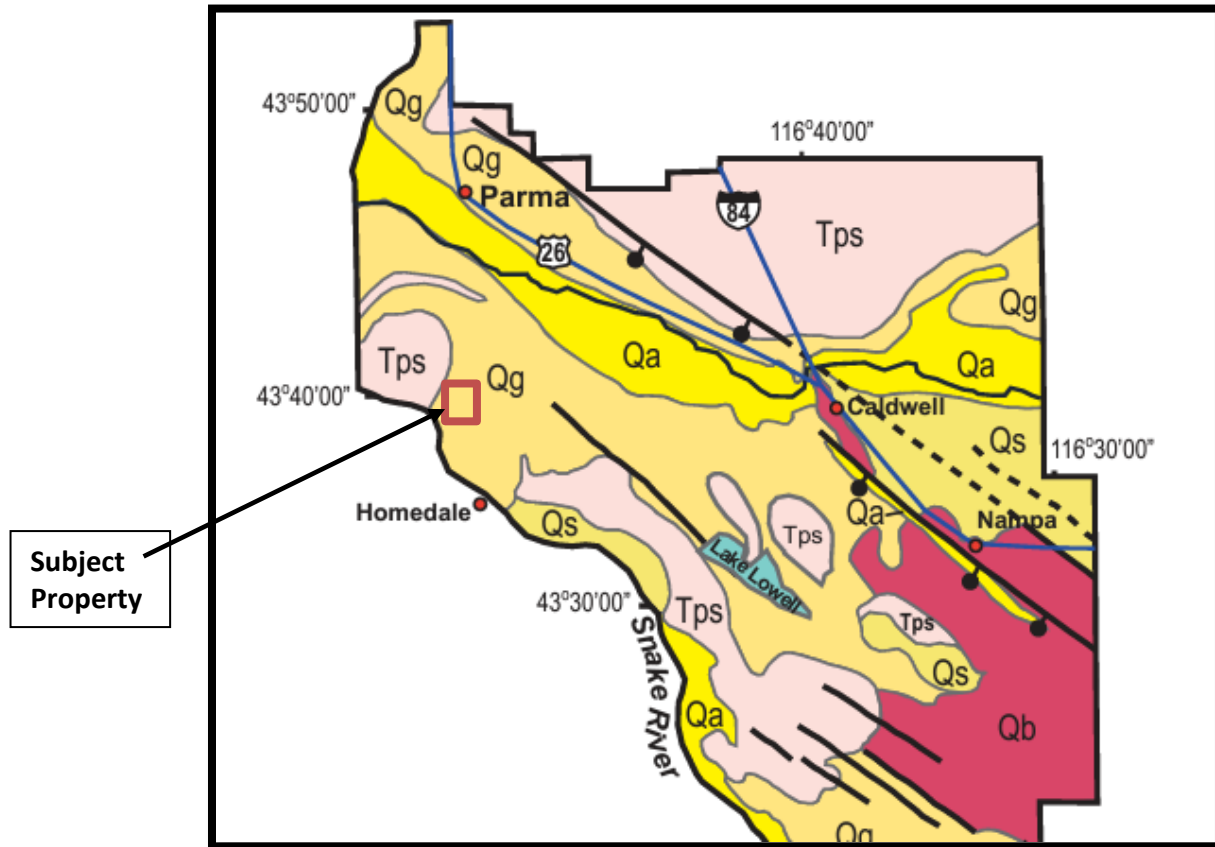
HYDROLOGY AND GROUNDWATER RESEARCH

When test pits were excavated no groundwater was encountered. Three well logs were selected from the Idaho Department of Water Resources (IDWR) records and are included in the appendix. They are for properties east and west of the subject property.

Based on well logs from the IDWR website, it is anticipated the groundwater is greater than 50 feet deep and therefore will not be impacted by or impact the planned construction of this development. There were no observed gullies or draws on the subject property that carry storm events to lower elevations. Therefore, protection of historical flow paths is not indicated.

CANYON COUNTY GEOLOGIC MAP

SITE reviewed the following Canyon Country Geologic Map published by Idaho Geologic Survey, PK Link, October 2002. This reference source indicates the subject property is atop, "Gravels and terraces on western Snake River Plain, (Qg)".



Canyon County is entirely on the Snake River Plain, between the Snake River on the south and the foothills of the central Idaho Mountains on the north. Much of the county is underlain by Quaternary alluvium of the Boise River and Pleistocene gravel from glacial outwash. This gravel forms high benches above the Boise River.

Several normal faults run northwest through the county, parallel with the northern boundary of the western Snake River Plain. Miocene lake beds make up the foothills on the northern boundary of the county.


Quaternary basalt covers the southeastern section of the county. Miocene and Pliocene lake beds of the Glens Ferry and Chalk Hills formation are found on the bluffs north of the Snake River.

P.K. Link, 10/02

CANYON COUNTY SOIL SURVEY

The Canyon County Soil Survey website generated the following information:

Map Unit Symbol	Map Unit Name
FeC	Feltham loamy fine sand, 3 to 7 percent slopes
FeD	Feltham loamy fine sand, 7 to 12 percent slopes
FeE	Feltham loamy fine sand, 12 to 25 percent slopes
JaB	Jacquith loamy fine sand, 1 to 3 percent slopes



All four referenced soils are loamy fine sand. This reference indicates these soils extend to greater than five feet deep. The JaB soil, which is at the highest elevation on the property, indicates a cemented silt, sand, gravel layer may be present below the surface soils described above. This was observed in the open face of an excavation where sand and gravel has previously been harvested on the property, see photos in the Appendix. The Soil Survey indicates the onsite soils are well drained with depth to groundwater greater than 80 inches.



GEOLOGIC EVALUATION

Mr. John Anderson, an Idaho Registered Professional Geologist (PG) with Anderson Associates was retained to research and evaluate the site geology. Based upon a site inspection and subsequent research the following was generated.

The project area of interest lays near the west boundary of Canyon County, just above the Snake River. The property is approximately 1500 feet northeast of the Snake River. The center of the proposed residential subdivision is at approximately 43-40-28.07N & 116-58-05.75W. The property is in Section 20, T4N, R5W. Canyon County records indicate the property is approximately 10.6 acres. The property is on the south side of Peckham Road with the west side of the property bound by Gravelly Lane. Farmland is to the east and a US Army facility is to the south.

The site area is described by Othberg and Gillerman, within their geologic report on the geology of the Boise Valley, as Pliocene and upper Miocene dated lake and outwash deposits originating from the Bonneville Flood. During the flooding from lake Bonneville approximately 14,500 years ago, this area received large amounts of mixed outwash sand and gravel with varying amounts of silt and clay. No faults are mapped in this area, see Geologic Map of Canyon County in the Appendix.

Examination of the surface geology and the prior test pit logs indicate a minor amount of organic material is present in the sandy clay and or sandy silt overburden. It is noted that no clay soil was sampled from the site. No rock outcrops nor basalt type of rock was observed on the property. No scarf or historical landslide was observed.

The open face of an excavation in the southeast corner of the property, (proposed lot 7) exposes cemented silt, sand, and gravel atop deeper sand and gravel materials. The sand and gravel materials were not contacted in the test pits which were excavated at lower elevations to the west and north.



GEOLOGIC RECOMMENDATIONS

- Roadways are to be designed with longitudinal slopes less than 10%. Cut and filled slopes perpendicular to right of ways to be designed at less than 2:1.
- Driveways or building pads that require a cut or structural fill greater than three feet are to be designed and inspected (tested) by professional civil or geotechnical engineer.
- Lot driveways are to be limited to ten percent longitudinal slopes and 2:1 cut/fill slopes. Lots with native slopes steeper than 10% in the planned driveway or building pad area require a lot specific geotechnical report.

Appendix follows.



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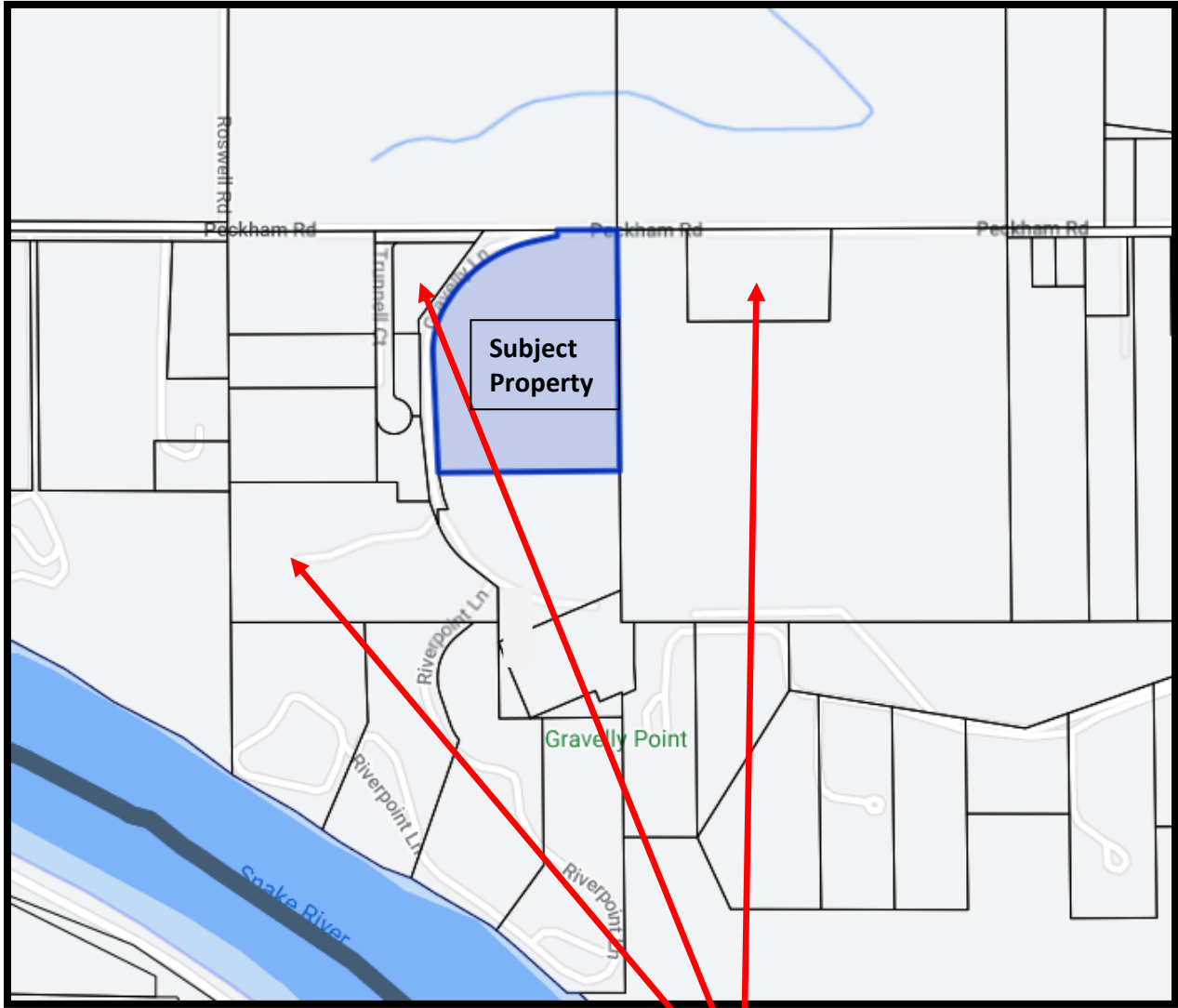
APPENDIX

LOCATION MAP

IDWR WELL LOGS

SITE PHOTOS

LOCATION MAP
Landprodata.com



Well Log Properties

IDWR WELL LOG

20736 Gravelly Lane-Southwest of Subject Property

858525

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D 0057672
 Drilling Permit No. _____
 Water right or injection well # _____

2. OWNER:
 Name Cornelio Beltran
 Address 20736 Gravelly Ln.
 City Wildor State Id Zip 83676

3. WELL LOCATION:
 Twp. 4 North or South Rge. 5 East or West
 Sec. 20 1/4 NW 1/4 NW 1/4
 Gov't Lot _____ County CANYON
 Lat. 43 ° 40 ' 39 " (Deg. and Decimal minutes)
 Long. 116 ° 58 ' 17 " (Deg. and Decimal minutes)
 Address of Well Site 20736 Gravelly Ln.
 City Wildor
 Lot 3 Blk. 1 Sub. Name TRUNNELL Acres

4. USE:
 Domestic Municipal Monitor Irrigation Thermal Injection
 Other _____

5. TYPE OF WORK:
 New well Replacement well Modify existing well
 Abandonment Other _____

6. DRILL METHOD:
 Air Rotary Mud Rotary Cable Other _____

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method/procedure
<u>78 Barite</u>	<u>0</u>	<u>38</u>	<u>1,150</u>	<u>Pour IN (dry hole)</u>

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
<u>6"</u>	<u>2 1/2</u>	<u>105</u>	<u>.250</u>	<u>Steel</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

 Was drive shoe used? Y N Shoe Depth(s) 105

9. PERFORATIONS/SCREENS:
 Perforations Y N Method Factory
 Manufactured screen Y N Type PVC Well Screen 20th
 Method of installation SET IN

From (ft)	To (ft)	Slot size	Numberft	Diameter (nominal)	Material	Gauge or schedule
<u>90</u>	<u>170</u>	<u>Blank</u>		<u>4"</u>	<u>Plastic</u>	<u>40</u>
<u>170</u>	<u>180</u>	<u>20th</u>		<u>4"</u>	<u>Plastic</u>	<u>40</u>

Length of Headpipe 30' Length of Tailpipe 0
 Packer Y N Type _____

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method

11. FLOWING ARTESIAN:
 Flowing Artesian? Y N Artesian Pressure (PSIG) _____
 Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:
 Depth first water encountered (ft) 180 Static water level (ft) 142
 Water temp. (°F) 85 or less Bottom hole temp. (°F) 85 or less
 Describe access port 6" well cap

Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
<u>160</u>	<u>10</u>	<u>30</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

 Water quality test or comments: Good clean water

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
	<u>0</u>	<u>5</u>	<u>Top soil</u>		<input checked="" type="checkbox"/>
	<u>5</u>	<u>18</u>	<u>Sandy clay</u>		
	<u>18</u>	<u>21</u>	<u>Gravel</u>		
	<u>21</u>	<u>38</u>	<u>Brown Sandy clay</u>		
	<u>38</u>	<u>41</u>	<u>Brown Sandy clay</u>		
	<u>41</u>	<u>98</u>	<u>Sand</u>		
	<u>98</u>	<u>103</u>	<u>Sand</u>		
	<u>103</u>	<u>180</u>	<u>Brown clay</u>		<input checked="" type="checkbox"/>
	<u>180</u>	<u>182</u>	<u>Sand with small Gravel</u>		<input checked="" type="checkbox"/>

RECEIVED
 APR 06 2010
 WATER RESOURCES
 WESTERN REGION

Completed Depth (Measurable): 180'
 Date Started: 3/2/10 Date Completed: 3/8/10

14. DRILLER'S CERTIFICATION:
 I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Trije Pump & Drilling Co. No. 417
 *Principal Driller [Signature] Date 4/6/10
 *Driller _____ Date _____
 *Operator II [Signature] Date 4/6/10
 Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.



IDWR WELL LOG

28643 Peckham Road- East of Property

Form 238-7
11/97

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
 Inspected by _____
 Twp _____ Rge _____ Sec _____
 _____ 1/4 _____ 1/4 _____ 1/4
 Lat: : : Long: : :
 Air Flowing Artesian

1. WELL TAG NO. D 0025985
 DRILLING PERMIT NO. _____
 Other IDWR No. _____

2. OWNER:
 Name RUSSELL L ANWAR DAVAR BROWN
 Address 28643 PECKHAM RD
 City WILDER State ID Zip 83676

3. LOCATION OF WELL by legal description:
 Sketch map location must agree with written location.

N				
E	S			

Twp. 4 North or South
 Rge. 5 East or West
 Sec. 20 1/4 NE 1/4 NW 1/4
 Gov't Lot _____ County CANYON
 Lat: _____ Long: _____
 Address of Well Site 28643 PECKHAM RD
 City WILDER

(Give at least name of road + distance to Road or Landmark)
 Lt. _____ Blk. _____ Sub. _____ Name _____

4. USE:
 Domestic Municipal Monitor Irrigation
 Thermal Injection Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
 New Well Modify Abandonment Other _____

6. DRILL METHOD
 Air Rotary Cable Mud Rotary Other _____

7. SEALING PROCEDURES

Material	SEAL/FILTER PACK		AMOUNT 500 or Pounds	METHOD
	From	To		
<u>BENTONITE</u>	<u>0</u>	<u>18'</u>	<u>?</u>	<u>GRAVIT</u>

Was drive shoe used? Y N Shoe Depth(s) _____
 Was drive shoe seal tested? Y N How? BAILED DRY

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6 + 1</u>		<u>250</u>	<u>250</u>	<u>STEEL</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations _____ Method _____
 Screens _____ Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
175 ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:
 Pump Bailer

Yield gpm/ft.	Drawdown	Pumping Level	Time
<u>15</u>	<u>10</u>	<u>18.5</u>	<u>2 HRS.</u>

Water Temp. 60° Bottom hole temp. _____
 Water Quality test or comments: 14GRNS
 Depth first Water Encounter _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
	<u>6</u>	<u>0</u>	<u>BROWN CLAY</u>		
	<u>7</u>	<u>27</u>	<u>GRAVEL</u>		
	<u>17</u>	<u>36</u>	<u>BROWN SAND</u>		
	<u>36</u>	<u>97</u>	<u>SANDY BROWN CLAY</u>		
	<u>97</u>	<u>161</u>	<u>BROWN SAND</u>		
	<u>161</u>	<u>200</u>	<u>SANDY BROWN CLAY</u>		
	<u>200</u>	<u>210</u>	<u>BROWN SAND</u>		
	<u>210</u>	<u>215</u>	<u>BROWN SAND</u>		
	<u>215</u>	<u>229</u>	<u>BROWN BUICK SAND</u>		
	<u>229</u>	<u>237</u>	<u>BLACK BUICK SAND</u>		
	<u>237</u>	<u>243</u>	<u>BROWN BUICK SAND</u>		
	<u>243</u>	<u>247</u>	<u>BLACK BUICK SAND</u>		
	<u>247</u>	<u>252</u>	<u>BLUE CLAY</u>		
	<u>252</u>	<u>260</u>	<u>BLACK SAND</u>		

RECEIVED

JAN 27 2003

WATER RESOURCES
WESTERN REGION

Completed _____ Depth 260 (Measurable)
 Date Started 12-17-02 Completed 1-7-03

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

Company Name KENNEDY HETZER DRILLERS Firm No. 93
 Firm Official Kennedy Date 1-17-03
 and
 Driller or Operator Kennedy Date 1-17-03
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

PROJECT PHOTOS

	<p>From NE Corner Looking South up access road</p>
	<p>From NE Corner Looking SW</p>





**Onsite
gravel
source
On lot 7**



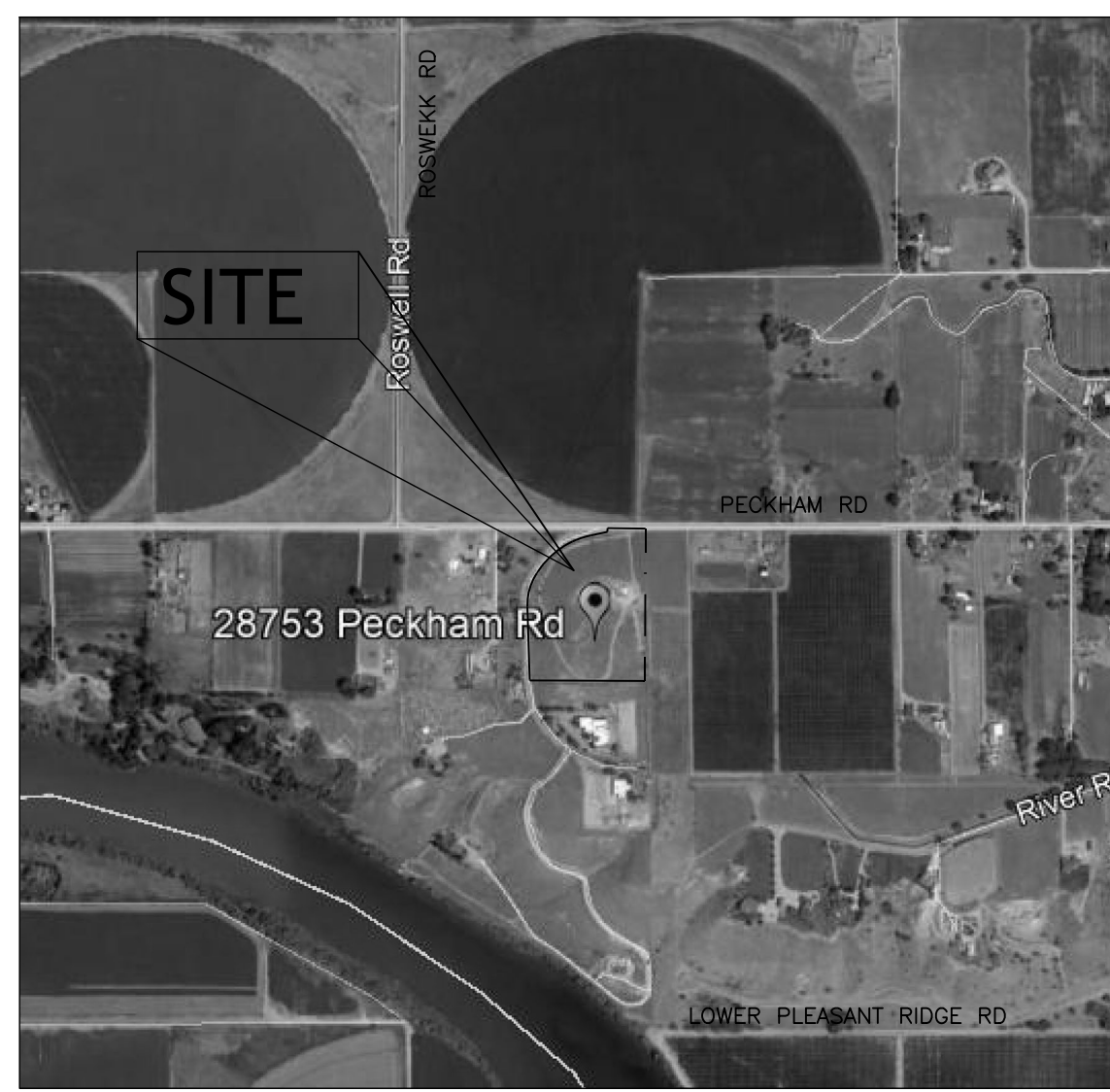
**Onsite
gravel
source
On lot 7**

Nothing follows.

PRELIMINARY PLAT OF

VALLEY RIVER VIEW ESTATES

PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 20, T. 4 N., R. 5 W., B.M. CANYON COUNTY, IDAHO 2023



VICINITY MAP
SCALE: 1"=1000'

AG LAND, INC.
PO BOX 27
WILDER, ID 83676

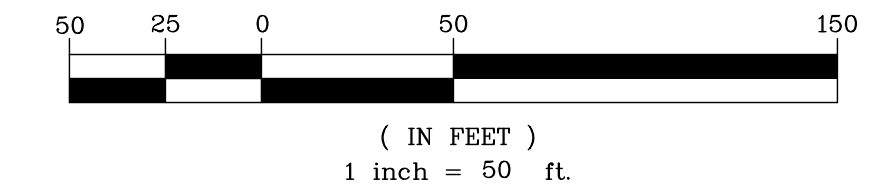
MICHAEL HACKNEY
28602 PECKHAM RD.
WILDER, ID 83676



ELIEL MENDOZA
20962 TRUNNELL CT.
WILDER, ID 83676

DONG AND BAI FAMILY TRUST
28745 PECKHAM RD.
WILDER, ID 83676

DEPT. OF ARMY
20710 GRAVELLY LN.
WILDER, ID 83676



NOTES

- MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS, OR AS SPECIFICALLY APPROVED AND/OR REQUIRED, OR AS SHOWN ON THIS PLAT.
- THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
- IRRIGATION WATER SHALL NOT BE PROVIDED IN COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805(1)(b). SITE IS WITHIN THE WILDER IRRIGATION DISTRICT BUT HAS NO WATER RIGHTS.
- ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY, PRIVATE ROAD, SHALL HAVE A TEN (10) FOOT WIDE LANDSCAPE, PROPERTY DRAINAGE, AND PUBLIC UTILITY EASEMENT.
- ALL REAR LOT LINES ADJACENT TO THE SUBDIVISION BOUNDARY, SHALL HAVE A TEN (10) FOOT WIDE PROPERTY DRAINAGE, AND PUBLIC UTILITY EASEMENT UNLESS SHOWN OTHERWISE.
- ALL SIDE YARD LOT LINES AND INTERIOR REAR LOT LINES SHALL HAVE A FIVE (5) FOOT WIDE PROPERTY DRAINAGE, AND PUBLIC UTILITY EASEMENT ON EACH SIDE, AS SHOWN ON THIS MAP.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION.
- EACH LOT WILL BE REQUIRED TO DRILL A WELL FOR DOMESTIC WATER.
- EACH LOT WILL BE REQUIRED TO PROVIDE AN INDIVIDUAL SEPTIC SYSTEM.
- LOT 1 SHALL BE A COMMON AREA LOT TO BE OWNED AND MAINTAINED BY THE VALLEY RIVER VIEW ESTATES HOA AND IS SUBJECT TO A BLANKET PUBLIC UTILITIES AND LOT DRAINAGE EASEMENT.
- THE PUBLIC ROADS (PECKHAM ROAD AND GRAVELLY LANE) SHALL BE DEDICATED TO THE PUBLIC AND WILL BE MAINTAINED BY THE GOLDEN GATE HIGHWAY DISTRICT NO. 3.
- LOT 8 SHALL BE SUBJECT TO A 40 FOOT WIDE STORM DRAINAGE EASEMENT. RESPONSIBILITY FOR MAINTENANCE OF ALL DRAINAGE FACILITIES IS HELD WITH THE LOT OWNER ON WHOSE LOT SAID DRAINAGE FACILITIES ARE CONSTRUCTED. NO TREES, BUSHES OR STRUCTURES ARE ALLOWED WITHIN THE CONFINES OF SAID EASEMENT. SAID STORM DRAINAGE FACILITIES CANNOT BE REMOVED OR RELOCATED.
- RESPONSIBILITY FOR MAINTENANCE OF ALL DRAINAGE FACILITIES LOCATED OUTSIDE THE PUBLIC RIGHT-OF-WAY IS HELD WITH THE LOT OWNER(S) ON WHOSE LOT SAID DRAINAGE FACILITIES ARE CONSTRUCTED.

SURVEYOR'S CERTIFICATE

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



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

OWNER/DEVELOPER:

OWNER:
MARGARET PERSON
PO BOX 213
WILDER, ID 213

DEVELOPER:
STEVE LAW
28753 Peckham Rd
Wilder, ID 83676
208-890-5460

LAND SURVEYOR:
JEREMY FIELDING
EAGLE LAND SURVEYING, LLC.
106 W. MAIN ST. UNIT D
MIDDLETON, ID. 83644
208-861-7513

SITE:

CURRENT ZONING: R-1
ZONING SETBACK
FRONT: 20'
SIDE: 10'
REAR YARD: 20'
CORNER LOT: 20'
LOT SIZE MIN.: 43,560 SF/1.0 AC
TOTAL AREA: 10.66 AC
SITE ADDRESS: 28753 PECKHAM ROAD

REVISED: 2-01-2023

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

PRELIMINARY PLAT
OF
VALLEY RIVER VIEW ESTATES
SEC. 20, T. 4 N., R. 5 W., B.M.

DATE: 6-11-21	PROJECT: 21-126	SHEET: 1
DRAWN BY: JBF	CHECKED BY: JBF	OF: 1

LEGEND

- Found Aluminum Cap
- Found Brass Cap
- Found 1/2" rebar
- Lot Number
- P.O.B. Point of Beginning

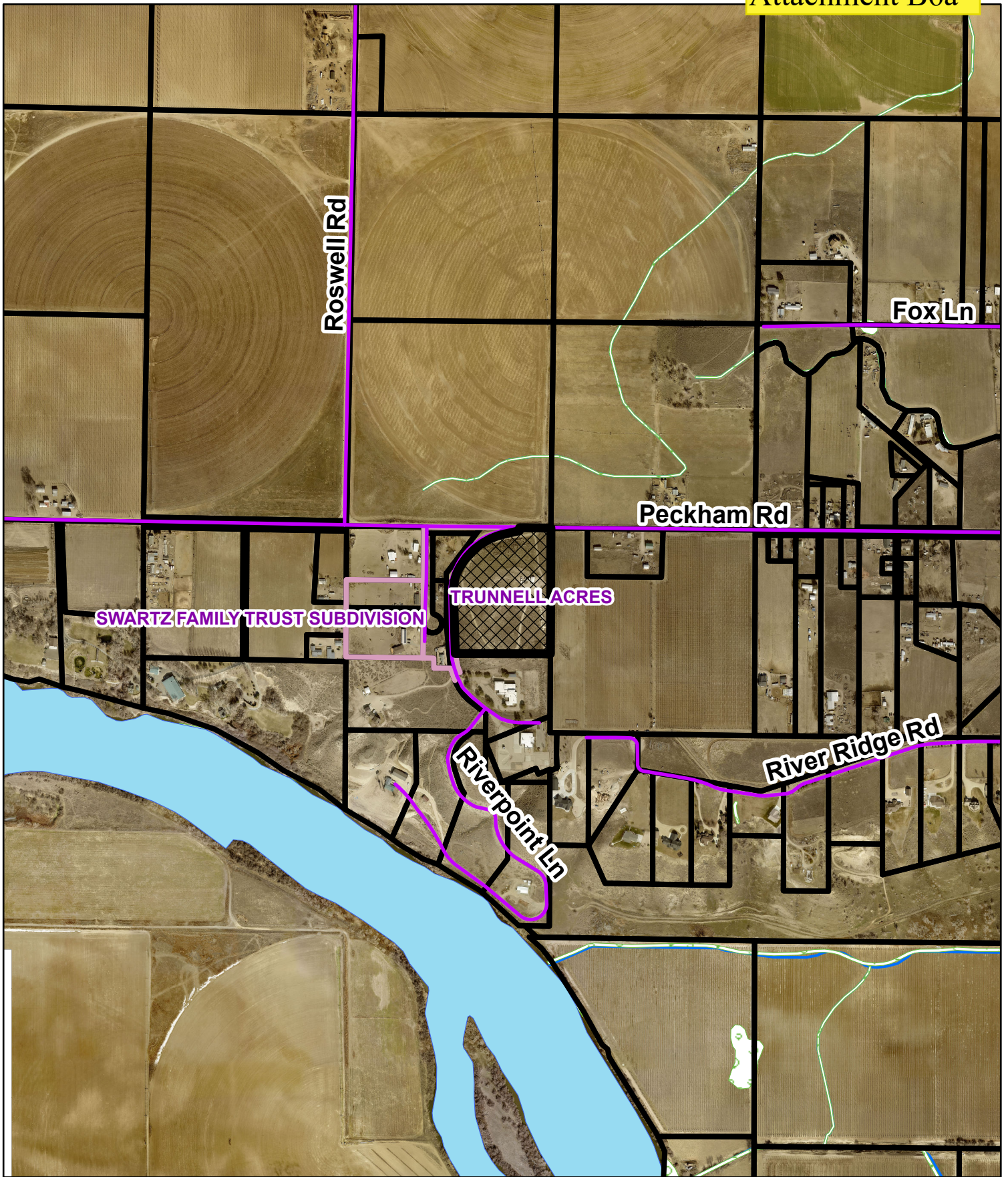
LINE TABLE

LINE BEARING	DISTANCE
L1 N 89°46'11" W 6.87'	
L2 N 89°46'12" W 6.10'	
L3 N 33°15'05" E 13.45'	
L4 N 00°33'44" E 20.12'	
L5 N 01°49'19" W 25.46'	
L6 N 02°13'46" W 30.00'	
L7 N 02°13'46" W 30.03'	
L8 N 01°37'46" E 106.43'	
L9 N 01°49'19" W 25.46'	
L10 N 01°49'19" W 25.46'	
L11 N 21°44'18" W 10.00'	
L12 N 68°15'42" E 20.00'	
L13 S 21°44'18" E 58.96'	
L14 S 21°44'18" E 79.07'	
L15 S 68°15'42" W 20.00'	
L16 N 21°44'18" W 3.29'	
L17 N 24°29'52" E 64.19'	
L18 N 78°39'37" E 152.68'	
L19 S 89°46'20" E 148.68'	
L20 N 01°49'19" W 25.93'	
L21 S 77°54'41" E 146.02'	
L22 S 89°46'02" E 140.28'	
L23 N 01°49'19" W 158.03'	
L24 N 61°16'32" E 188.04'	
L25 N 04°14'59" W 259.17'	
L26 S 89°48'02" E 88.41'	
L27 N 20°33'43" E 89.47'	
L28 N 22°11'22" W 145.41'	
L29 S 67°19'36" W 148.67'	
L30 S 45°42'06" W 110.73'	
L31 S 54°19'38" W 192.37'	
L32 S 16°43'36" E 167.87'	
L33 S 42°45'59" E 16.22'	

CURVE TABLE

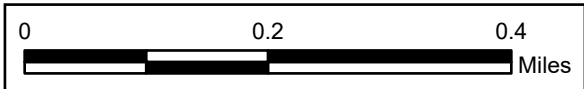
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1 299.00 5.95 5.95 N 02°23'30" W 1108.21'					
C2 305.00 186.69 183.79 N 15°42'50" E 35°04'15"					
C3 448.00 350.81 341.92 N 55°40'57" E 44°51'57"					
C4 559.05 1184.89 1184.05 N 28°36'41" E 18°55'56"					
C5 559.05 49.25 49.23 N 40°36'34" E 50°02'50"					
C6 448.00 136.54 136.01 N 56°19'42" E 17°27'43"					
C7 448.00 19.38 19.37 N 66°17'54" E 2°28'41"					
C8 448.00 187.71 182.60 N 72°49'35" E 10°34'42"					
C9 58.00 93.18 83.48 N 44°12'11" E 92°02'59"					
C10 220.00 239.46 227.81 N 29°21'36" E 62°21'50"					
C11 28.00 44.98 40.50 N 44°12'11" E 92°02'59"					
C12 250.00 31.61 31.58 N 01°47'59" E 7°14'37"					
C13 250.00 81.84 81.47 N 14°47'59" E 18°45'22"					
C14 250.00 64.27 64.10 N 31°32'35" E 14°43'48"					
C15 250.00 157.40 157.27 N 45°29'08" E 13°09'19"					
C16 28.00 36.07 33.62 N 15°09'45" E 73°48'06"					
C17 28.00 57.96 48.15 N 81°02'21" W 118°36'07"					
C18 190.00 137.56 134.52 S 18°55'08" W 41°28'54"					
C19 88.00 1109.74 102.76 S 33°54'06" W 71°28'49"					
C20 88.00 31.64 31.47 S 79°55'35" W 20°36'10"					
C21 118.00 135.90 128.51 N 67°14'05" E 65°59'09"					
C22 190.00 183.37 182.70 N 10°44'55" E 25°08'29"					
C23 190.00 54.19 54.00 N 31°29'22" E 16°20'25"					
C24 265.00 126.60 125.40 N 11°51'53" E 27°22'24"					

CORNELIO BELTRAN
20736 GRAVELLY LN.
WILDER, ID 83676

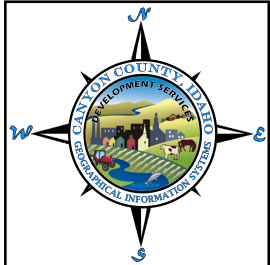
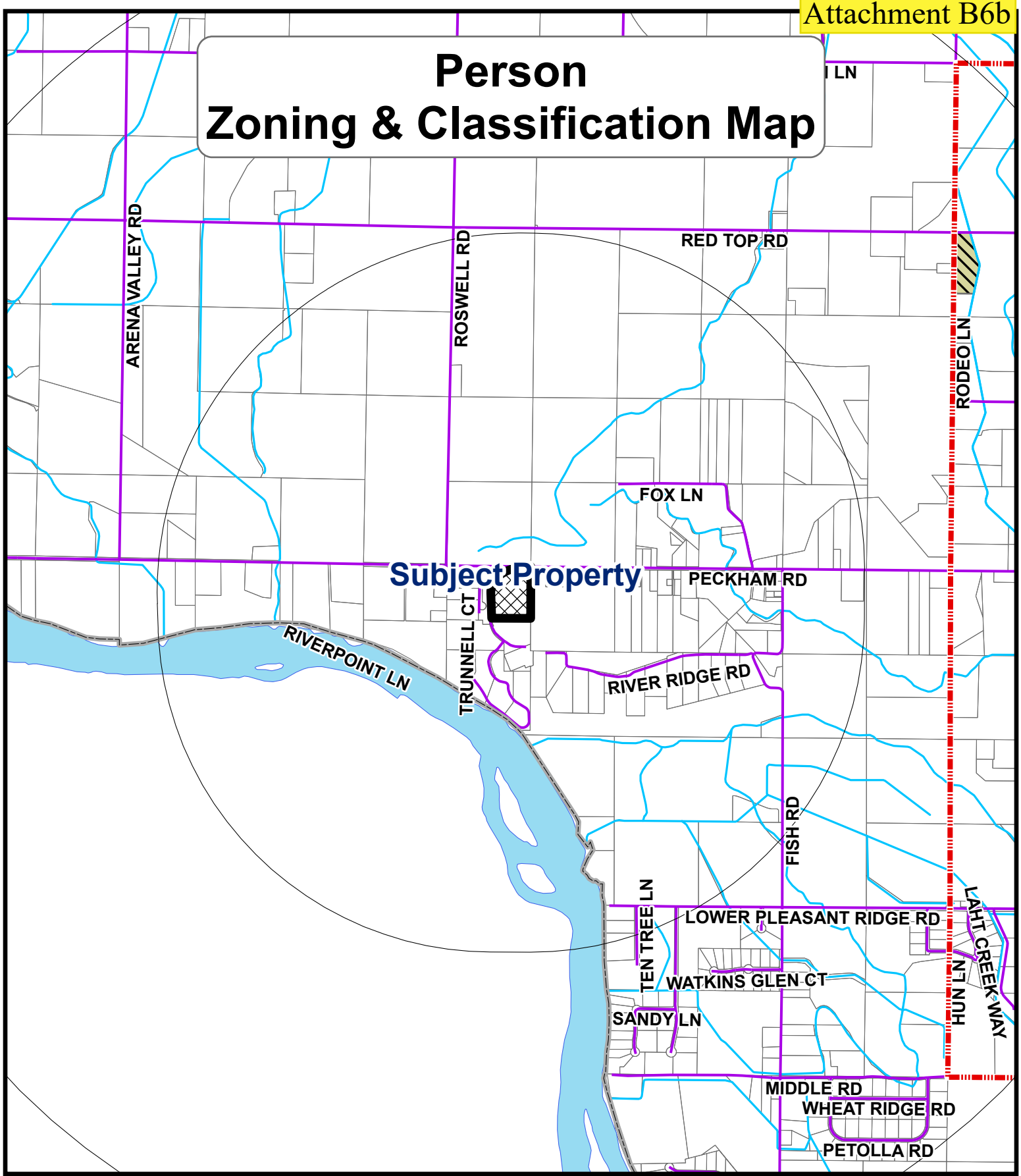


Legend

-  Wetlands
-  City_Limits

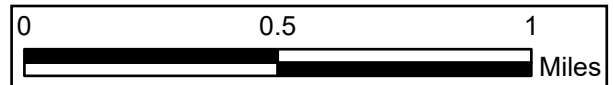


Person Zoning & Classification Map

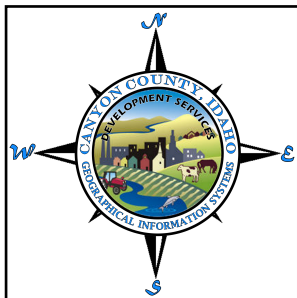
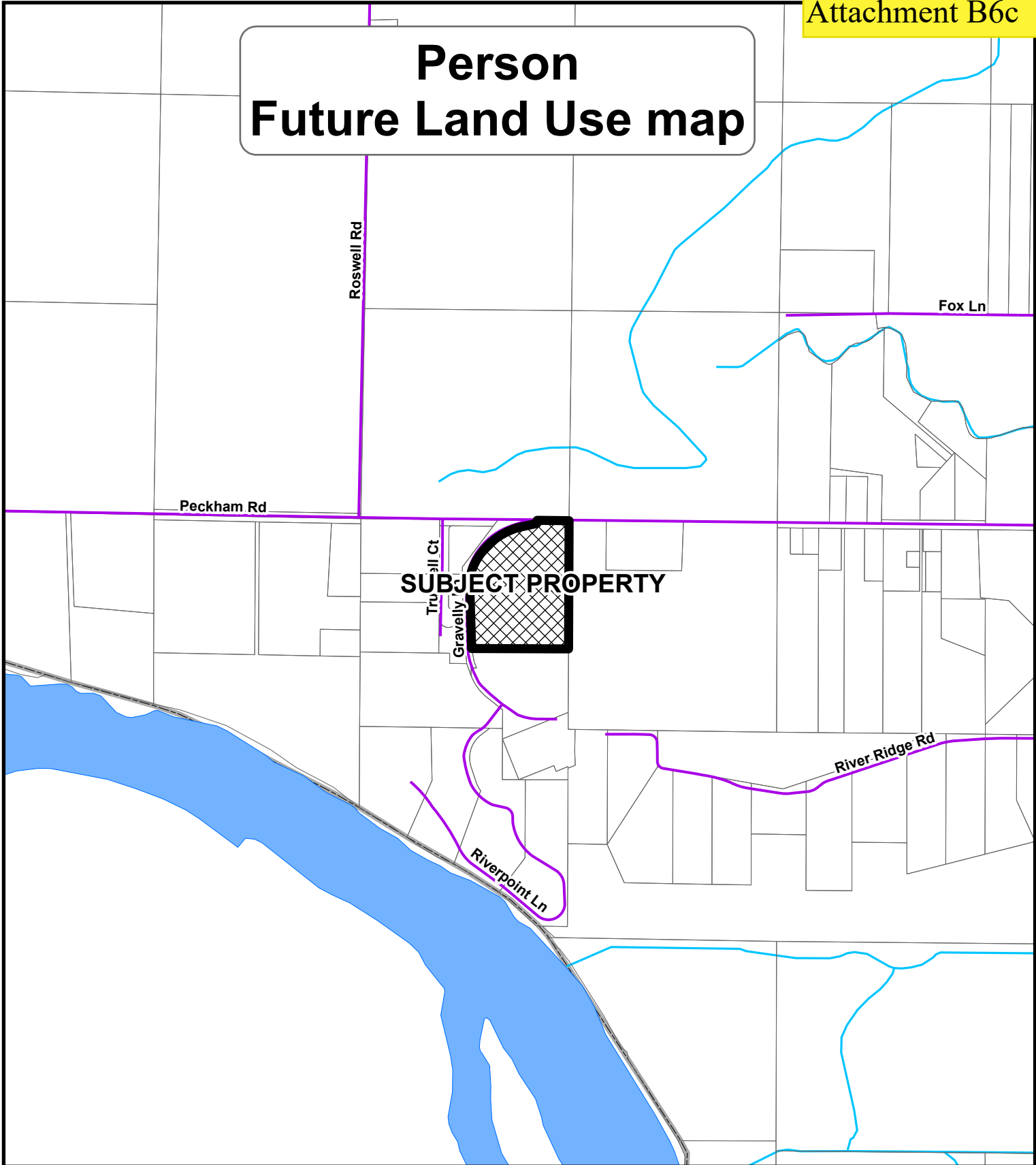


ZONING

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

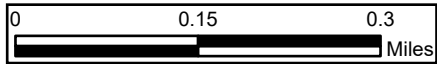


Person Future Land Use map

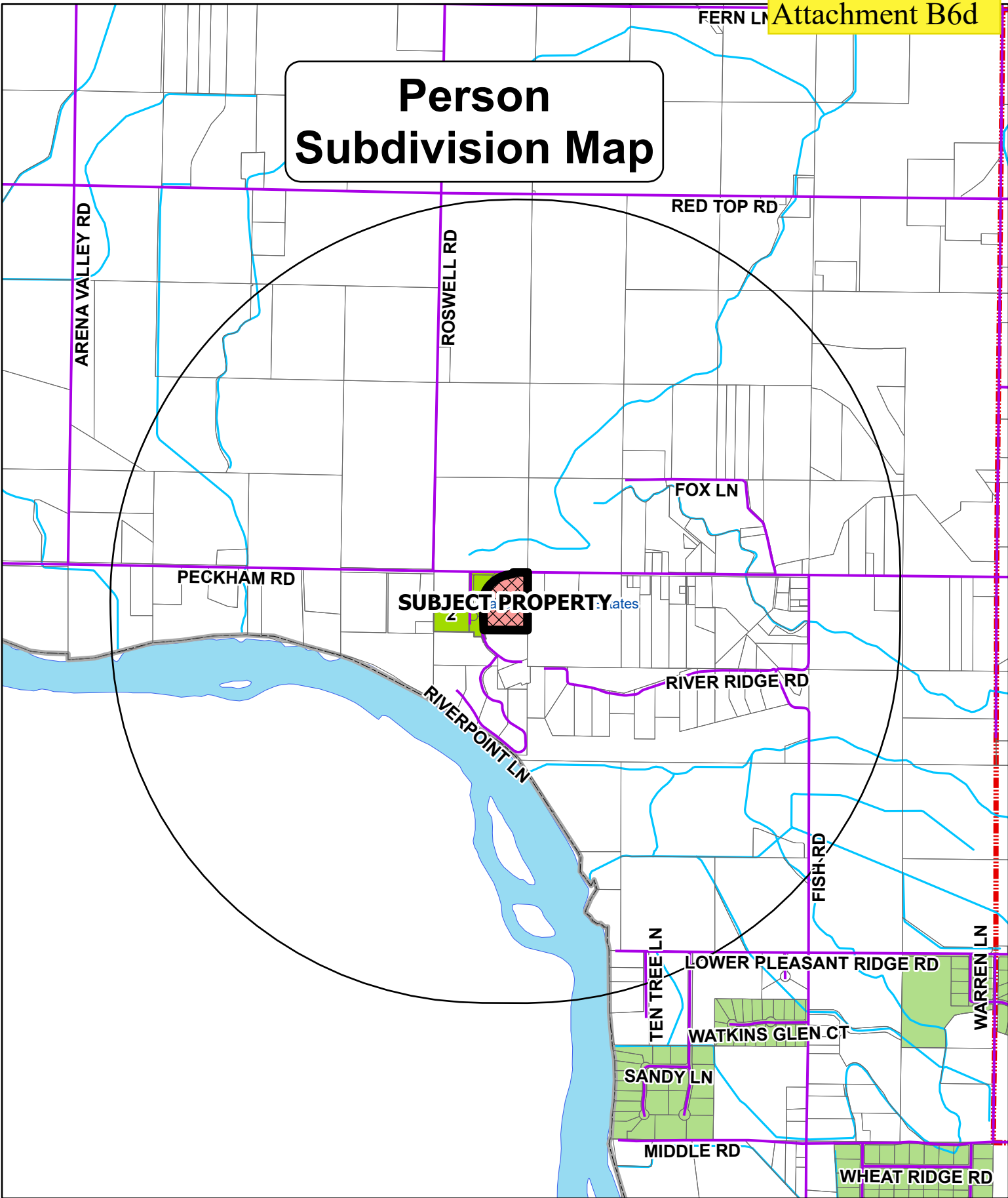




Legend
Future Land Use 2011_2022

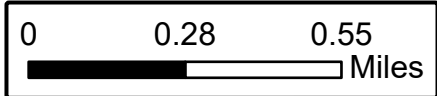
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL



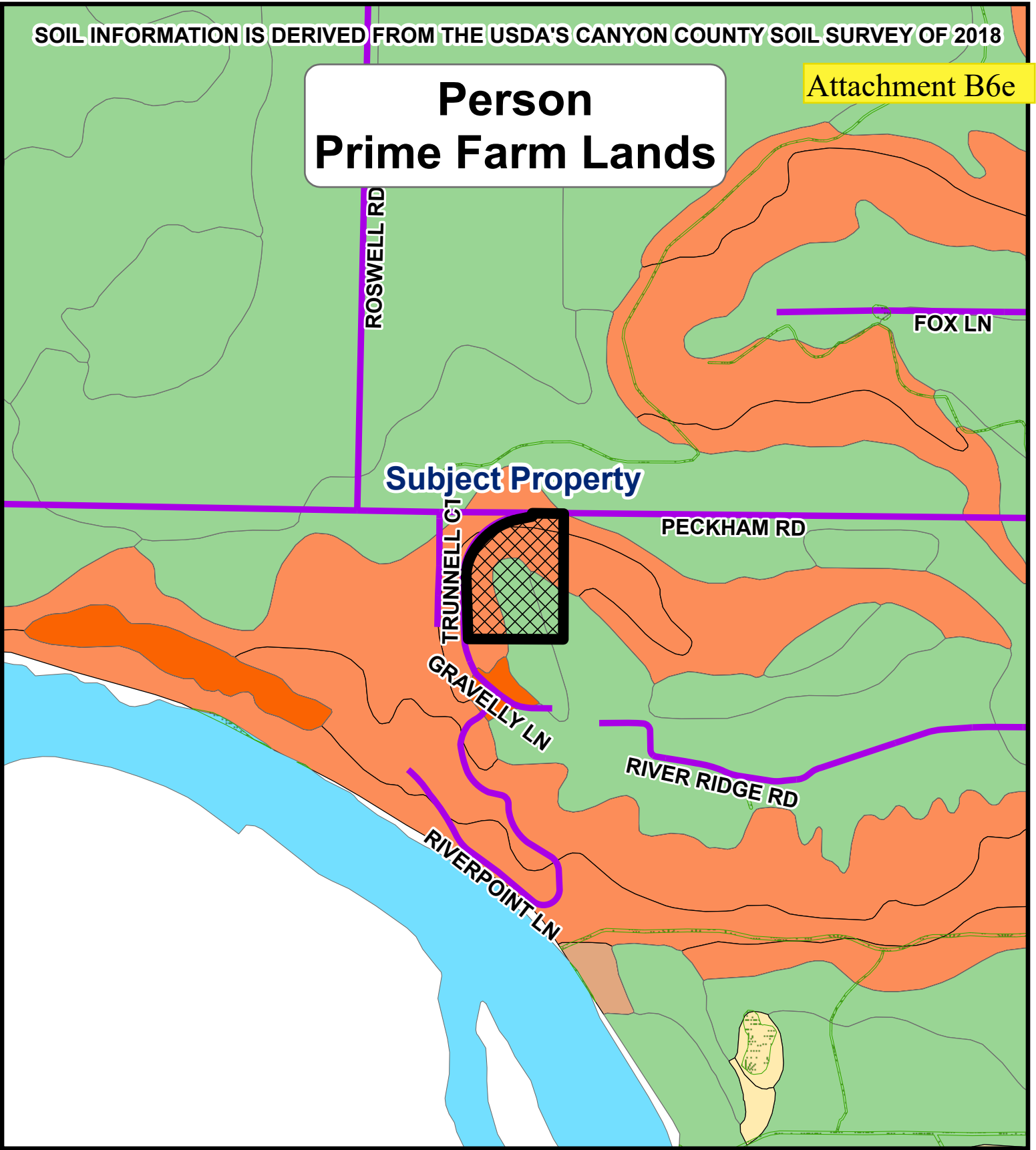
Person Subdivision Map



	SUBDIVISIONS
	PrelimSubs



Person Prime Farm Lands



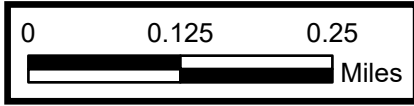
Subject Property



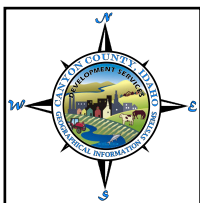
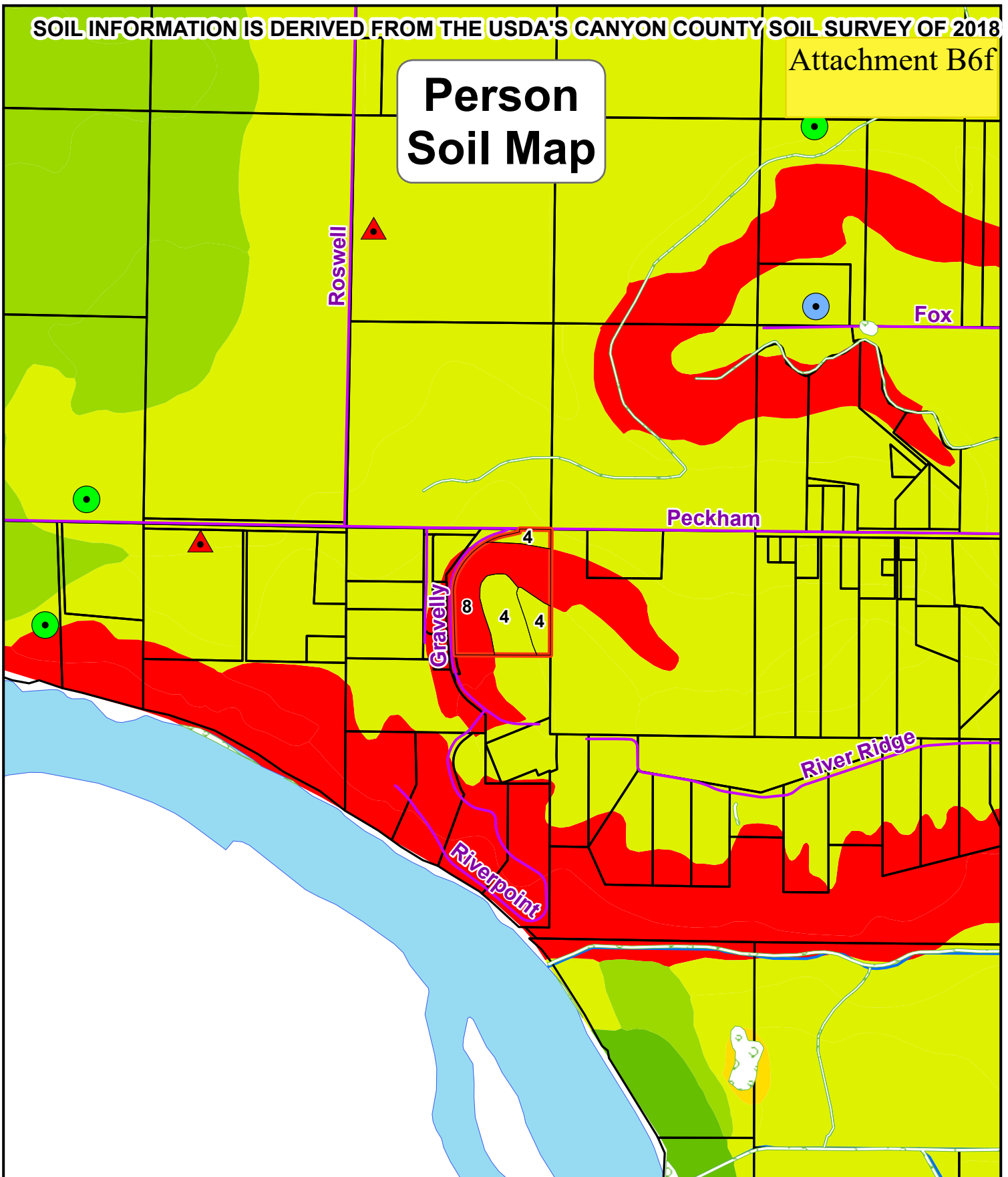
- TAXLOTS
- City Limits
- WETLANDS
- 2C_Hydro

FARMLAND

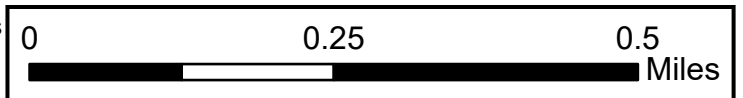
- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland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



Person Soil Map



- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- 10.000001 - 49.800000
- GEO-THERMAL LOCATIONS
- Wetlands



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
8	LEAST SUITED SOIL	246244.68	5.65	53.05%
4	MODERATELY SUITED SOIL	58718.88	1.35	12.65%
4	MODERATELY SUITED SOIL	127674.36	2.93	27.51%
4	MODERATELY SUITED SOIL	31537.44	0.72	6.79%
		464175.36	10.66	100%

FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
FeE	Not prime farmland	246244.68	5.65	53.05%
JaB	Prime farmland if irrigated	58718.88	1.35	12.65%
FeC	Prime farmland if irrigated	127674.36	2.93	27.51%
FeD	Not prime farmland	31537.44	0.72	6.79%
		464175.36	10.66	100%

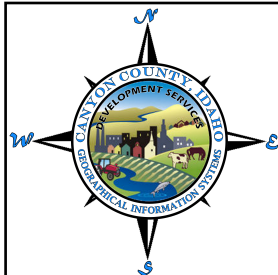
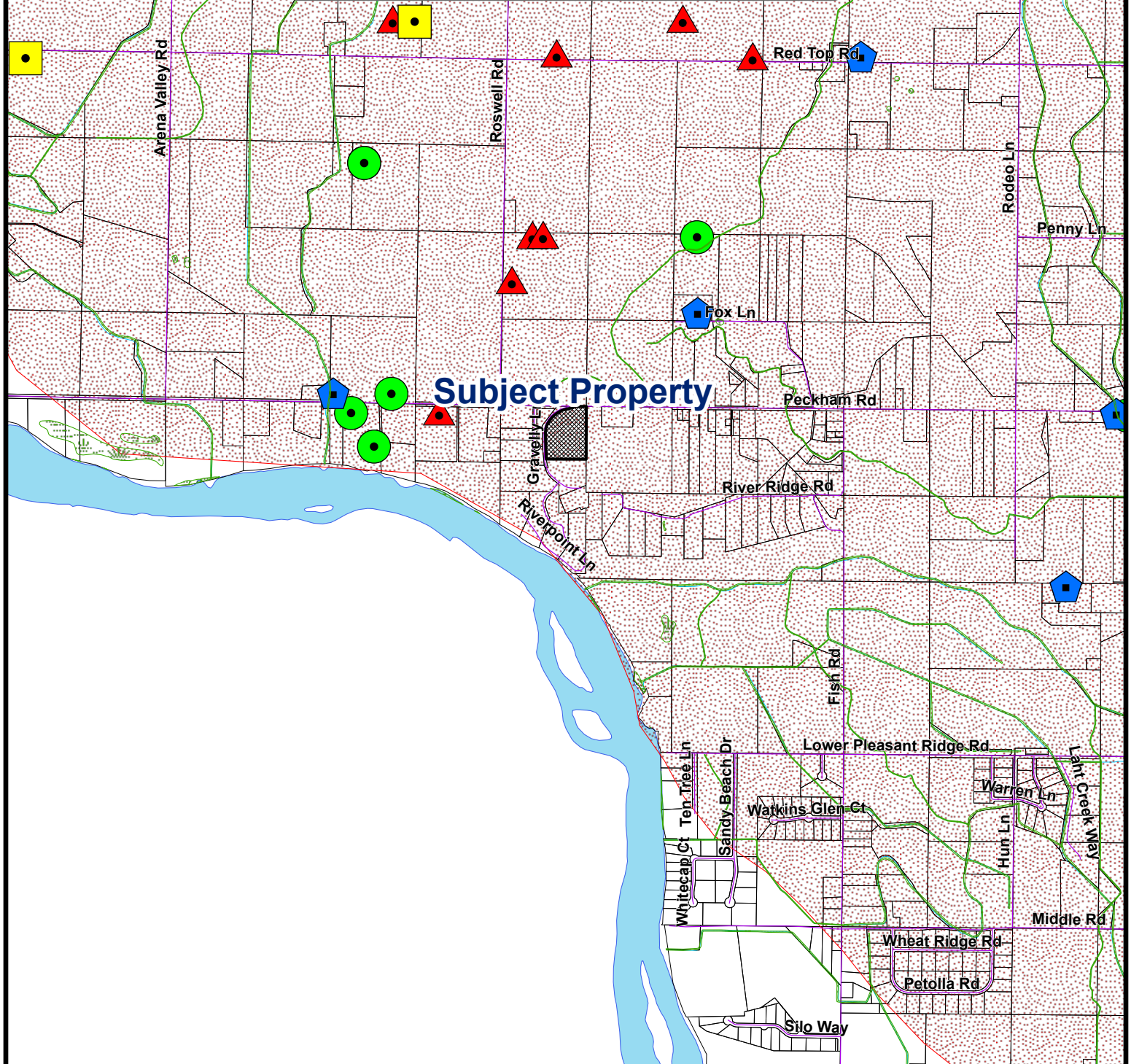
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018








GRADE	SOILTYPE
1	BEST SUITED SOIL
2	BEST SUITED SOIL
3	MODERATELY SUITED SOIL
4	MODERATELY SUITED SOIL
5	LEAST SUITED SOIL
6	LEAST SUITED SOIL
7	LEAST SUITED SOIL
8	LEAST SUITED SOIL
9	LEAST SUITED SOIL

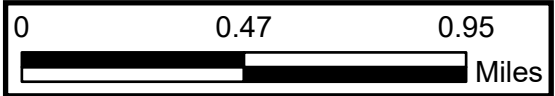
NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ, NITRATE PRIORITY 2020.

Attachment B6h

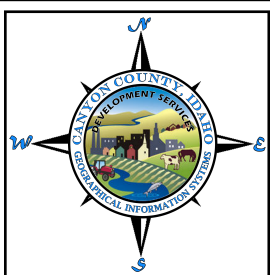
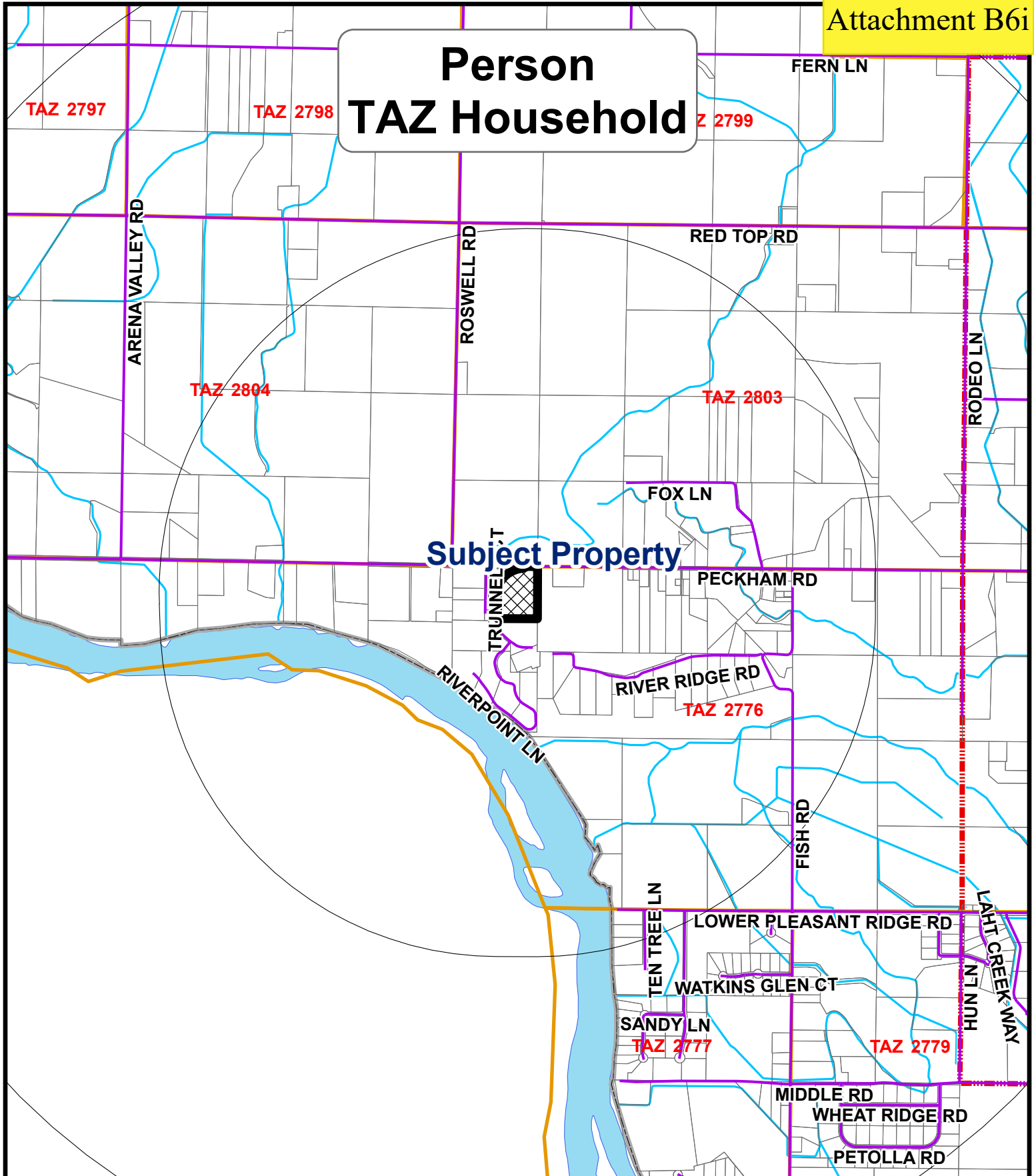
Person Nitrate Priority & Wells



-  GEO-THERMAL LOCATIONS
-  WETLANDS
-  NITRATE_PRIORITY
- DEQ WELLS**
N03_MGL
-  0.005 - 2.00
-  2.00 - 5.00
-  5.00 - 10.00
-  10.00 - 49.80

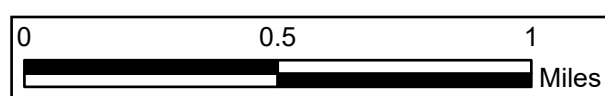


Person TAZ Household



House Hold 2025-2050

-4 - 50	251 - 500
51 - 150	501 - 750
151 - 250	751 - 1263





J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

April 27, 2022

Canyon County Development Services Department (DSD)
Attn: Samantha Hammond, Planner
111 North 11th Ave, Ste 310
Caldwell, ID 83605
Phone: (208)455-6039
Email: samantha.hammond@canyoncounty.id.gov

RE: Case No. OR2022-0005, CR2022-0011, SD2022-0019, Valley River View Estates Subdivision – Comprehensive Plan Map Amendment, Conditional Rezone, Preliminary Plat Review - Initial Review

Dear Ms. Hammond:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the subject Comprehensive Plan Map Amendment, Conditional Rezone, and Preliminary Plat submittal received by GGHD on April 25, 2023 via email. The subject subdivision is located approximately 1,000 feet east of the intersection of Roswell Rd and Peckham Rd in the NW1/4 of the NW1/4 of Section 20, T4N, R5W, BM.

The proposed Comprehensive Plan Map Amendment and Conditional Rezone would change the existing 10.66-acre parcel from Agricultural (A) to Residential (R-1). Seven residential lots and one common lot would be created.

In considering the Comprehensive Plan Map Amendment and Conditional Rezone, the following apply;

1. It appears legal access is available to the property for the requested use.
2. It does not appear any undue interference with existing or future traffic patterns will be created by the requested use.

A cursory review of the Preliminary Plat was conducted with general comments shown below. It is recommended the applicant's engineer become familiar with the subdivision and design requirements in the 2022 Association of Canyon County Highway Districts Highway Standards & Development Procedures (ACCHD Standards). In addition to the items listed below, there are many items not meeting the requirements of the ACCHD Standards (refer to Section 2030.021 Preliminary Plat Contents and the Preliminary Plat Checklist in the Appendix).

1. General Comments
 - a. Provide a typical roadway section, horizontal alignment, and vertical alignment of Valley View Lane.
 - b. Provide a cul-de-sac at the end of Valley View Lane instead of a hammerhead **(3030.030)**.
 - c. Minimum tangent length between horizontal curves is 50 feet **(3040.060)**.
 - d. Dimension proposed right-of-way for Valley View Lane.
 - e. Provide 20-foot radii for right-of-way at Valley View Lane/Gravelly Lane intersection.

- f. What drainage facilities will be included in the storm drainage easement on Lot 8? How will the facilities work with the existing topography?

GGHD will conduct a more detailed review of the revised Preliminary Plat once the required information is provided.

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 into proposed Conditions of Approval for consideration/approval by Canyon County.

Respectfully,

Christopher S. Pettigrew, P.E.

Transportation Services Group, Project Manager/Engineer

CC: Bob Watkins, GGHD Director of Highways



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

July 31, 2023

Canyon County Development Services Department
Attn: Michelle Barron, Planner
111 North 11th Ave., Ste. 310
Caldwell, ID 83605
Phone: (208)454-6632
Email: michelle.barron@canyoncounty.id.gov

RE: Case Name: Person, Case Number: OR2022-0005 & CR2022-0011, Parcel #: R36963020

Ms. Barron:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the subject Comprehensive Plan Map Amendment and Conditional Rezone submitted to GGHD in an email dated July 27, 2023. The subject parcel is located approximately 1,000 feet east of the Peckham Rd/Roswell Rd intersection at 28753 Peckham Rd, Wilder, in the NW1/4 of Section 20, T4N, R5W, BM, Canyon County, ID.

The application requests a comprehensive plan map amendment and rezone of Parcel #R36963020 from A (Agricultural) to R-1 (Single-Family Residential) for the entire property, 10.66 acres, with the purpose of creating seven rural residential parcels. Proposed access for the seven parcels would be from Peckham Rd. Peckham Rd is a Major 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 Peckham Rd to meet the rural roadway intersection spacing requirements of Section 3061.010 and applicable standard drawings of the Association of Canyon County Highway District Highway Standards and Development Procedures (ACCHD Standards).
2. A site visit by GGHD and/or ITD 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

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



Brad Little, Governor
Jess Byrne, Director

July 28, 2023

Michelle Barron, Case Planner
Canyon County Development Services
111 North 11th Ave. Ste. 310
Caldwell, Idaho, 83605
michelle.barron@canyoncounty.id.gov

Subject: Case No. OR2022-0005/CR2022-0011 Person

Dear Ms. Barron:

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

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

1. AIR QUALITY

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

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

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

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

2. WASTEWATER AND RECYCLED WATER

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

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

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

3. DRINKING WATER

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

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

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
 - For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
 - If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
 - The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
 - The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.
- For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

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

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

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

6. ADDITIONAL NOTES

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

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

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK

MEMORANDUM

Date: March 11, 2022

To: Mitch Kiester, Southwest District Health Department



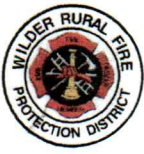
Subject: Level 1 Nutrient Pathogen Evaluation, Valley River View Estates, Wilder, Idaho, *revised* October 2021

On July 21, 2021, the Idaho Department of Environmental Quality (DEQ) received *Level 1 Nutrient-Pathogen Evaluation, Valley River View Estates, Wilder, Idaho* (NP Evaluation). The NP Evaluation was prepared for a proposed Valley River View Estates residential development (Property) located in Canyon County, Idaho, south of Peckham Road and east of Gravelly Lane. The NP Evaluation was prepared by Allwest of Boise, Idaho, for Steve Law of Wilder, Idaho. The Property is reported to be an approximate 11 acres of agricultural land. Proposed development includes construction of eight residential lots. Each lot will have an individual water well and septic system. The estimated total wastewater flow for each lot is 300 gallons per day; total flow for the eight lots is estimated at 2,400 gallons per day.

DEQ's review of the NP Evaluation was summarized in a September 3, 2021, memorandum to Southwest District Health (SWDH). DEQ did not approve the NP Evaluation, and we requested an addendum to the NP Evaluation be submitted that addressed and/or modified items in the NP Evaluation that were identified in the memorandum. The items included map revisions, the concentration of nitrate in upgradient groundwater, and lot widths perpendicular to groundwater flow.

On October 26, 2021, DEQ received Level 1 Nutrient Pathogen Evaluation, Valley River View Estates, Wilder, Idaho, *revised* October 2021 (Revised NP Evaluation). The Revised NP Evaluation included the revisions/modifications requested by DEQ in the September 3, 2021, memorandum to SWDH. The modifications made to selected input parameters of mass-balance spreadsheet prepared for Lot 8 indicated the extended treatment of the wastewater to equal to or less than 32 milligrams per liter (mg/L) of nitrate will be necessary to achieve regulatory compliance. Mass-balance evaluations of the other proposed lots using default (45 mg/L) or extended treatment (32 mg/L) concentrations was not included in the NP Evaluation. Based on the relatively high concentrations of nitrate in groundwater at and surrounding the Property, it is recommended that all lots utilize extended treatment systems.

Based on the data presented in the revised NP Evaluation, the proposed development will not significantly impact groundwater quality, and DEQ approves the nutrient pathogen evaluation for the proposed Valley River View development. Please contact me at 208-373-0183 or Fritz.Durham@deq.idaho.gov if you have any questions or comments.



Chris Wolf
Commissioner Dist 1

Brandon Badiola
Commissioner Dist 2

Mike Gooding
Commissioner Dist 3

WILDER RURAL FIRE PROTECTION DISTRICT

601 Patriot Way
Wilder, ID 83676
208-482-7563

Attachment B7e



Steve Rhodes
Fire / EMS Chief

Chad Christiansen
Assistant Chief

Jeanne Maloney
Secretary

February 21, 2023

Stephanie Hailey, CFM
Canyon County Development Services
111 North 11th Avenue, Suite 140
Caldwell, ID 8305

Subject: Valley River View Estates Preliminary Plat 2023

Dear Stephanie:

Wilder Rural Fire Protection District is in receipt of a letter dated 2/16/2023 from Justin Walker, Keller Associates, requesting that you provide comments about the subject application in an effort to satisfy Canyon County's ordinance requirements.

Item #2 of this letter states the following:

"Private roads longer than one hundred fifty feet (150') from the public street right-of-way line to the most distant portion of an inhabited building must be approved in writing from the applicable fire district."

To approve the distance of the road leading to the most distant structure, the Fire District will need a copy of the proposed site plan for the homes to be built on each Lot.

In reviewing the Subject Plat, it appears that Valley River View Estates proposes a hammerhead turnaround on Valley View Lane. Due to the change of the length of the road, a cul-de-sac turnaround would work much better for our needs. The turnaround and main road needs to meet all driving material requirements and approval before any building can begin.

In addition, we highly recommend a secondary emergency exit for emergency vehicle use.

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

Sincerely,

Chad Christiansen

CC/jmm



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

SUPERVISORS: Mike Swartz, Chairman; Rex Runkle, Vice Chairman; Robert McKellip, Secretary/Treasurer;
Chris Gross, Supervisor, Brad McIntyre, Supervisor & Clay Erskine, Supervisor
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood

SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

April 29, 2023

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

From: Canyon Soil Conservation District (Canyon SCD)

Subject: P & Z Agency Notice

Thank you for sending Canyon Soil Conservation District (SCD) zoning requests.

They are: RZ2022-0012/SD2022-0044 Penelope Constantikes, SD2022-0053 Daniel Caldwell, OR2022-0005/CR2022-0011/SD2022-0019 Steve Law, CU2023-0004 Jeff Bower/Kristen McNeill.

Comments from Canyon SCD:

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

RZ2022-0012/SD2022-0044 Penelope Constantikes is 97% Class 3 and 3% Class 4. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

SD2022-0053 Daniel Caldwell is 5 acres or less. Canyon SCD has no comments, no map included.

OR2022-0005/CR2022-0011/SD2022-0019 Steve Law is 50% Class 4 and 50% was not rated (slope range is 12 to 25%). Canyon SCD has no comments.

CU2023-0004 Jeff Bower/Kristen McNeill is 1% Class 2, 30% Class 3, 54% Class 4, 11% Class 5 and 4% not rated. Canyon SCD has no comments.

Continued Partnership and Conservation.

Sincerely,

Rich Sims acting for:

Mike Swartz, Canyon SCD Chairman

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.



United States
Department of
Agriculture

NRCS

Natural
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Conservation
Service

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

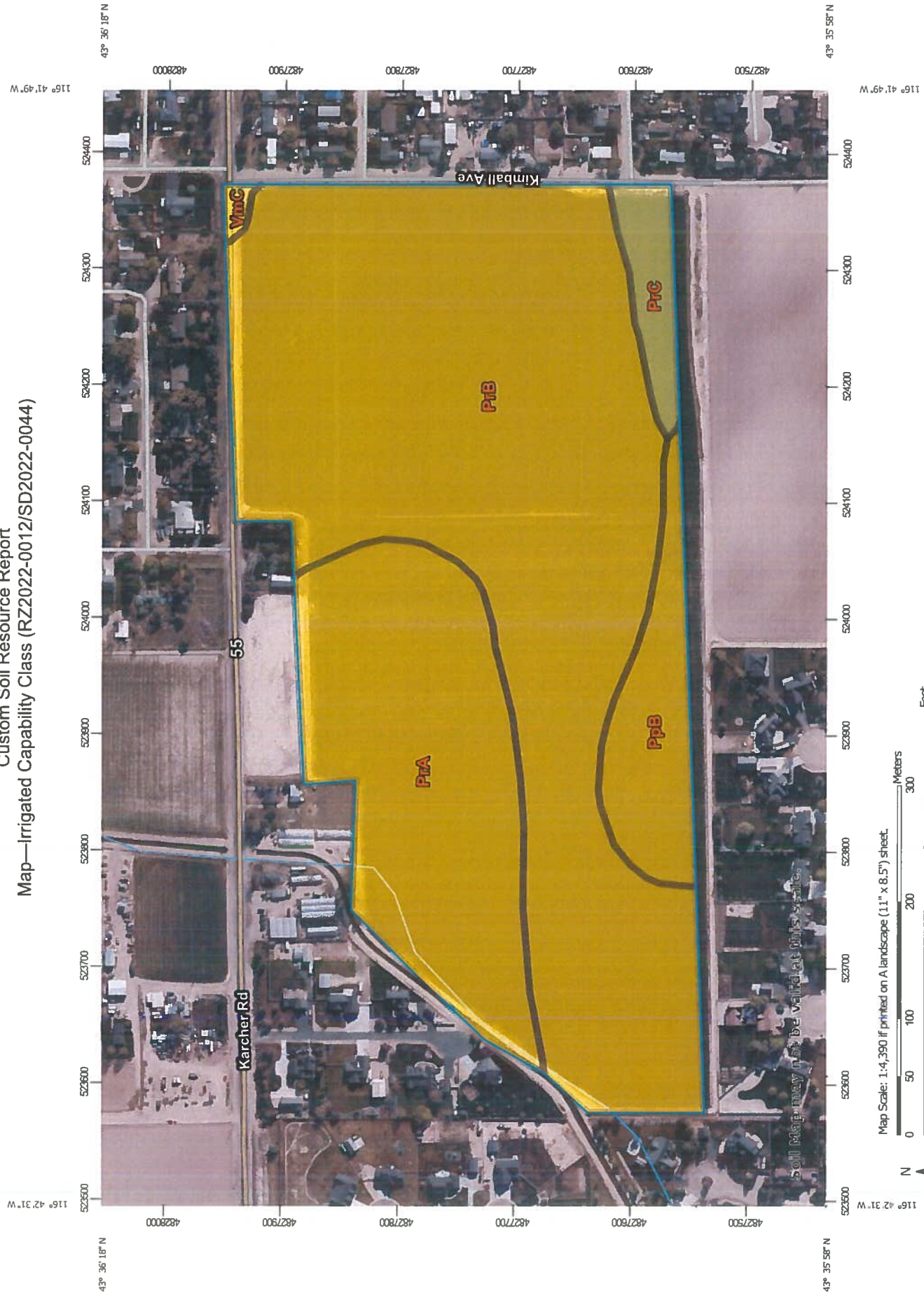
Custom Soil Resource Report for Canyon Area, Idaho

RZ2022-0012/SD2022-0044
Penelope Constantikes



April 29, 2023

Custom Soil Resource Report
 Map—Irrigated Capability Class (RZ2022-0012/SD2022-0044)



MAP LEGEND

- Area of Interest (AOI)**
 - Area of Interest (AOI)
- Soils**
 - Soil Rating Polygons
 - Capability Class - I
 - Capability Class - II
 - Capability Class - III
 - Capability Class - IV
 - Capability Class - V
 - Capability Class - VI
 - Capability Class - VII
 - Capability Class - VIII
 - Not rated or not available
 - Soil Rating Lines
 - Capability Class - I
 - Capability Class - II
 - Capability Class - III
 - Capability Class - IV
 - Capability Class - V
 - Capability Class - VI
 - Capability Class - VII
 - Capability Class - VIII
 - Not rated or not available
 - Soil Rating Points
 - Capability Class - I
 - Capability Class - II
- Capability Class - III
- Capability Class - IV
- Capability Class - V
- Capability Class - VI
- Capability Class - VII
- Capability Class - VIII
- Not rated or not available

MAP INFORMATION

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

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

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

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

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

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

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

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

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

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

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

Custom Soil Resource Report

Table—Irrigated Capability Class (RZ2022-0012/SD2022-0044)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
PpB	Power-Purdam silt loams, 1 to 3 percent slopes	3	4.4	7.0%
PrA	Purdam silt loam, 0 to 1 percent slopes	3	15.3	24.2%
PrB	Purdam silt loam, 1 to 3 percent slopes	3	41.2	65.4%
PrC	Purdam silt loam, 3 to 7 percent slopes	4	1.9	3.0%
VmC	Vickery-Marsing silt loams, 3 to 7 percent slopes	3	0.2	0.4%
Totals for Area of Interest			63.1	100.0%

Rating Options—Irrigated Capability Class (RZ2022-0012/SD2022-0044)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

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

Custom Soil Resource Report for Canyon Area, Idaho

OR2022-0005 CR2022-0011
SD2022-0019 Steve Law



April 29, 2023

Custom Soil Resource Report
Map—Irrigated Capability Class (OR2022-0005 CR2022-0011 SD2022-0019 Steve Law)



Map Scale: 1:1,490 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

- Area of Interest (AOI)**
 - Area of Interest (AOI)
- Soils**
 - Soil Rating Polygons
 - Capability Class - I
 - Capability Class - II
 - Capability Class - III
 - Capability Class - IV
 - Capability Class - V
 - Capability Class - VI
 - Capability Class - VII
 - Capability Class - VIII
 - Not rated or not available
 - Soil Rating Lines
 - Capability Class - I
 - Capability Class - II
 - Capability Class - III
 - Capability Class - IV
 - Capability Class - V
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 - Capability Class - II
- Capability Class - III
- Capability Class - IV
- Capability Class - V
- Capability Class - VI
- Capability Class - VII
- Capability Class - VIII
- Not rated or not available

MAP INFORMATION

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

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

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

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

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

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

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

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

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

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

Custom Soil Resource Report

Table—Irrigated Capability Class (OR2022-0005 CR2022-0011 SD2022-0019 Steve Law)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
FeC	Feltham loamy fine sand, 3 to 7 percent slopes	4	2.9	28.7%
FeD	Feltham loamy fine sand, 7 to 12 percent slopes	4	0.7	7.2%
FeE	Feltham loamy fine sand, 12 to 25 percent slopes		5.4	53.6%
JaB	Jacquith loamy fine sand, 1 to 3 percent slopes	4	1.0	10.5%
Totals for Area of Interest			10.0	100.0%

Rating Options—Irrigated Capability Class (OR2022-0005 CR2022-0011 SD2022-0019 Steve Law)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



United States
Department of
Agriculture

NRCS

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agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Canyon Area, Idaho

**CU2023-0004 Jeff Bower Kristen
McNeill**



April 29, 2023

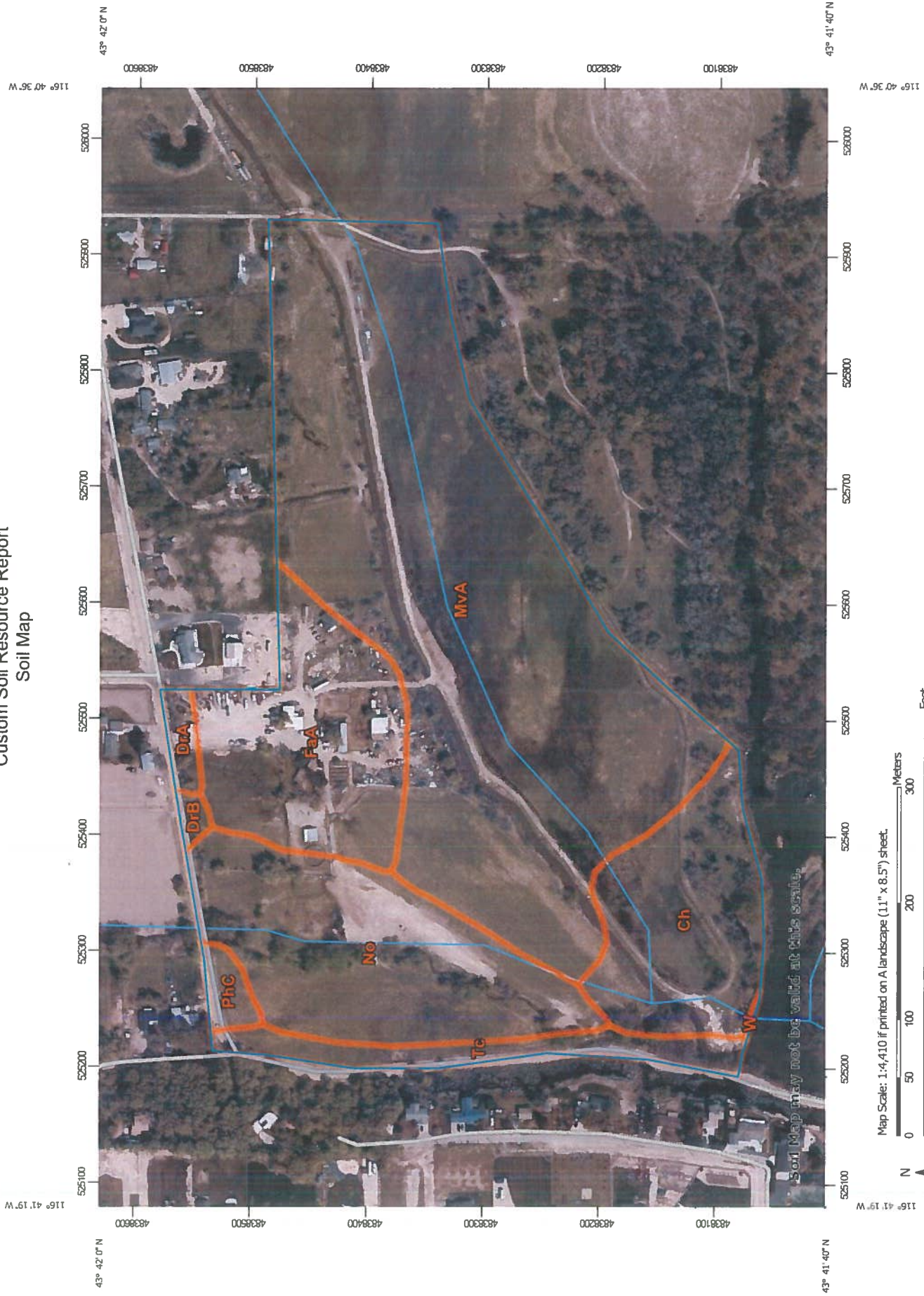
Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Map Scale: 1:4,410 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

Samantha Hammond

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Tuesday, April 25, 2023 1:29 PM
To: Samantha Hammond
Cc: Bonnie Puleo
Subject: [External] RE: Agency Notice Person - Valley River View Estates / OR2022-0005 - CR2022-0011 - SD2022-0019

Follow Up Flag: Follow up
Flag Status: Flagged

Hello!

After careful review of the transmittal submitted to ITD on April 25, 2023 regarding Person – Valley River View Estates / OR2022-0005 – CR2022-0011 – SD2022-0019, the Department has no comments or concerns to make at this time. Base on the distance to SH-19/US-95 and only 7 residential lots, ITD believes there will be minor impact to the state highway system.

Please let me know if you have any questions or concerns.

Thank you,



Niki Benyakhlef
Development Services Coordinator

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

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Tuesday, April 25, 2023 9:40 AM
To: 'jdillon@wilderschools.org' <jdillon@wilderschools.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'Kent, Lori - NRCS-CD, Caldwell, ID' <Lori.Kent@id.nacdnet.net>; Wilder Fire District <wfdchief@wilderfire.org>; 'Bob Watkins' <bobw@gghd3.org>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; Boise Project Board of Control <tritthaler@boiseproject.org>; GAshley <gashley@boiseproject.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>
Subject: Agency Notice Person - Valley River View Estates / OR2022-0005 - CR2022-0011 - SD2022-0019

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

Good morning;

Please see the attached agency notice. You are invited to provide written testimony or comments by **May 24, 2023**, although as of this point, no hearing date has been set. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner Samantha Hammond at Samantha.hammond@canyoncounty.id.gov

Thank you,



Bonnie Puleo
Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

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

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

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

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

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

August 17th, 2023

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

RE: Conditional Rezone R36963020
Case No. CR2022-0011 & OR2022-0005
Applicant: Margaret Person, being represented by Steve Law
Planner: Michelle Barron

Parcel R36963020, located at 28753 Peckham Road, Wilder, Canyon County, Idaho is located outside of Black Canyon Irrigation District (District). The District has no comments for this land user action.

Thank You,

Donald Popoff

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