

January 3, 2024

HAND DELIVERED

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

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

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

Dear Commissioners:

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

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

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

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

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

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

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

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

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

“07-05-01: NOTICE PROCEDURE:

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

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

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

“07-01-15: NEIGHBORHOOD MEETINGS:

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

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

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

B. Violation of Citizens' Due Process rights:

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

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

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

C. Additional Reasons for Appeal of the Decision:

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

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

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

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

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

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

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

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

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

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

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

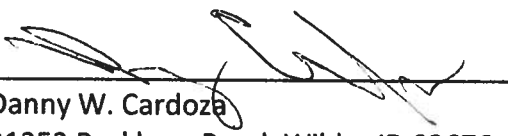
Because this AK Feeders land use is not consistent with the comprehensive plan; this proposed land use will be injurious to our properties in the immediate vicinity; it will change the essential character of the area; and there will be undue interference with traffic patterns, we look forward to a Board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

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

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

Sincerely,


Debra L. Cardoza
31252 Peckham Road, Wilder ID 83676


Danny W. Cardoza
31252 Peckham Road, Wilder ID 83676

attachments

Debbie Root

From: DEBBIE CARDOZA <dcardflash@aol.com>
Sent: Monday, April 1, 2024 8:06 AM
To: Debbie Root
Subject: [External] Cardoza CU 2022-0036-APL

Good morning Debbie, We will be represented for our appeal by Allie Schiebout with Exceed Legal Counsel. Please accept this as our permission to speak with her about this case & accept information.

Thank you,

Debbie and Danny Cardoza

Allie Schiebout
Exceed Strategic Legal Counsel
208-297-5959

Sent from my iPhone



APPEAL OF DECISION APPLICATION

APPELLANT	NAME: <u>Danny W. Cardoza / Debra L. Cardoza</u>	
	MAILING ADDRESS: <u>31252 Peckham Rd. Wilder ID 83676</u>	
	PHONE: <u>831-245-7120</u>	EMAIL: <u>dcardflash@aol.com</u>
Property owner: <input checked="" type="checkbox"/>		Other Appellant: <input type="checkbox"/>
Signature: <u><i>Debra L. Cardoza</i></u>		Date: <u>1/4/2024</u>

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

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

CASE NUMBER OF REQUESTED APPEAL:	<u>CU2022-0036</u>
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FOR DSD STAFF COMPLETION ONLY:

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

*Revised on the
Newer Appeal form
dr*

RECEIVED

JAN 04 2024

RECEIVED



APPEAL OF DECISION

CHECKLIST

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

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

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

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

Canyon County Development Services

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

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

Receipt Number: 81415

Date: 1/4/2024

Date Created: 1/4/2024 **Receipt Type:** Normal Receipt **Status:** Active

Customer's Name: Danny & Debra Cardoza

Comments: CU2022-0036-APL

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

CHARGES

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

Sub Total: \$600.00

Sales Tax: \$0.00

Total Charges: \$600.00

PAYMENTS

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

Total Payments: \$600.00

ADJUSTMENTS

Receipt Balance: \$0.00

Attachment #2



Development Services Department

Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605

(208) 454 7458 ▪ (208) 454 6633 Fax ▪ zoninginfo@canyoncounty.id.gov ▪ www.canyoncounty.id.gov

Sent Via Email

Debbie Cardoza
31252 Peckham Rd
Wilder, ID 83676

Re: Public Records Request dated November 21, 2023

Dear Ms. Cardoza,

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

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

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

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

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

Sincerely,

Pam Dilbeck
DSD Administrative Specialist

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

SITE PLAN

ACCESS →

ACCESS →

ORIGINAL SITE PLAN

ATTACH 3 (cont)

Area	Acres	Sq Ft	Total
Area 1	100	100	100
Area 2	200	200	200
Area 3	300	300	300
Area 4	400	400	400
Area 5	500	500	500
Area 6	600	600	600
Area 7	700	700	700
Area 8	800	800	800
Area 9	900	900	900
Area 10	1000	1000	1000
TOTAL	5000	5000	5000

LEGEND

[Symbol]	PROGRAM BUILDING
[Symbol]	CORRIDOR
[Symbol]	LABORATORY
[Symbol]	RESEARCH AREA
[Symbol]	OFFICE
[Symbol]	STORAGE
[Symbol]	TRUCK DOCK
[Symbol]	TRUCK DRIVE
[Symbol]	TRUCK RAMP
[Symbol]	TRUCK STORAGE
[Symbol]	TRUCK TRAILER

SP-1

AK FEEDERS
SITE PLAN



AGPROprofessionals
OF AGRICULTURE
2020 E 7th Avenue, Suite 200,
Greeley, CO 80634
(970) 836-8318 • fax (970) 836-8864



DATE	APR 2010	BY	AGPRO
SCALE	AS SHOWN		



**CANYON COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

111 North 11th Avenue, Suite 310 • Caldwell, Idaho • 83605
Phone (208) 454-7458

www.canyoncounty.id.gov/elected-officials/commissioners/dsd

Greetings Property Owner:

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

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

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

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



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

CHANGED SITE PLAN - New info
WITHOUT A NEIGHBORHOOD MEETING
ATT.#3 cont.

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

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

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

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

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

Attachment #4

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

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

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

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

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

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

Thankyou,

A handwritten signature in cursive script that reads "Susan Cook".

Please place this in the file for this case:

CU2022-0036

Case No. CU2022-0036

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

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

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

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

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

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

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

Christina Marston
31396 Red Top Road
Wilder, ID 83676

attachment #4

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

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

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

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

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

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

attachment #4

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

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

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

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

zoninginfo@canyoncounty.id.gov
Subject: [External] In Regards to #CU2022-0036

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

To:
Canyon County Development Services Department
111 North 11th Avenue, #310
Caldwell, Id. 83605
zoninginfo@canyoncounty.id.gov

In regards to #CU2022-0036

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

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

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

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

attachment #4

and industrial.

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

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

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

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

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

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

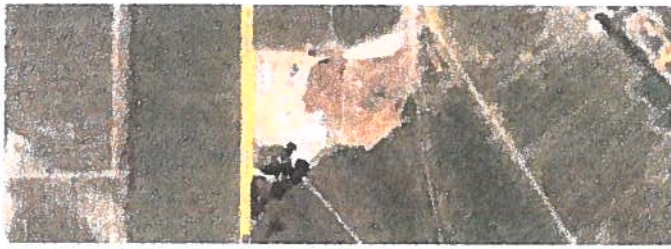
contaminants in Idaho". The nitrate levels are already unhealthy and at extremely high levels based on testing of individual wells before the development of this feedlot. The AK Feeders application does not address how this proposed feedlot will impact this area and was not addressed by the Site team.

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

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

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





From: **DEBBIE CARDOZA** dcardflash@aol.com
Date: **Jan 3, 2024 at 10:18:31 AM**
To: dcardflash@aol.com

November 18, 2023

Via Email - zach.wesley@canyoncounty.id.gov

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

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

Dear Mr. Wesley,

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

Before each citizen in opposition gave their oral testimony

attachment #4

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

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

Sincerely,

A handwritten signature in cursive script that reads "Susa Paak".

Glenis Christopherson
31641 Peckham Road
Wilder, Idaho 83676

Canyon County Development Services

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

Oct 10, 2023

Dear Planners,

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

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

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

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

Attachment #4

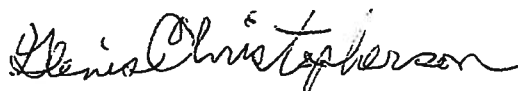
Additionally, I would like to point out that hundreds of thousands, possibly millions, of Snow Geese migrate down and up the nearby Snake River each year, and these impressive birds rely on the land along the Snake for rest and food during their migration. The cultivated field east of my place at 31641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

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

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

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

Glenis Christopherson



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

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

I would like to give you some numbers for reference:

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

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

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

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

attachment #4

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

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

1: High Risk

2: Medium Risk

3: Low Risk

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

These are the risk factors that this proposed feedlot met:

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

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

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

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

What does this CAFO site study illustrate and point out?

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

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

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

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

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

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

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

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

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

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

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

September 15, 2022

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

From: Brad & Victoria Case
30769 Red Top Rd.
Wilder, ID 83676
Victoriacase92@gmail.com
208-573-5271

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

Canyon County Commissioners:

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

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

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

attachment #4

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

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

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

Thank you very much,

V. Brad Case
Victoria A. Case

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

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

Good!

On Wed, Jan 3, 2024 at 10:44 AM Susan Isaak <isaakrn@gmail.com> wrote:
Thanks ... this is helpful!!! Have a great day :)

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

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

From: **Dee Dee Alderson** <dalderson@marsingschools.org>
Date: Wed, Nov 15, 2023 at 7:41 PM
Subject: AK FEEDERS
To: Dee Dee Alderson <dalderson@marsingschools.org>, <deedee_alderson@yahoo.com>, <webdiva225@gmail.com>

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

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

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

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

attachments #4

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

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

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

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

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

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

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

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

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

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

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

Court Ruling on page 15, middle paragraph, states:

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

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

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

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

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

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

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

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

ATTACHMENT #4

October 23, 2023

VIA EMAIL

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

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

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

Dear Ms. Dilbeck:

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

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

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

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

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

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

Sincerely,

Name:

Address:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
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_____	_____
_____	_____
_____	_____

(con't)

Name:

Address:

From: **DEBBIE CARDOZA** dcardflash@aol.com
Date: **Jan 3, 2024 at 10:23:22 AM**
To: dcardflash@aol.com

I will send this request to DSD.

Thanks,
Zach

From: **DEBBIE CARDOZA** <dcardflash@aol.com>
Sent: **Tuesday, November 21, 2023 10:16 AM**
To: **Zach Wesley** <Zach.Wesley@canyoncounty.id.gov>
Subject: **[External] Typed signed testimony**

Nov. 21, 2023

Via Email - zach.wesley@canyoncounty.id.gov

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

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

ATT. 4

Dear Mr. Wesley,

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

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

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

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

dcardflash@aol.com

Sincerely,

Debbie Cardoza

31252 Peckham Rd.

Wilder, Idaho 83676

Sent from my iPhone

Sent from my iPhone

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

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

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

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

As reported by your Site Team:

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

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

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

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

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

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

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

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

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

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

Mitigation is NOT elimination!

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

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

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

1-2-24

TO: Commissioner Zach Brooks
Commissioner Brad Holton
Commissioner Leslie VanBeek

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

Dear Commissioners:

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

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

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

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

Attachment #4

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

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

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

"Section 1.

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

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

Respectively submitted,

Debra Cardoza dcardflash@aol.com

Susan Isaak. isaakrn@gmail.com



IDAHO STATE DEPARTMENT OF AGRICULTURE



CAFO SITE ADVISORY TEAM

September 14, 2023

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

RE: CAFO Siting Advisory Team Review Report of AK Feeders

Dear Commissioners,

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

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

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

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

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

I. Risk Category

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

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attachment #5

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

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

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

II. Description of Factors

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

High Risk Factors

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

Moderate Risk Factors

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

Low Risk Factors

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

III. Mitigation

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

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

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

Other Best Management Practice recommendations include:

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

IV. Additional Information

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

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

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

The CAFO Site Advisory Team did not:

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

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

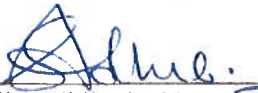
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The following individuals were present at the CAFO Site Advisory Team evaluation. The names depicted in bold type are the individuals responsible for the suitability determination.

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

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



Pradip Adhikari, ISDA
(208) 332-8541



Gus Womeldorph, IDWR
(208) 287-4963



Kathryn Elliott, IDEQ
(208) 373-0191

ATTACHMENTS

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

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State of Idaho CAFO Site Advisory Team Environmental Risk Form

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

Risk Scoring System

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

Category

Result

Risk Score

Soil

- 1. Soil permeability
High. Fine sandy loam with Ksat 0.57 to 2.00 in/hr. **3**
- 2. Soil depth
Moderate. Typical soil profile depth 60 inches. **2**
- 3. Thickness of clay in unsaturated zone
High. Driller's reports indicate 0-10 ft of clay typical in unsaturated zone. **3**

Ground Water

- 4. Depth to first encountered water
High. Depth to first encountered water is generally shallow, 0-25 ft. **3**
- 5. Mean nitrate level in ground water within a 5 mile radius
Moderate. Mean most recent nitrate levels are 5.3 mg/L within a 5-mile radius. **2**
- 6. Percentage of wells over 5 mg/L nitrate within 5 miles
Moderate. 25% of wells within a 5 mile radius have a nitrate value over 5 mg/L. **2**
- 7. Aquifer geology
High. Typical aquifer geology is sand and gravel. **3**
- 8. Time of travel to a spring
Low. Time of travel to a spring is > 10 years. **1**
- 9. Downgradient distance to nearest domestic well
Moderate. Nearest domestic well is cross-gradient, but <100 ft away. **2**
- 10. Within source water delineation area time-of-travel
Low. CAFO is not within a source water delineation area time-of-travel. **1**

Surface Water

- 11. Downgradient distance from CAFO to nearest surface water body
Low. Downgradient distance from CAFO to nearest surface water body (Snake River) is >200 ft. **1**
- 12. Downgradient distance from land application to nearest surface water body
Low. All manure is third-party export. **1**
- 13. 100-year floodplain
Low. Not within the 100 year floodplain. **1**

Nutrient Transport

- 14. Run-on
Low. Run-on risk is low due to low to moderately sloped topography next to CAFO site. **1**
- 15. Surface Runoff
Low. NRCS surface run-off index is low. **1**
- 16. Annual precipitation
Low. Average annual precipitation is 9.1 inches. **1**

Index 1

40.00

Index 2

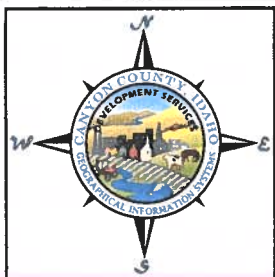
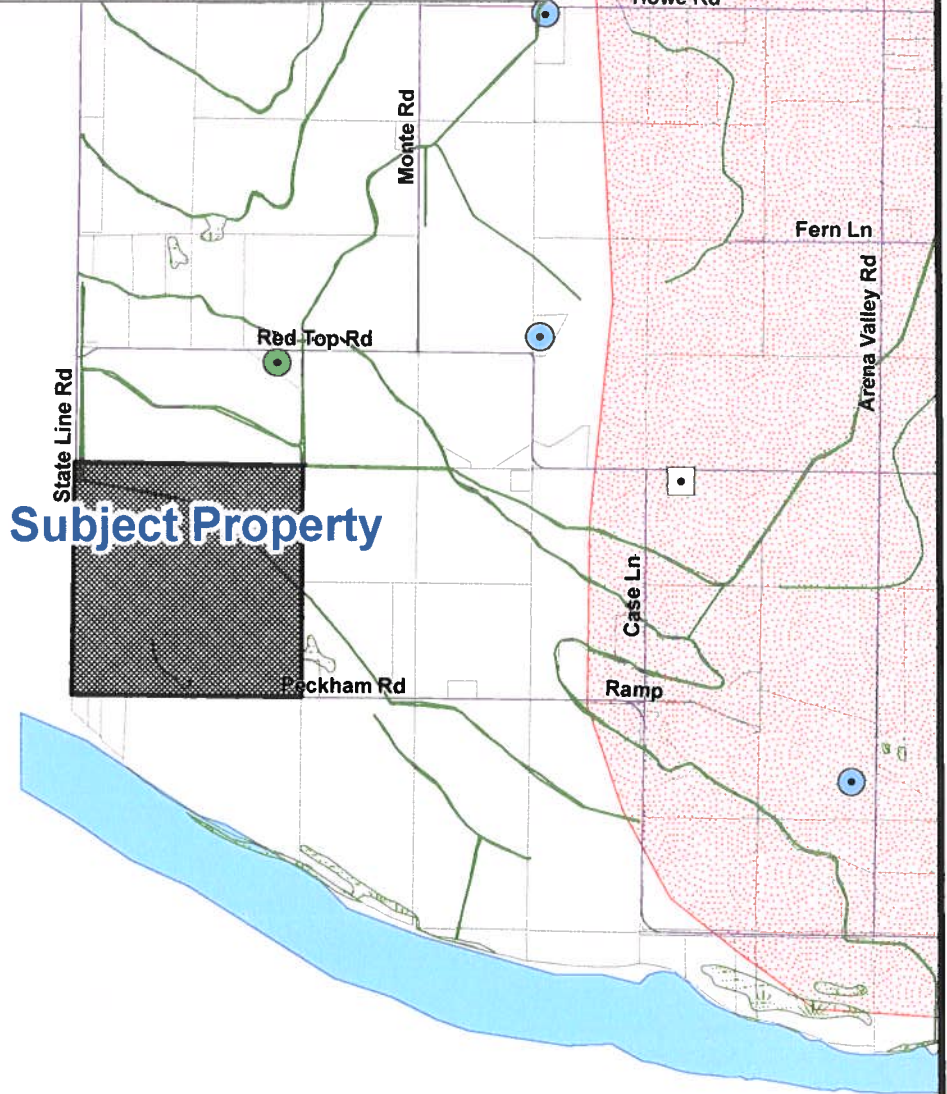
3.00







Final Risk Score

High

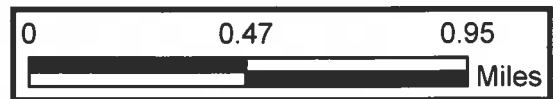
NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ,
NITRATE PRIORITY 2020.

AK Feeders LLC Nitrate Priority & Wells



- | | | | |
|---|-----------------------|---|--------------------------------------|
|  | GEO-THERMAL LOCATIONS |  | DEQ WELLS
N03_MGL
0.005 - 2.00 |
|  | WETLANDS |  | 2.000001 - 5.00 |
|  | NITRATE_PRIORITY |  | 5.0000001 - 10.00 |
| | |  | 10.000001 - 49.80 |

attachment #5



From: **DANNY CARDOZA** dcjl ranch@aol.com
 Date: **Dec 30, 2023 at 10:32:40 AM**
 To: **Debbie Cardoza** dcardflash@aol.com

11:25



< Inbox **Corrected W...** >

Administrative Assistant
 Western Laboratories

Western Laboratories, Inc.
 211 Highway 99 Parma, ID 83650
 801-458-1858 • FAX 209-402-5303
 www.westernlabs.com

Water Analysis Report

Order No. P:
 Name: Danny Cardoza

Lab No. 104617 Date: 1/17/2023
 SY#
 Field ID
 Grower: Danny Cardoza
 Test ID: 2)

31252 Peckham Rd
 Wilder ID 83454

31252 Peckham Rd.
 WILDER, ID
 83676

Interpretation of Water Test

TEST	YOUR RESULT PPM	ACTION INTERP	POUNDS AC. FT.	RANGES		
				LOW	MEDIUM	HIGH
pH	9.01	HIGH		6.5 - 8.4	5.5 - 8.4	< 6.5
EC*	0.90	MEDIUM	1211	0 - 0.70	0.70 - 3.0	3.1+
Calcium	0.26	LOW	1.5	< 75	75 - 150	151+
Magnesium	0.77	LOW	2.1	< 35	35 - 75	76+
Sodium	220.50	HIGH	517	0 - 40	41 - 60	> 60
Sulfur	27.17	MEDIUM	72.4	< 15	15 - 45	46+
Boron	0.11	LOW	3	< 0.5	0.5 - 1.5	> 1.6
Nitrate	6.53	MEDIUM	17.6	0 - 5	5 - 10	11+
Phosphorus	0.00	LOW		0 - 0.5	0.5 - 1.0	1.1+
Potassium	0.76	LOW	2.1	< 10	11 - 25	26+
Zinc	0.07	LOW	2	0 - 0.1	0.2 - 0.4	0.5+
Manganese	0.00	LOW	0	0 - 0.5	0.6 - 1.0	1.1
Iron	0.37	LOW	1	0 - 3	3.0+	
Copper	0.47	HIGH	1.3	< 0.1	0.1 - .10	0.2+
Chloride	19.00	LOW	53	0 - 100	101 - 140	141+
Carbonates Calc + Bicarb				0 - 85	86 - 450	451+
SAR**	46.3	HIGH		1 - 1.5	1.6 - 2.1	> 2.2

← 6.53

*Electrical Conductivity

**Sodium Absorption Ratio

John P. Taberna, Soil Scientist

Attachment 5

+ 0 0 0 1

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

150' well

Water Analysis Report

Dealer No: PD

Lab No: 104633

Date: 1/30/2023

Name:

31453 Peckham Rd.
 WILDER, ID.
 83676

SV #:

Field ID: Tap

Grower: Raleigh Hawe

Test ID: 20

Interpretation of Water Test

TEST	YOUR ANSWERS PPM	ANSWER INTERP	POUNDS/ AC. FT.	HAZARDS		
				LOW	MEDIUM	HIGH
pH	7.68	MEDIUM		6.5 - 8.4	5.5 - 6.4	< 5.5
EC*	0.32	LOW	553	0 - 0.75	0.75 - 3.0	3.1+
Calcium	24.73	LOW	66.8	< 75	75 - 150	151+
Magnesium	4.51	LOW	12.2	< 35	35 - 75	76+
Sodium	124.00	HIGH	334.8	0 - 40	41 - 68	> 69
Sulfur	0.18	LOW	.5	< 15	15 - 45	45+
Boron	0.14	LOW	.4	< 0.5	0.5 - 1.5	> 1.6
Nitrate	5.62	HIGH	15.2	0 - 5	6 - 10	11+
Phosphorus	0.00	LOW		0 - 0.5	0.51 - 1.0	1.1+
Potassium	13.68	MEDIUM	36.9	< 10	11 - 25	26+
Zinc	0.00	LOW		0 - 0.1	0.2 - 0.4	0.5+
Manganese	0.10	LOW	.3	0 - 0.5	0.6 - 1.0	1.1
Iron	0.29	LOW	.8	0 - 3	3.0+	
Copper	0.00	LOW		< 0.1	0.1 - .19	0.2 +
Chloride	156.03	HIGH	421	0 - 100	101 - 140	141+
Carbonates Carb + Bicarb	156.0	MEDIUM	427	0 - 85	85 - 450	451+
SAR**	6	HIGH		1 - 1.5	1.6 - 2.1	> 2.2

*Electrical Conductivity

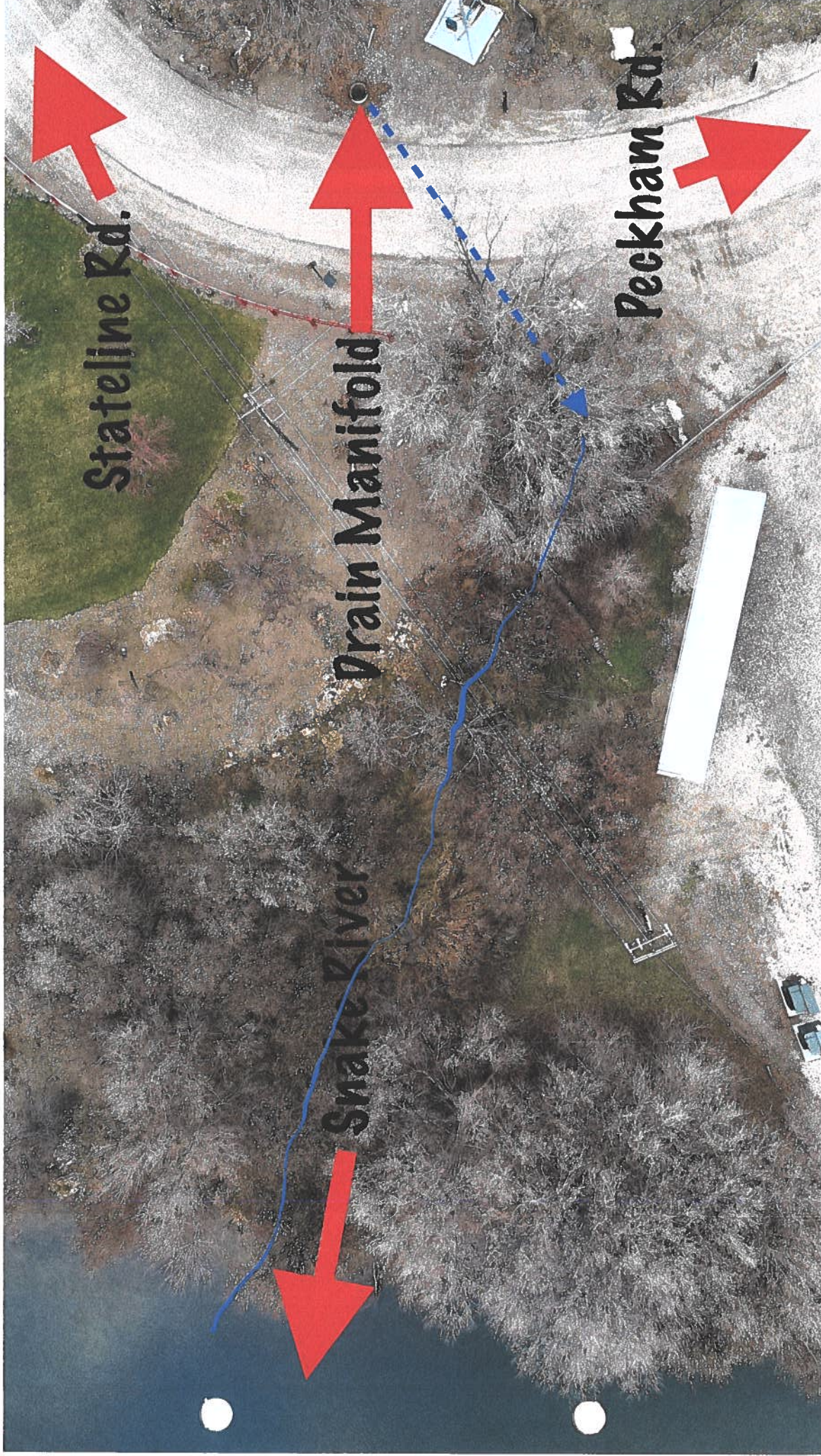
**Sodium Absorption Ratio

ATTACHMENTS

John P. Taberna, Soil Scientist

AK Feeders drainage site and property

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

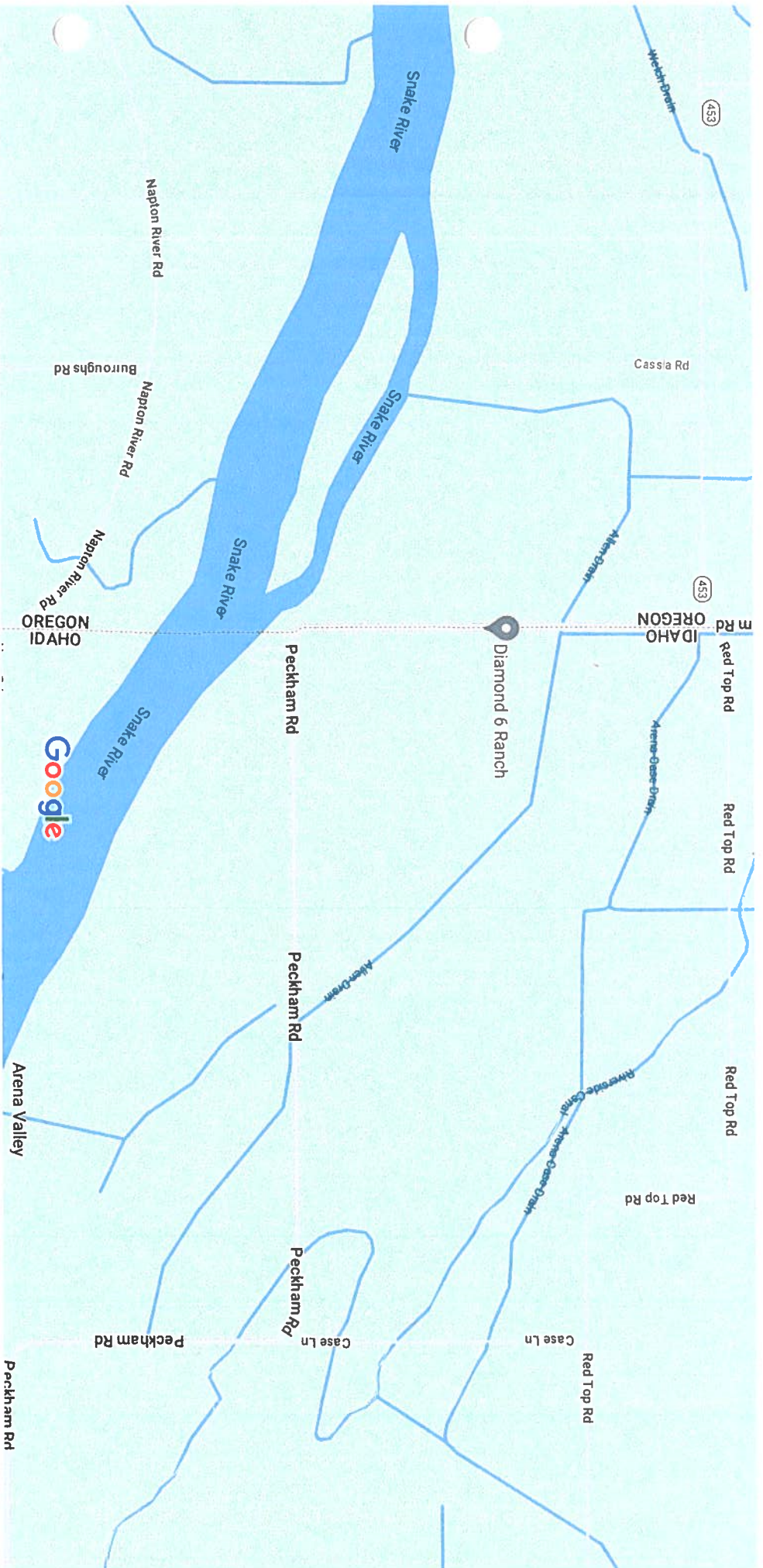


Picture showing drainage manifold - pipe exits under corner curve of road and comes out on other side, down the hill by an open ditch to Snake River
Attachment #5

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



attachment #5



map showing how Allen Drain goes into the Snake River

Attachment #5

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

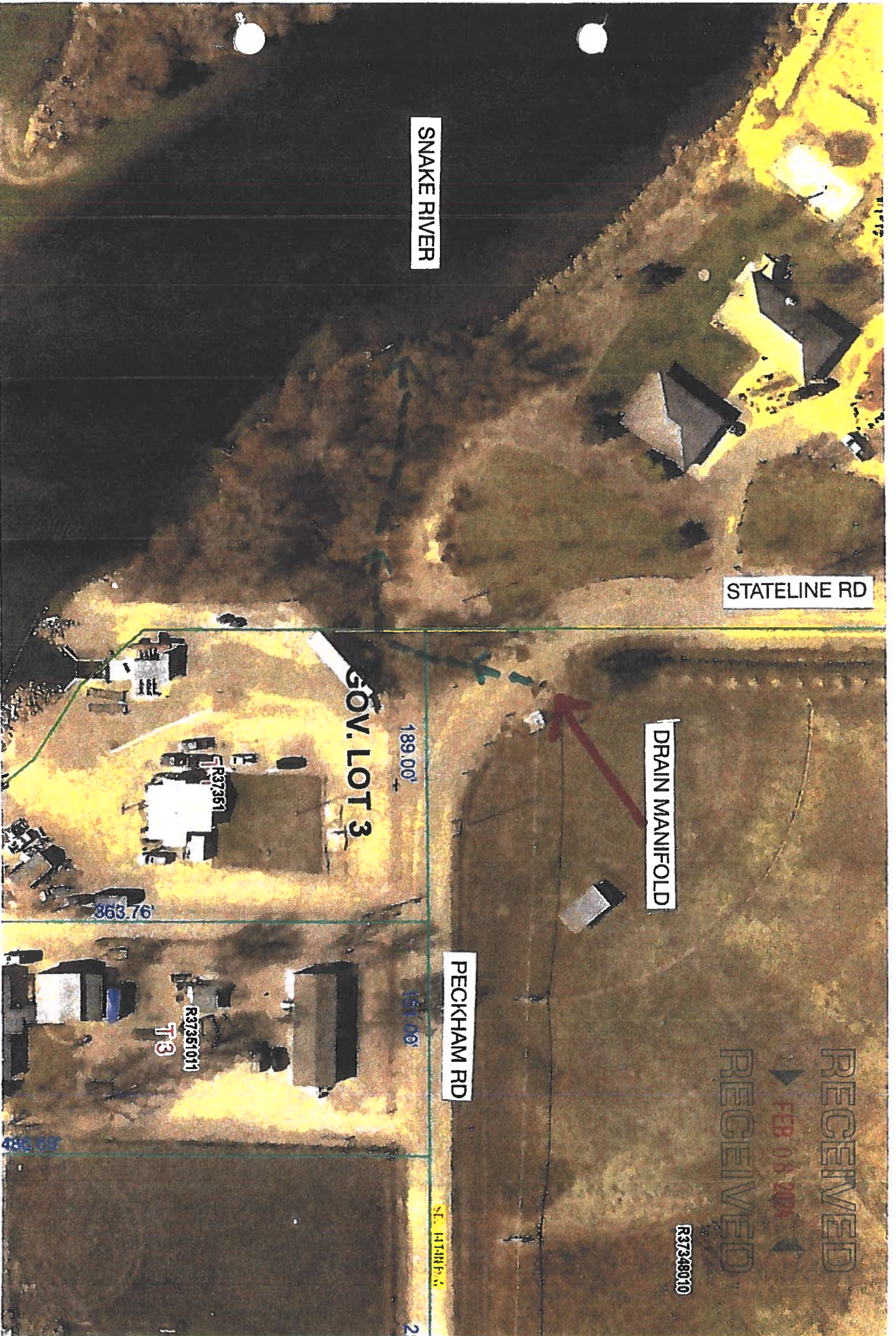


Powered by Esri

Allen Drain emptying south of AK Feeders
into the Snake River

Attachment #5

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



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



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Boise, Idaho 83703
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Lab Federal ID# ID00020

Laboratory Analysis Report

Report To: DANNY CARDOZA

31252 PECKHAM RD.
WILDER, ID 83676

Lab/Sample Number: 2327307-01
Sample Location: WATER DISCHARGE - STATE LINE RD. +
PECKHAM

Phone: (831) 245-7120 Copy:
e-mail: dcardflash@aol.com
Date Received: 12/21/2023
Collection Date/Time: 12/21/2023 10:10

Date Printed: 01/02/2024 17:30
Collector's Name: C. PATE
Transported By: C. PATE
Temp C Received at Lab: 3.30

Field Measurements

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

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

Attachment #5



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Lab Federal ID# ID00020

Laboratory Analysis Report

Report To: DANNY CARDOZA

Lab/Sample Number: 2327307-02

31252 PECKHAM RD.

Sample Location: ALLEN DITCH - STATE LINE RD

WILDER, ID 83676

Phone: (831) 245-7120 Copy:

e-mail: dcardflash@aol.com

Date Printed: 01/02/2024 17:30

Date Received: 12/21/2023

Collector's Name: C. PATE

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

Transported By: C. PATE

Temp C Received at Lab: 3.30

Field Measurements

pH:

Total Chlorine mg/L:

DO mg/L:

Temp C:

Free Chlorine mg/L:

Flow g/min:

Analyte	Result	Units	MRL	MDL	MCL	Analyzed	Analyst	Method	Notes
Inorganics									
Sulfate, SO ₄	87	mg/L	1	0.04		12/22/23 2:53	NC	EPA 300.0	
Nitrate (as N)	10.7	mg/L	0.2	0.01		12/22/23 2:53	NC	EPA 300.0	
Chloride, Cl	32	mg/L	1	0.1		12/22/23 2:53	NC	EPA 300.0	
Ammonia, Direct (as N)	ND	mg/L	0.04	0.02		12/28/23 15:41	JPH	EPA 350.1	
Total Kjeldahl Nitrogen (as N)	0.66	mg/L	0.10	0.03		12/22/23 15:47	DS	EPA 351.2	
Nitrite (as N)	0.05	mg/L	0.01	0.001		12/22/23 15:25	LW	EPA 353.2	
Ortho Phosphate Low Level (as P)	0.336	mg/L	0.005	0.003		12/21/23 16:03	LW	EPA 365.1	
Total Phosphate (as P)	0.08	mg/L	0.05	0.03		12/22/23 15:47	DS	EPA 365.4	
Chemical Oxygen Demand	ND	mg/L	20.0	6.5		1/2/24 17:26	NC	EPA 410.4	
Total Dissolved Solids	540	mg/L	25	24		12/23/23 9:30	MAA	SM 2540 C	
Biochemical Oxygen	ND	mg/L	3	3		12/26/23 8:45	EH	SM 5210 B	
Total Suspended Solids	24	mg/L	2	2		12/27/23 9:00	MAA	USGS I-3765	
Microbiology									
Total Coliform Bacteria	170	MPN/100mL	2	2		12/24/23 9:50	TL	SM 9221B	
Escherichia coli	260	MPN/100mL	1	1		12/22/23 10:20	TL	SM 9223	

Authorized Signature,

NADINE CARTER For BRIAN MCGOVERN, Client Manager

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

ND - Non Detect

MCL - Maximum Contaminant Level

MDL - Method Detection Limit

MDL - Method Reporting Limit

ATTACHMENT #5 A



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Lab Federal ID# ID00020

Quality Control Data

Inorganics

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

Quality Control Data

Inorganics

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

Quality Control Data

Inorganics

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

ATTACHMENT #5 B



Quality Control Data (Continued)

Inorganics

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
Batch: 3CL0399 - IC										
Blank (BCL0899-BLK1)					Prepared & Analyzed: 12/21/2023					
Chloride, Cl	ND		1	mg/L						
Nitrate (as N)	ND		0.2	mg/L						
Sulfate, SO4	ND		1	mg/L						
LCS (BCL0899-BS1)					Prepared & Analyzed: 12/21/2023					
Sulfate, SO4	43		1	mg/L	41.4		103	90-110		
Chloride, Cl	20		1	mg/L	18.8		104	90-110		
Nitrate (as N)	1.17		0.2	mg/L	1.13		104	90-110		
Duplicate (BCL0899-DUP1)					Source: 2327315-01		Prepared: 12/21/2023 Analyzed: 12/22/2023			
Sulfate, SO4	20		1	mg/L		20			0.136	20
Chloride, Cl	5		1	mg/L		5			0.0324	20
Nitrate (as N)	0.36		0.2	mg/L		0.36			0.307	20
Matrix Spike (BCL0899-MS1)					Source: 2327315-01		Prepared: 12/21/2023 Analyzed: 12/22/2023			
Chloride, Cl	9		1	mg/L	4.00	5	106	80-120		
Nitrate (as N)	1.29		0.2	mg/L	0.904	0.36	103	80-120		
Sulfate, SO4	24		1	mg/L	4.00	20	94.8	80-120		

Quality Control Data (Continued)

Inorganics

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
Batch: 3CL0901 - FIA										
Blank (BCL0901-BLK1)					Prepared & Analyzed: 12/22/2023					
Total Phosphate (as P)	ND		0.05	mg/L						
Total Kjeldahl Nitrogen (as N)	ND		0.10	mg/L						
LCS (BCL0901-BS1)					Prepared & Analyzed: 12/22/2023					
Total Phosphate (as P)	0.77		0.05	mg/L	0.780		98.7	85-115		
Total Kjeldahl Nitrogen (as N)	3.35		0.10	mg/L	3.34		100	70-130		
Duplicate (BCL0901-DUP1)					Source: 2327307-01		Prepared & Analyzed: 12/22/2023			
Total Kjeldahl Nitrogen (as N)	0.54		0.10	mg/L		0.48			11.8	20
Total Phosphate (as P)	0.11		0.05	mg/L		0.11			0.00	20
Matrix Spike (BCL0901-MS1)					Source: 2327307-01		Prepared & Analyzed: 12/22/2023			
Total Phosphate (as P)	1.06		0.05	mg/L	1.00	0.11	95.0	85-115		
Total Kjeldahl Nitrogen (as N)	1.45		0.10	mg/L	1.00	0.48	97.0	70-130		

ATTACHMENT #5C



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Quality Control Data
(Continued)

Inorganics

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

Quality Control Data
(Continued)

Inorganics

Analyte	Result	Qual	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
Batch: BCL0937 - WetBench2										
LCS (BCL0937-BS1)					Prepared: 12/26/2023 Analyzed: 12/27/2023					
Total Suspended Solids	248		2	mg/L	250		99.2	85-115		
Duplicate (BCL0937-DUP1)					Source: 2327353-01 Prepared: 12/26/2023 Analyzed: 12/27/2023					
Total Suspended Solids	1000		2	mg/L		1030			2.96	20
Duplicate (BCL0937-DUP2)					Source: 2327384-01 Prepared: 12/26/2023 Analyzed: 12/27/2023					
Total Suspended Solids	171		2	mg/L		169			1.18	20

Quality Control Data
(Continued)

Inorganics

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

Attachment #5d



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Quality Control Data
(Continued)

Inorganics

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

Attachment 5e

CLIENT CODE:

CLIENT INFORMATION:

PROJECT INFORMATION:

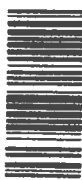
CHAIN OF CUSTODY RECORD ^{*SPC} \$ 250.00

ANALYTICAL LAB

1804 N. 33rd Street • Boise,
(208) 342-5515 • Fax: (208) 342-5599

Website: www.analyticallaboratories.com
E-mail: ali@analyticallaboratories.com
TESTS REQUESTED

2327307



Project Manager: **Danny Cardoza**

Project Name:

PWS Number:

Company:

Purchase Order Number:

Address: **31252 Peckham Rd**

Required Due Date:

Phone: **831-245-7120**

Fax:

E-mail Address: **dcard@flash@aoi.com**

Sampled by: (Please print)

C. Pate

Transported by: (Please print)

C. Pate

Lab ID

Date Sampled

Time Sampled

Sample Description (Source)

Sample Matrix

Remarks:

27307-01

12/21/23

1010

Water Discharge - State Line Rd. Peckham

X

X

X

X

X

X

X

-02

12/21/23

1025

Allen Ditch - State Line Rd

X

X

X

X

X

X

X

X

Handwritten notes: **ATTN: HMT 5 F**

-02

12/21/23

1025

Allen Ditch - State Line Rd

X

X

X

X

X

X

X

X

voice to: (if different than above address)

Special Instructions:

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

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

Relinquished By: (Signature)

Received By: (Signature)

Relinquished By: (Signature)

Received By: (Signature)

SAMPLE RECEIPT

REV: 2/19/12

WHITE: STAYS WITH SAMPLE(S)

YELLOW: LAB

PINK: SAMPLER



October 24, 2023

Debbie Root, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
debbie.root@canyoncounty.id.gov

Subject: CU2022-0036 / AK Feeders LLC

Dear Ms. Root:

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

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

1. AIR QUALITY

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

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

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

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

2. WASTEWATER AND RECYCLED WATER

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

Attachment #6

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
 - All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
 - DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
 - DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
- For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

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

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

4. SURFACE WATER

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

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

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

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

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

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

6. ADDITIONAL NOTES

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

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

Sincerely,

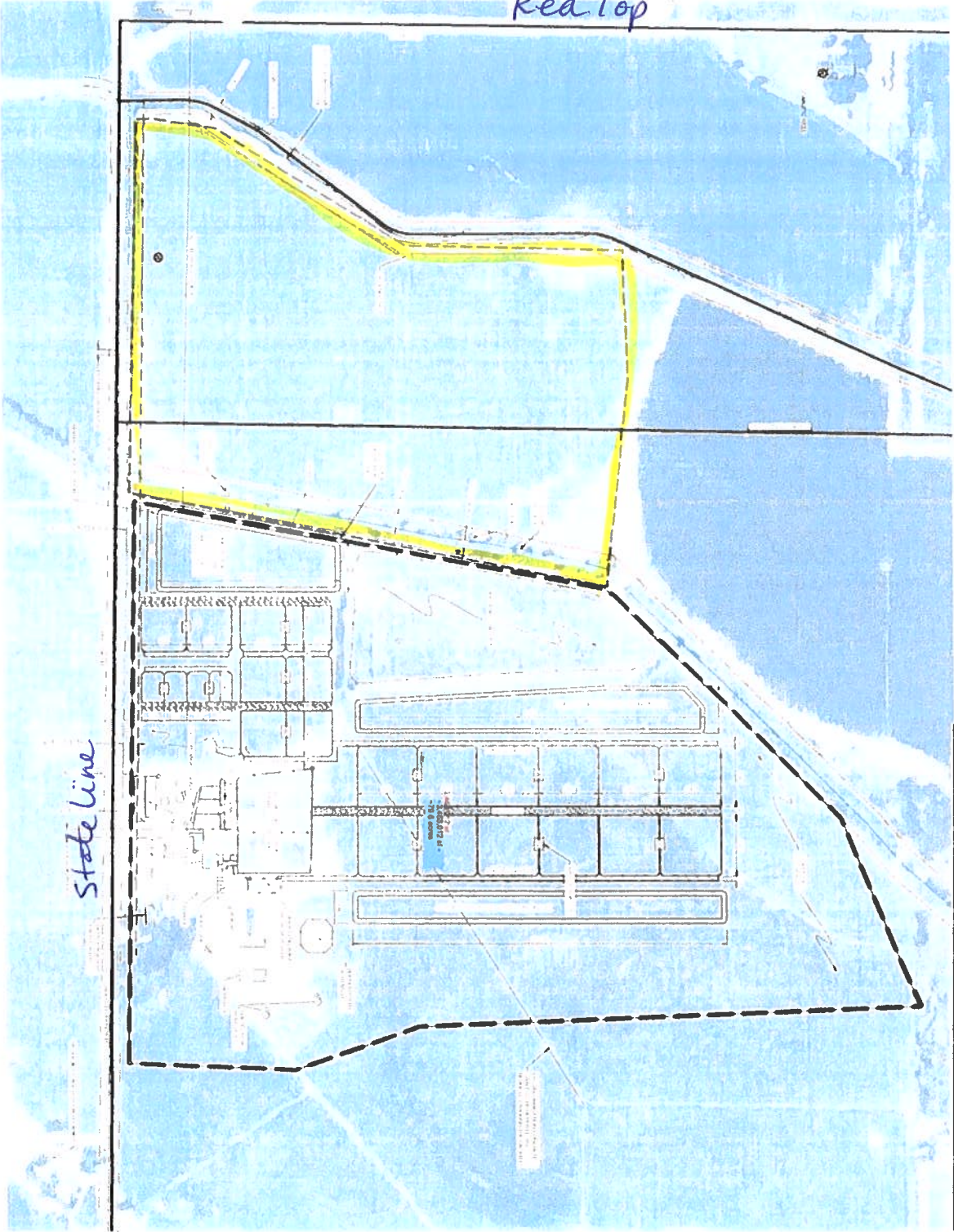


Aaron Scheff
Regional Administrator

C:
2021AEK

SITE PLAN

Red Top



Proposed future expansion in yellow

ATTACH #17



SP-1

AK FEEDERS
SITE PLAN



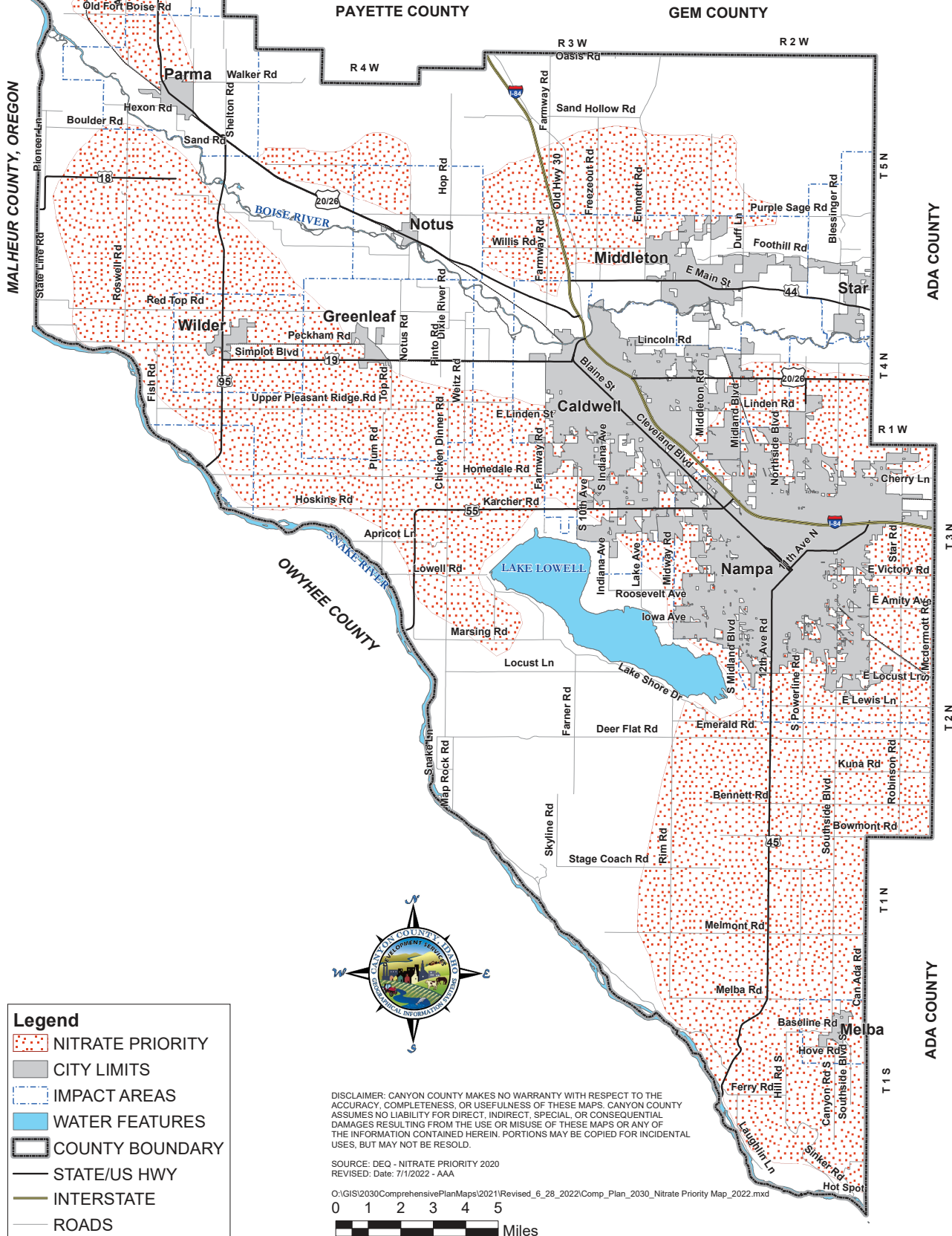
AGPROfessionals
DEVELOPERS OF AGRICULTURE

3500 27th Avenue, Suite 200
Denver, CO 80231
303.556.5554 • 303.556.5554

215 W. 10th Avenue, Suite 100
Denver, CO 80202
303.733.4333 • 303.733.4333



CANYON COUNTY COMPREHENSIVE PLAN 2030 NITRATE PRIORITY MAP EFFECTIVE 10/27/2022



Legend

- NITRATE PRIORITY
- CITY LIMITS
- IMPACT AREAS
- WATER FEATURES
- COUNTY BOUNDARY
- STATE/US HWY
- INTERSTATE
- ROADS



DISCLAIMER: CANYON COUNTY MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THESE MAPS. CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THESE MAPS OR ANY OF THE INFORMATION CONTAINED HEREIN. PORTIONS MAY BE COPIED FOR INCIDENTAL USES, BUT MAY NOT BE RESOLD.

SOURCE: DEQ - NITRATE PRIORITY 2020
REVISED: Date: 7/11/2022 - AAA

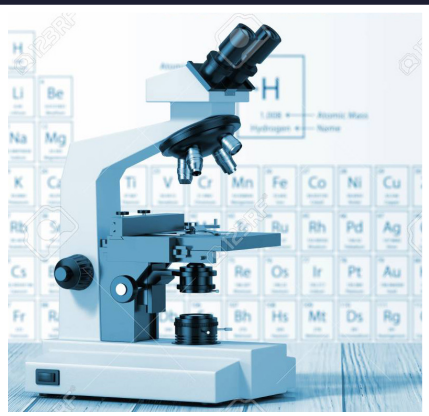
O:\GIS\2030ComprehensivePlanMaps\2021\Revised_6_28_2022\Comp_Plan_2030_Nitrate Priority Map_2022.mxd

0 1 2 3 4 5
Miles



Idaho Division of Public Health

Well Water Testing Flow Charts



IDAHO DEPARTMENT OF
HEALTH & WELFARE
DIVISION OF PUBLIC HEALTH

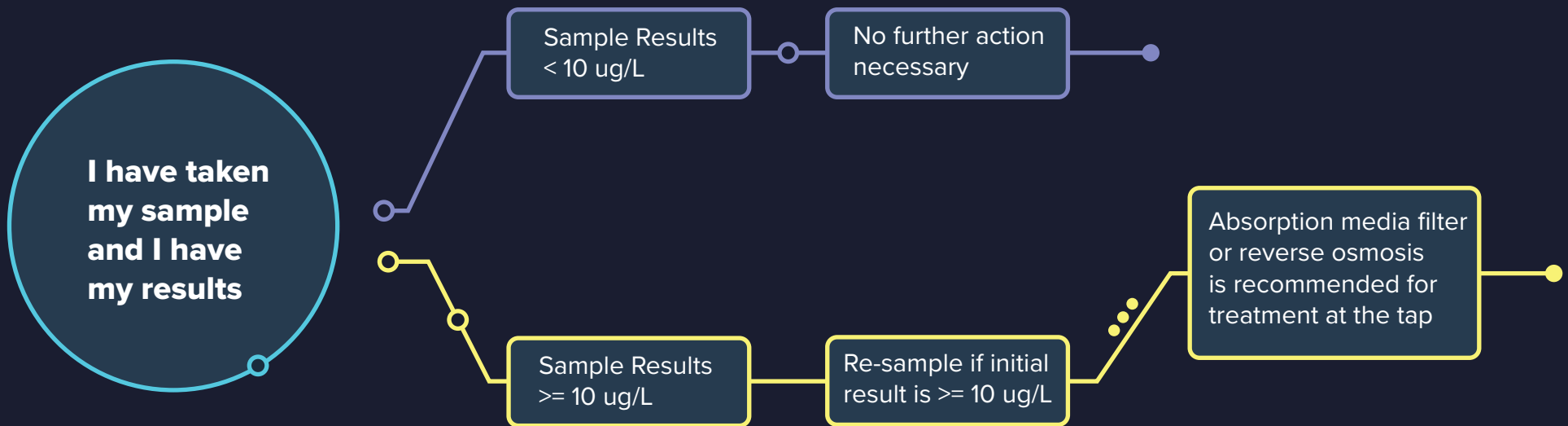
ARSENIC

Inorganic arsenic compounds are found in soils, sediments, and groundwater. These compounds occur either naturally or because of mining, ore smelting, and industrial use of arsenic.

Sample for arsenic: When you move into a home and every 3-5 years.

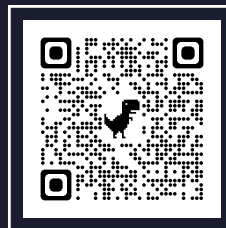
Important Tips:

1. Call a qualified water professional for maintenance and repair.
2. Do not boil water before drinking. Boiling concentrates arsenic.



Visit Environmental Health (EH) website:

<https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water> for instructional how-to videos and recommendations.



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July 2023

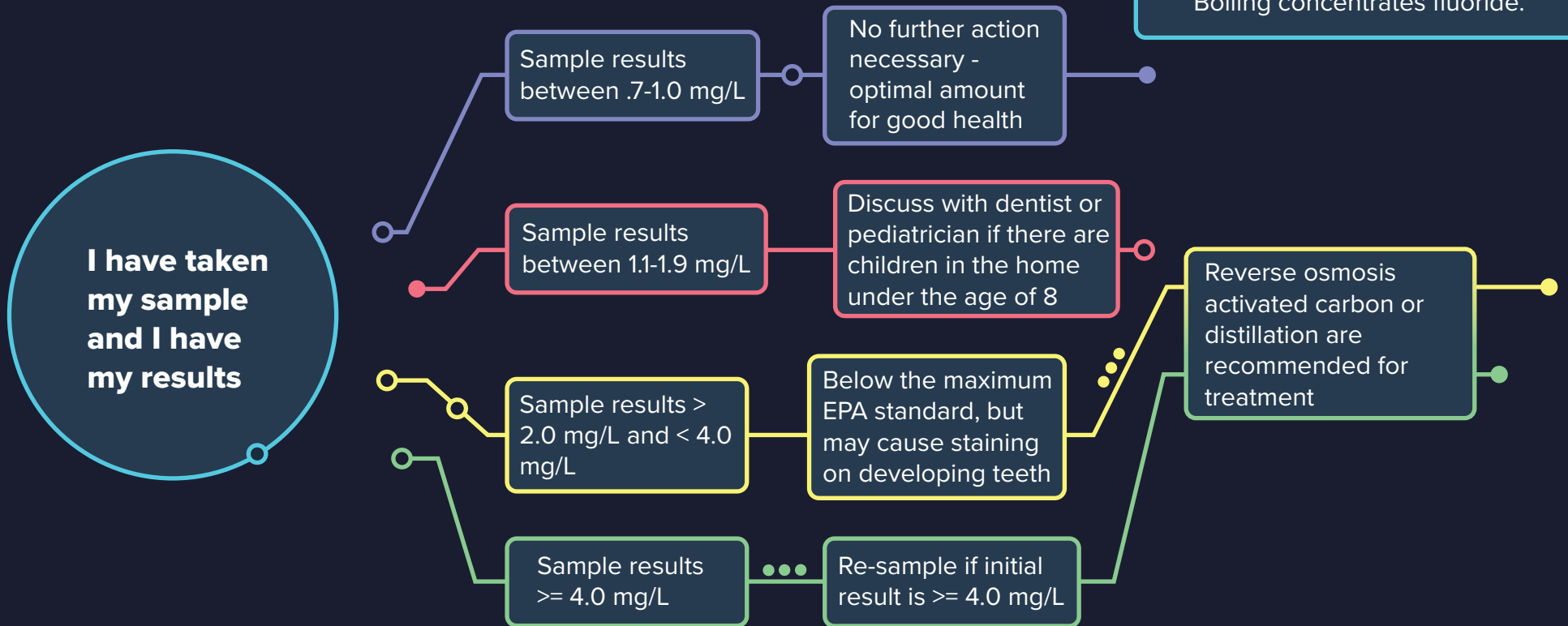
FLUORIDE

A naturally occurring mineral that is released from rocks into the soil, water, and air.

Sample for fluoride: When you move into a home and every 3-5 years.

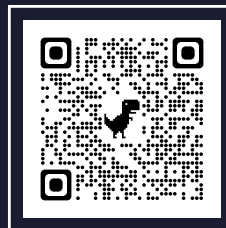
Important Tips:

1. Call a qualified water professional for maintenance and repair.
2. Do not boil water before drinking. Boiling concentrates fluoride.



Visit Environmental Health (EH) website:

<https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water> for instructional how-to videos and recommendations.



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July 2023

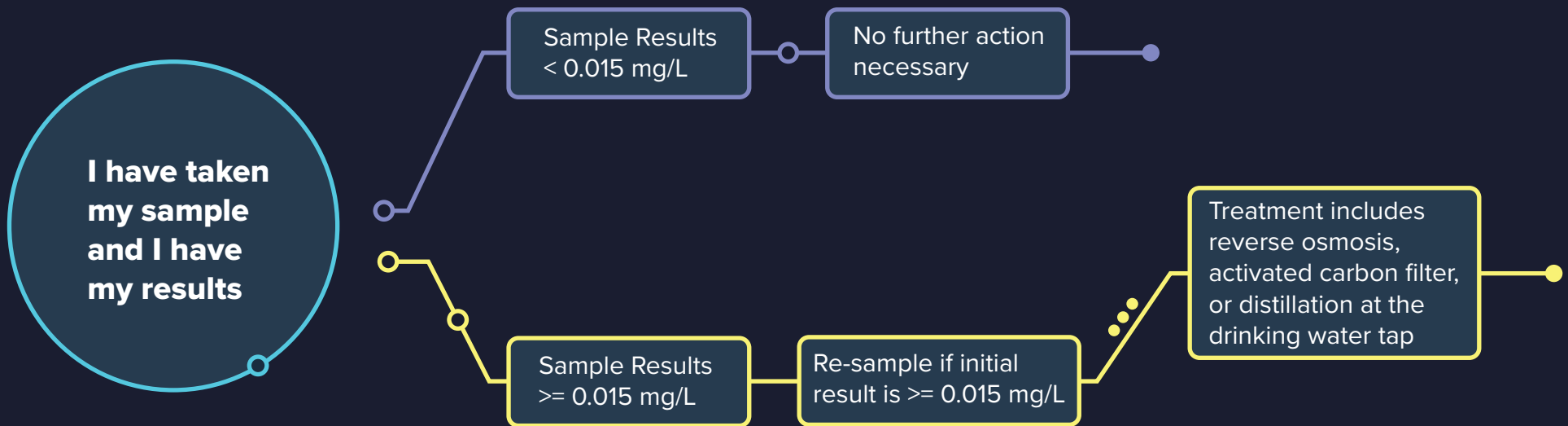
LEAD

Lead can enter drinking water when a chemical reaction occurs in plumbing materials that contain lead. Corrosion is more severe when water has high acidity or low mineral content. Household plumbing fixtures, welding solder, and pipe fittings made prior to 1986 are more likely to contain lead.

Test to determine if household plumbing or service lines contain lead.

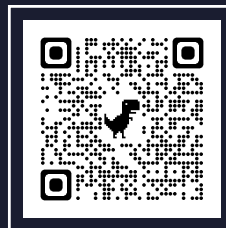
Important Tips:

1. Call a qualified water professional for maintenance and repair.
2. Do not boil water before drinking. Boiling concentrates lead.



Visit Environmental Health (EH) website:

<https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water> for instructional how-to videos and recommendations.



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July 2023

MANGANESE

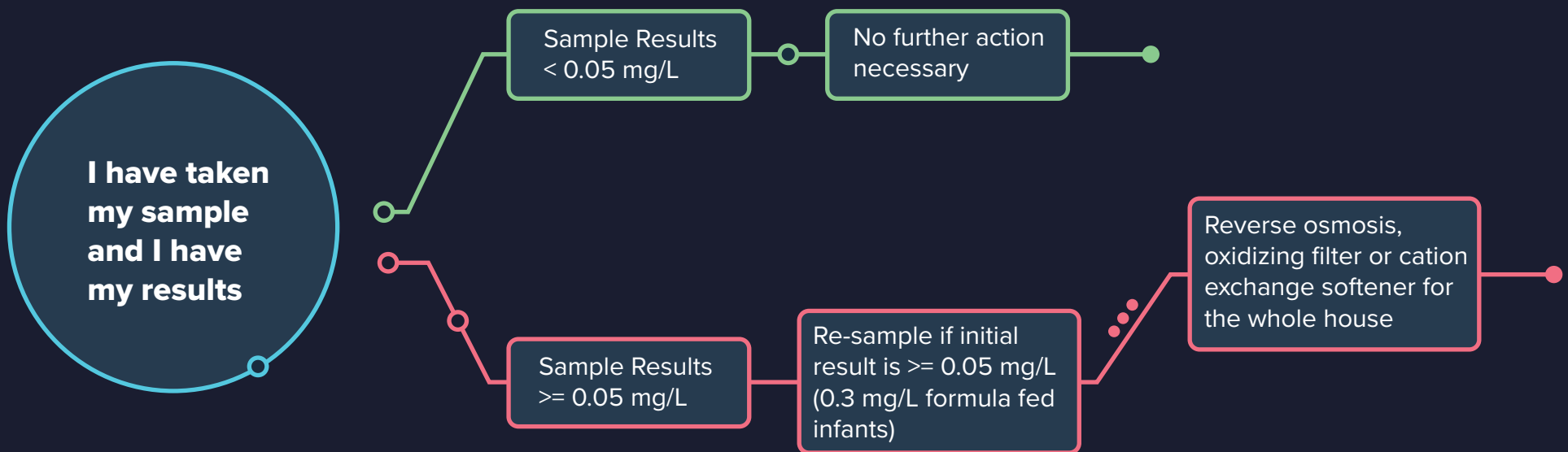
A naturally occurring mineral in rocks and soil in regions of Idaho and can be found in drinking water sources. You might suspect manganese is in your water if it is discolored (brownish red), causes staining of plumbing fixtures or clothing, or has an off-taste or odor.

Sample for Manganese: when you move in and then every 3-5 years and if you have a formula-fed infant under 6 months.

► Consider testing when water softener is needed to treat hard water or there is staining of plumbing fixtures or laundry.

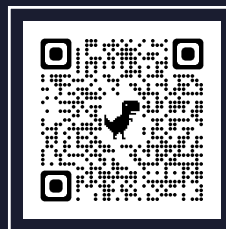
Important Tips:

1. Call a qualified water professional for maintenance and repair.
2. Do not boil water before drinking. Boiling concentrates manganese.



Visit Environmental Health (EH) website:

<https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water> for instructional how-to videos and recommendations.



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NITRATE

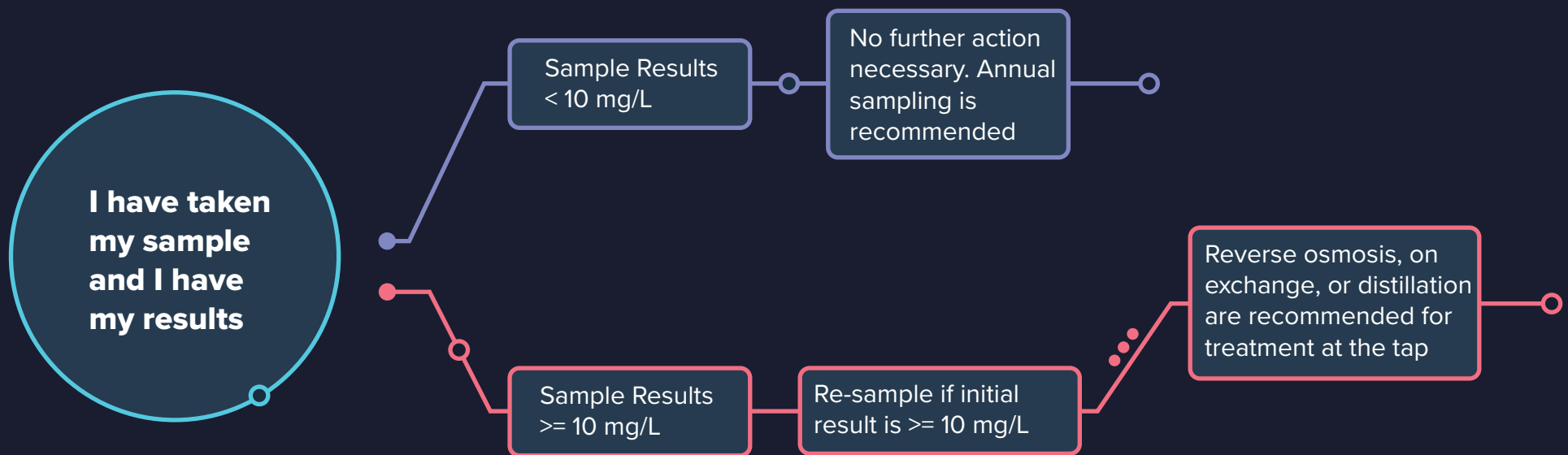
A chemical found in most fertilizers, manure, and liquid waste discharge from septic tanks. Natural bacteria in soil can convert nitrogen into nitrate. Rain or irrigation water can carry nitrate down through the soil into groundwater.

Sample for Nitrate: When you move in and once a year.

► Consider testing if near intensive agriculture.

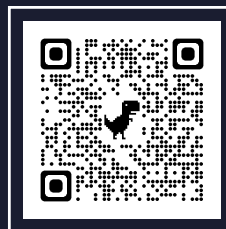
Important Tips:

1. Call a qualified water professional for maintenance and repair.
2. Do not boil water before drinking. Boiling concentrates nitrates.



Visit Environmental Health (EH) website:

<https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water> for instructional how-to videos and recommendations.



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July 2023

pH

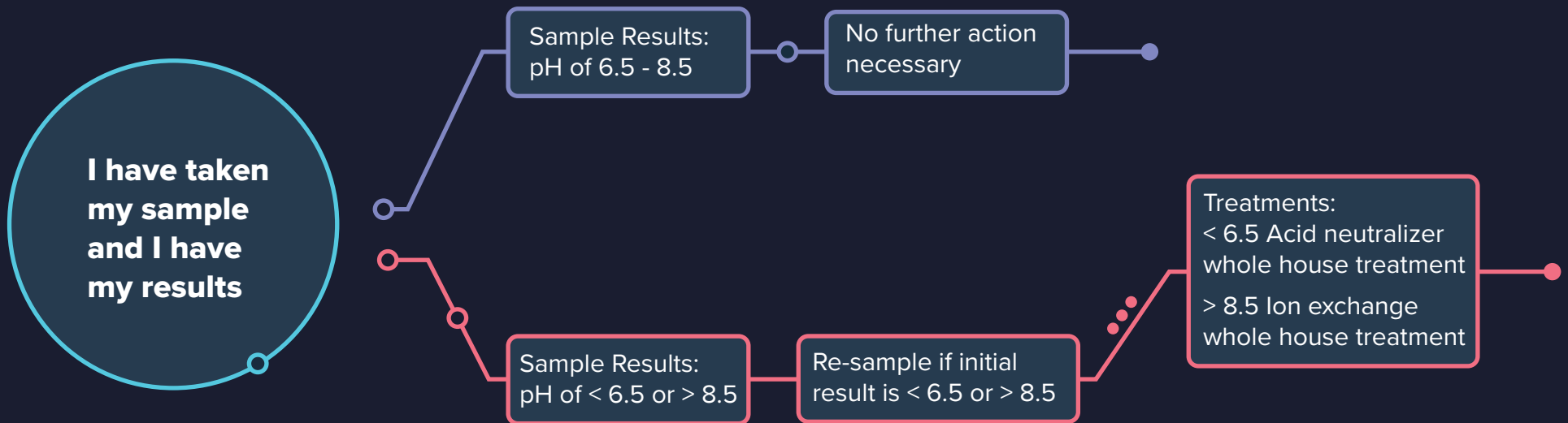
pH is a measurement of how acidic/alkaline water is. In its purest form, water has a pH of 7, which is at the exact center of the pH scale. A change in pH can change the chemical state of contaminants. Most water for use has a pH of between 6.5 and 8.5.

Sample for pH: Periodically or if the water does not taste normal.

▶ Consider testing if there is corrosion of plumbing.

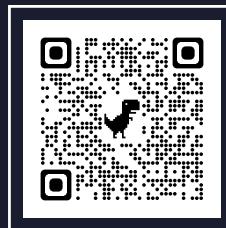
Important Tips:

- Call a qualified water professional for maintenance and repair.



Visit Environmental Health (EH) website:

<https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water> for instructional how-to videos and recommendations.



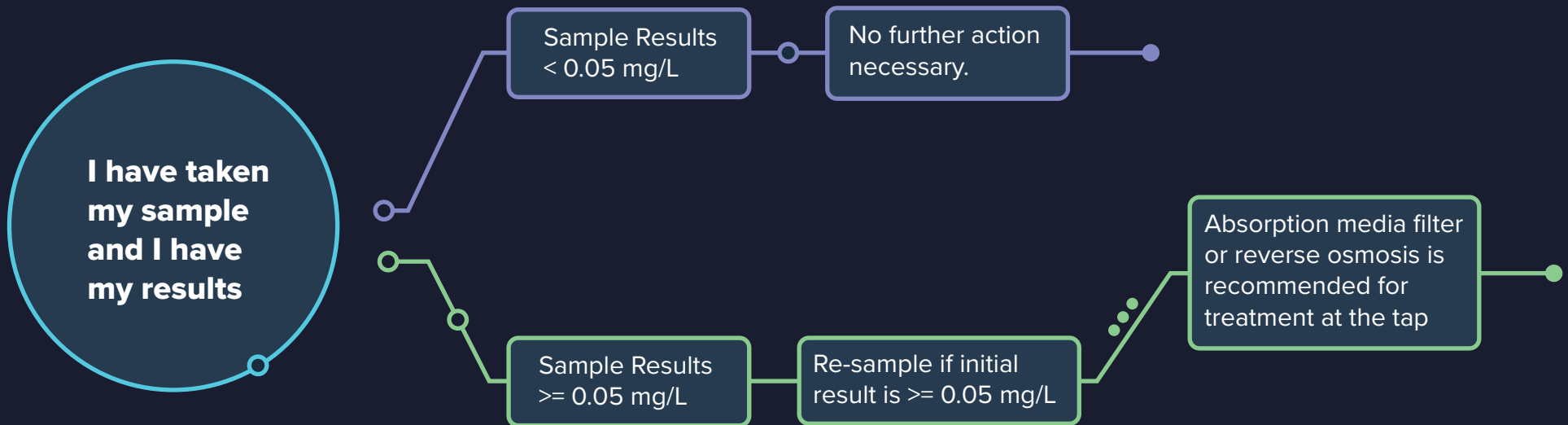
SELENIUM

Selenium is a natural element found in rocks deep underground and soil. In the environment, selenium is found joined to other elements like sulfur, silver, copper, lead, and nickel. Selenium is used in the electronics industry and glass production.

Sample for Selenium: When you move into a home and every 3-5 years.

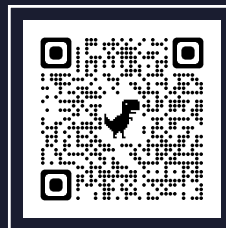
Important Tips:

1. Call a qualified water professional for maintenance and repair.
2. Do not boil water before drinking. Boiling concentrates selenium.



Visit Environmental Health (EH) website:

<https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water> for instructional how-to videos and recommendations.



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July 2023

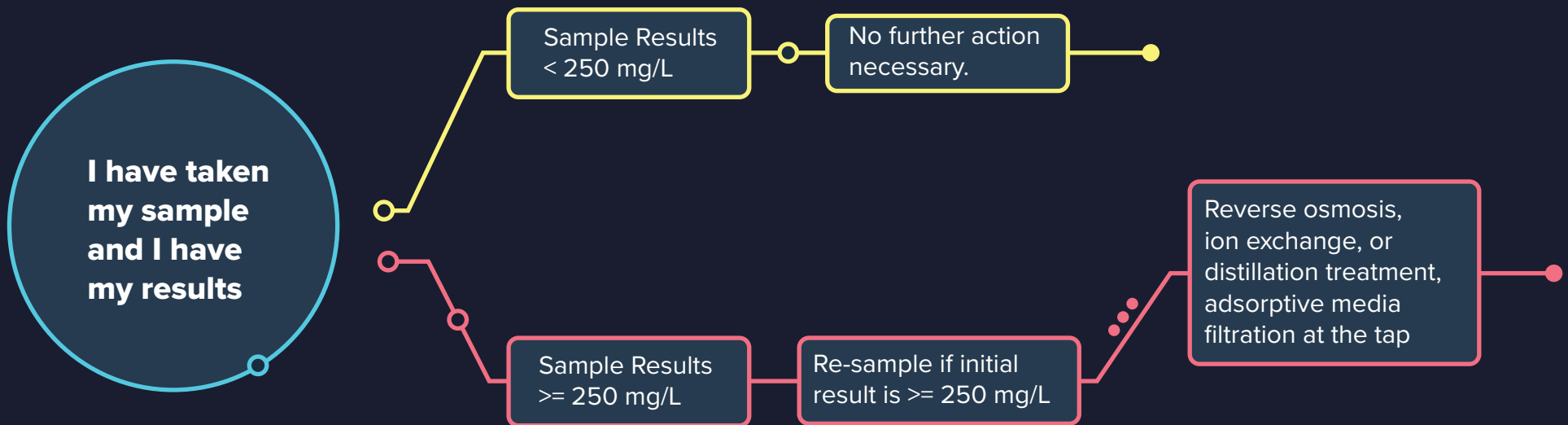
SULFATE

Is a group of mineral salts that are natural or human-made. These salts can be found in soil, air, and water.

Sample for Nitrate: if the water tastes, smells, or looks strange.

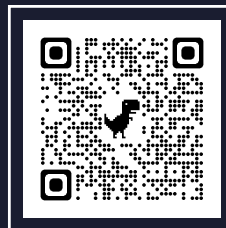
Important Tips:

1. Call a qualified water professional for maintenance and repair.
2. Do not boil water before drinking. Boiling concentrates sulfates.



Visit Environmental Health (EH) website:

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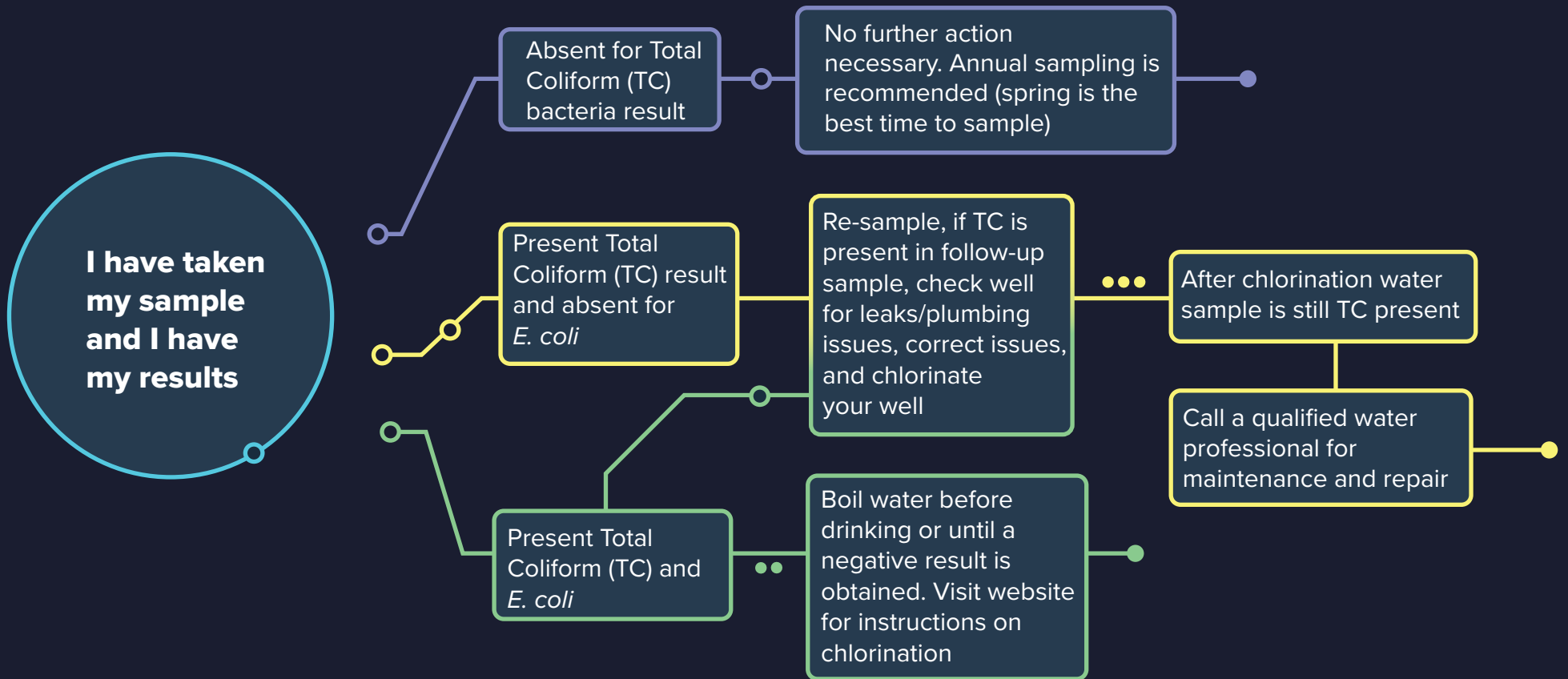
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July 2023

TOTAL COLIFORM (TC) BACTERIA

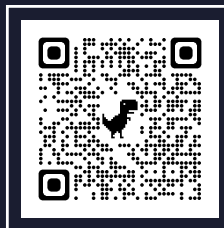
Bacteria are commonly found in soil, surface water, on plants, and in the intestines of humans and warm-blooded animals. TC bacteria are an indicator that contamination has entered the water.

Do you know how to take a water sample? Test yearly or if there is a flooding event, major water leak, problems with a septic tank, or if the well pump has been serviced.



Visit Environmental Health (EH) website:

<https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water> for instructional how-to videos and recommendations.



URANIUM (GROSS ALPHA & U-228)

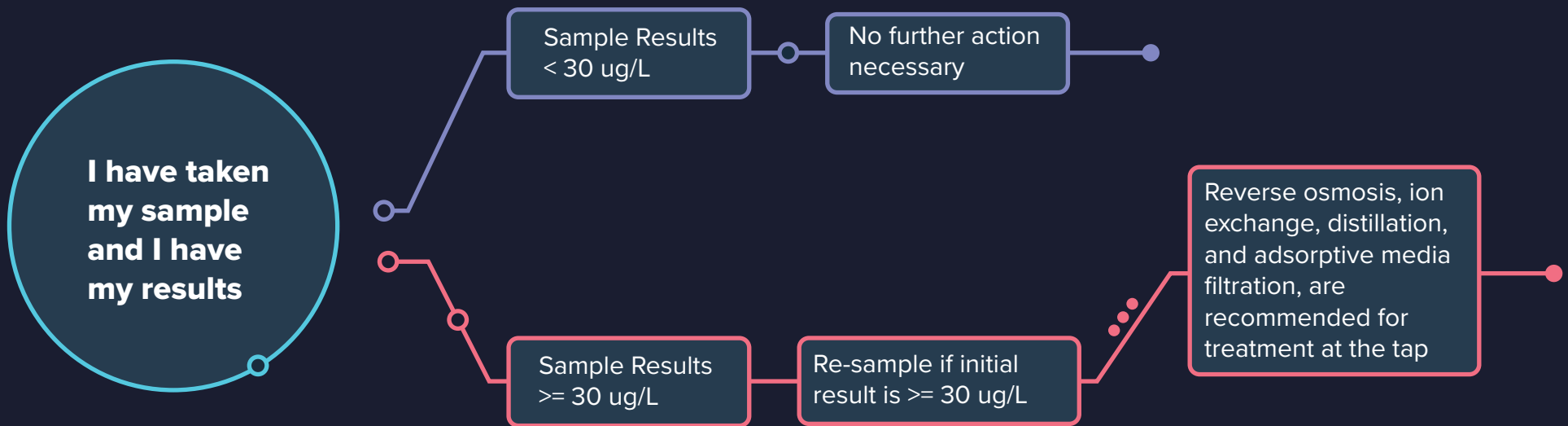
Uranium is a naturally occurring, mildly radioactive compound commonly found in rocks, soil, and water. Uranium in well water is caused by uranium in the rock where the well is drilled.

Sample for Uranium: When you move into a home and every 3-5 years.

▶ Consider testing if mining or refining processing are nearby.

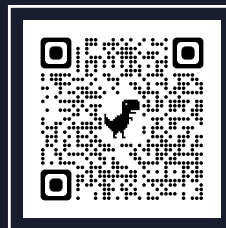
Important Tips:

1. Call a qualified water professional for maintenance and repair.
2. Do not boil water before drinking. Boiling concentrates uranium.



Visit Environmental Health (EH) website:

<https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water> for instructional how-to videos and recommendations.



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July 2023

Water Quality Analyte	When to Test	Why to Test	EPA Set Limits	Recommended Treatment
Total Coliform Bacteria and <i>E. coli</i>	Annually (Spring is best) and if there is a flooding event, major water leak, problems with a septic tank, or if the well pump has been serviced	Stomach cramps, pain, diarrhea, vomiting, fever	Zero/Absent	For treatment types, maintenance info, and cost please refer to the Water Treatment Brochure . It is recommended you use an NSF International certified treatment device to treat your water.
Nitrate	Annually (Spring is the best)	Lessens ability of blood to carry oxygen	10 mg/L*	
Lead	Periodically. Test the kitchen tap between June and August. Collect first thing in the morning after water has sat in the pipes overnight. Sample instructions .	Children – physical or mental delays. Adults – kidney problems, high blood pressure	0.015 mg/L*	
Arsenic	When you move in and every 3-5 years	Causes cancer and skin lesions	10 ug/L*	
Fluoride	When you move in and every 3-5 years	Ideal amount for oral health	0.7 mg/L	
		Tooth discoloration, potential bone issues	4.0 mg/L or >	
Manganese	Periodically or as needed and if you have a formula-fed infant under 6 months	Poor taste, color, staining, problems with memory, attention, and motor skills	0.05 mg/L*	
Uranium	When you move in and every between 3-5 years	Kidney damage	30 ug/L*	
Selenium	Periodically or as needed	Hair loss and circulation problems	0.05 mg/L*	
Sulfate	Water tastes, smells, or looks strange	Diarrhea, salty taste	250 mg/L*	
pH	Periodically or as needed	<6.5 Dissolve metal in plumbing and taste metallic	6.5 – 8.5	<6.5 Acid neutralizer whole house treatment
		>8.5 Soda taste and slippery		>8.5 Ion exchange whole house treatment

* Values should be less than this number.

Test After: Natural disasters like floods and earthquakes, well damage, new well construction, addition of water treatment, when buying a home with a well, when children will be living in the home, if the well has never been tested before, when there is a change in water availability, when there is a change in water clarity, or if there is a new smell to the water.

Learn more at: <https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water>. Certified drinking water laboratories in Idaho: <https://publicdocuments.dhw.idaho.gov/WebLink/Browse.aspx?id=2940&dbid=0&repo=PUBLIC-DOCUMENTS>. To learn how to take your sample properly, please watch our videos: <https://healthandwelfare.idaho.gov/health-wellness/environmental-health/drinking-water>.

Primary

		Water Treatment Options:	Reverse Osmosis	Activated Carbon Filter	Aeration & Filtration	Ion Exchange (Anion & Cation)	Ozone & Filtration	Chlorination	Ultraviolet	Distillation	Adsorptive Media Filtration	Oxidation Filtration System	Water Softening	Cost Range for Treatment
		Primary Use	Reduces the concentration of dissolved and suspended impurities in water.	Removes chlorine and some organics. Addresses general taste, odor issues, and some metals. Contaminant removal also relies on filter's pore size.	Brings oxygen into the water to promote contaminants to clump together for improved filtration.	Reduces water hardness, removing dissolved minerals and prevents scale deposits.	Ozone is generated and injected into the water to kill bacteria and viruses. The ozone changes dissolved contaminants into larger solid particles that can be filtered out.	Owner adds chlorine into water to kill bacteria and viruses. Also helps dissolved and clump contaminants together into solid particles to be filtered.	A UV lamp shines UV rays through the water to kill bacteria, viruses, and other pathogens.	Removes most impurities and disinfects by boiling water, then condensing steam.	A charged media bed that causes ions of the opposite charge (contaminants) to be pulled out of the water and attach to the media*	Contaminants cling to a precipitate and removes impurities by filtration.	Salt removes dissolved minerals by replacing positively charged minerals in the water	
Contaminants	(EPA DW Standard):													
Lead (Source: Plumbing)*	0.015 mg/L		✓	✓						✓				\$800-\$3000
Arsenic	0.010 mg/L		✓	✓	✓ (Partial with high iron)	✓ (Anion)	✓ (Partial with high iron)	✓ (high iron)		✓	✓ (Both)	✓ (high iron)		\$800-\$3000
Uranium (gross alpha & U-228)*	30 ug/L		✓			✓ (Anion)				✓	✓ (alumina)	✓		≥\$800
Fluoride	4.0 mg/L		✓	✓		✓ (Anion)				✓	✓ (alumina)			≥\$800
Nitrate	10 mg/L		✓			✓ (Anion)				✓				≥\$800
Mercury	0.002 mg/L		✓	✓						✓				\$800-\$4000
Selenium	0.05 mg/L		✓			✓ (Anion)				✓	✓ (alumina)			N/A
VOCs	Variable (0.003-10 mg/L)		✓	✓	✓					✓ (Partial)				N/A
Copper (Source: Pipes)	1.3 mg/L		✓	✓						✓			✓	\$800-\$3000
Total Coliforms*	Presence/Absence		✓	✓			✓		✓	✓				≤\$150
Cyanotoxins*	Varies		✓	✓						✓ (Partial)				N/A
PFAS	TBD		✓	✓ (Partial)						✓				N/A
Iron	0.3 mg/L		✓		✓	✓ (Cation)	✓			✓		✓	✓	≤\$3000
Where to get these treatments:		Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	
(POU) Install Cost:		\$300-\$1500	\$10-\$100	N/A	\$300 (One Tank system) \$1000 (Two-Tank system)	N/A	N/A	N/A	\$150-\$300	\$300-\$1200	\$300-\$700	\$1000-\$3000	N/A	
(POU) Maintenance Cost:		\$100-\$200 every 1 or 2 years	\$10-\$100 every few months to replace filter/cartridge	N/A	~\$3.50 for 40 lbs. of IE salt	N/A	N/A	N/A	\$50-\$100 per year	Varies by energy cost to boil water	\$300-\$500 every 6 to 12 months	Varies	N/A	
(POE) Install Cost:		\$5,000-\$12,000	\$500-\$3000	\$800-\$4000	Anion: \$1500-\$2500	Contact your local water treatment specialist for a quote	\$500-\$2500	\$250-\$800	N/A	\$2400-\$4500	\$1,500-\$3,000	\$200-\$3,000		
(POE) Maintenance Cost:		\$250-\$500 every 1 to 2 years	Varies by water usage, application of disinfectant, and replacement of filter	Varies based on extra water use and filter media replacement	Anion: \$700-\$900 every 8 to 10 years	Varies based on water usage, cost of ozone disinfectant, energy costs, and filter replacement	Varies by cost of bleach, extra water to backwash, and replacement of filter media	~\$100 per year but varies by cost of electricity	N/A	\$700 to \$900 every year	\$60-\$2300 (Varies by water usage, cost of chemicals, filter media)	\$50-\$300 per year for salt		

Secondary

Water Treatment Options:		Reverse Osmosis	Activated Carbon Filter	Aeration & Filtration	Ion Exchange (Anion & Cation)	Ozone & Filtration	Chlorination	Ultraviolet	Distillation	Adsorptive Media Filtration	Oxidation Filtration System	Water Softening	Cost Range for Treatment
Primary Use		Reduces the concentration of dissolved and suspended impurities in water.	Removes chlorine and some organics. Addresses general taste, odor issues, and some metals. Contaminant removal also relies on filter's pore size.	Brings oxygen into the water to promote contaminants to clump together for improved filtration.	Reduces water hardness, removing dissolved minerals and prevents scale deposits.	Ozone is generated and injected into the water to kill bacteria and viruses. The ozone changes dissolved contaminants into larger solid particles that can be filtered out.	Owner adds chlorine into water to kill bacteria and viruses. Also helps dissolved and clump contaminants together into solid particles to be filtered.	A UV lamp shines UV rays through the water to kill bacteria, viruses, and other pathogens.	Removes most impurities and disinfects by boiling water, then condensing steam.	A charged media bed that causes ions of the opposite charge (contaminants) to be pulled out of the water and attach to the media*	Contaminants cling to a precipitate and removes impurities by filtration.	Salt removes dissolved minerals by replacing positively charged minerals in the water	
Contaminants	(EPA DW Standard):												
Chloride	250 mg/L	✓							✓				N/A
Manganese	0.05 mg/L	✓		✓	✓(Cation)	✓			✓		✓	✓	≤\$3000
Aluminum	0.05-0.2 mg/L	✓							✓				N/A
Fluoride	2.0 mg/L	✓	✓						✓				≥\$800
Silver	0.10 mg/L	✓							✓				N/A
Sulfate	250 mg/L	✓			✓ (Anion)				✓	✓ (alumina)			≤ \$3000
Total Dissolved Solids	500 mg/L	✓							✓				N/A
Hydrogen Sulfide Gas*	No limit		✓	✓	✓	✓					✓		N/A
Zinc	5 mg/L								✓				N/A
Where to get these treatments:		Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	Plumbing & Houseware Stores	
(POU) Install Cost:		\$300-\$1500	\$10-\$100	N/A	\$300 (One Tank system) \$1000 (Two-Tank system)	N/A	N/A	\$150-\$300	\$300-\$1200	\$300-\$700	\$1000-\$3000	N/A	
(POU) Maintenance Cost:		\$100-\$200 every 1 or 2 years	\$10-\$100 every few months to replace filter/cartridge	N/A	~\$3.50 for 40 lbs. of IE salt	N/A	N/A	\$50-\$100 per year	Varies by energy cost to boil water	\$300-\$500 every 6 to 12 months	Varies	N/A	
(POE) Install Cost:		\$5,000-\$12,000	\$500-\$3000	\$800-\$4000	Anion: \$1500-\$2500	Contact your local water treatment specialist for a quote	\$500-\$2500	\$250-\$800	N/A	\$2400-\$4500	\$1,500-\$3,000	\$200-\$3,000	
(POE) Maintenance Cost:		\$250-\$500 every 1 to 2 years	Varies by water usage, application of disinfectant, and replacement of filter	Varies based on extra water use and filter media replacement	Anion: \$700-\$900 every 8 to 10 years	Varies based on water usage, cost of ozone disinfectant, energy costs, and filter replacement	Varies by cost of bleach, extra water to backwash, and replacement of filter media	~\$100 per year but varies by cost of electricity	N/A	\$700 to \$900 every year	\$60-\$2300 (Varies by water usage, cost of chemicals, filter media)	\$50-\$300 per year for salt	

Important Information	Conditions or nearby activities:	Test for:
Lead*	Recurring GI illness	Coliform bacteria
Arsenic	Household plumbing or service lines with lead	pH, alkalinity, hardness, lead, copper
Uranium*	Radon in indoor air	Radon
Cyanotoxins*	Corrosion of pipes	Corrosion, pH, alkalinity, lead, copper
Hydrogen Sulfide gas*	Nearby agriculture	Nitrate, pesticides, coliform bacteria
Total Coliform *	Nearby coal or mining operations Nearby gas drilling Buried fuel tanks or gasoline odor	Metals, pH, corrosion Chloride, sodium, barium, strontium Volatile Organic Compounds (VOCs)
Aeration & Filtration	Nearby landfill, factory, gas stations, or dry cleaning	VOCs, pH, sulfate, chloride, metals
Adsorptive media	Scaly residues, soaps don't lather	Hardness
Activated Carbon Filter	Water softener to treat hardness Stained plumbing fixtures, laundry Objectionable taste or smell Cloudy, frothy, or discolored water Rapid wear of water treatment equipment Salty taste, or a heavily salted roadway nearby	Manganese, iron (before purchase) Iron, copper, manganese Hydrogen sulfide, corrosion, pH, alkalinity, hardness, metals Color, detergents pH, corrosion, alkalinity, hardness Chloride, TDS, sodium
Chlorination		
Oxidation & Filtration		
Ozone & Filtration		
Definitions		
Alumina	Aluminum oxide, a white or nearly colourless crystalline substance.	
Anion	Negatively charged ion	
Cation	Positively charged ion	
N/A	Not Available	
POE	Point of Entry: Equipment or water treatment devices installed to treat the water entering a house or building for the purpose of treating water distributed throughout the entire house or building. Point of Use: Water treatment devices which filter water right where you use it. These can be installed on a single faucet, a spigot, or a shower which connect to water lines or even filtration pitchers you fill with tap water.	
POU		
First time testing recommendations		
	Coliform Bacteria	
	Nitrate/Nitrite	
	Chloride	
	pH (acidity)	
	Iron	
	Manganese	
	Sulfate	
	Hardness	
	Alkalinity	
	Total Dissolved Solids	
	Lead	
	Arsenic	
Water Facts: Home Water Treatment Options	https://privatewellassoc.org/Portals/2/Documents/Hosted%20Resources/10_Water%20Facts%20Home%20Treatment%20Options_Arizona%20Cooperative%20Extension.pdf?ver=2018-04-20-173131-913&timestamp=1524264181471	
Well Owner's Handbook	https://privatewellassoc.org/Portals/2/Documents/Hosted%20Resources/10_Well%20Owners%20Handbook_Minnesota%20Department%20of%20Health.pdf?ver=2018-03-20-155704-067	
Arizona Know your Water	https://privatewellassoc.org/Portals/2/Documents/Hosted%20Resources/10_Arizona%20Know%20Your%20Water_Arizona%20Cooperative%20Extension.pdf?ver=2018-04-20-173156-180&timestamp=1524264283891	
EPA National Primary Drinking Water Regulations	https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations	
CDC Drinking Water Treatment Technologies for Household Use	https://www.cdc.gov/healthywater/drinking/home-water-treatment/water-filters.html	
Wellowner.org	https://wellowner.org/	
drinktaps.org	https://drinktaps.org/	
Fresh Water Systems	https://www.freshwatersystems.com/blogs/blog/types-of-drinking-water-contaminants-and-how-to-remove-them	
Wellcare Water Treatment	www.watersystemscouncil.org/download/wellcare_information_sheets/well_water_testing_&_treatment_information_sheets/Water-Treatment.pdf	
Minnesota DPH	https://www.health.state.mn.us/communities/environment/water/docs/factsheet/hometreatment.pdf	
Private Well Class: Water Treatment Solutions	https://privatewellassoc.org/lesson-10	
Goal:		
Develop a list of common contaminants that people can test for and what they need to test their wells		
Resource link:	https://extension.psu.edu/the-water-we-drink	
	https://www.epa.gov/privatewells/protect-your-homes-water#preventwellanchor	
	https://www.epa.gov/privatewells/potential-well-water-contaminants-and-their-impacts	
	https://www.watersystemscouncil.org/download/wellcare_information_sheets/wellcare%20information_brochures/WSC_Homeowners_Revised_Brochure.pdf	

IDAHO DEPARTMENT OF AGRICULTURE
ANIMAL INDUSTRIES / DAIRY/CAFO
BUREAU, PO BOX 790, BOISE ID
83701-0790 (208) 332-8550

LIVESTOCK ENVIRONMENTAL
INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY/EMAIL
AK Feeders

Physical & Mailing: 21696 Stalene Road
Wildor, ID 83676

Owner: David De Benedetti

Manager: Malt Morford

DATE: Jan. 22, 2018
TIME: 3:00 p.m.
OF ANIMALS:
Fresh & Dry: 0
Replacements: 0
Beef: 0
Poultry: 0
Other Capacity: 500

INSPECTION TYPE:
 ROUTINE
 FOLLOW-UP
 PRE-QUALIFYING
 QUALIFYING
 COMPLAINT
 NMP REVIEW
 OTHER

REPEAT NON-COMPLIANCE
DISCHARGE INSPECTION
UPDATE NMP
TIME FRAME:
PLANT / PERMIT #:
993

Mail Reports

ITEM/DESCRIPTION

I. WASTE SYSTEM

a. Waste Containment

X

Type

Freeboard

b. Corral/Facility Containment

X

In-Corral Pond

c. Separation System

d. Construction Approved

e. Adequate Liquid Storage

f. Land Application Appropriately
Managed

g. Evidence of Past Discharge

X

h. Animals Confined From Waterways

X

Compliance Date:

Terms of Compliance:

Remarks:

This facility operates primarily as a weaning and backgrounding lot for producer's own livestock. The lot is mainly utilized during the winter months (Mid October-December).

Feedlot had already been emptied for the season prior to inspection.

1. a/b. Waste containment is achieved across the lot utilizing in-corral containment and berming. Producer has placed berming on the Eastern side of the feedlot, between the corral perimeter and the producer's own field. Solids are being mounded within the pens and will potentially be applied to producer's own fields, but have not been applied to any fields in several years.

Water troughs across the lot are on floats.

Deads are buried in accordance with ISDA rules and regulations.

g. No evidence of past or current discharge at this time.

h. Pens possess the structural integrity in order to adequately confine cattle from nearby water and roadways.

No NMP required as facility capacity is less than 1,000 head.

RECEIVED JAN 29 2018

Photographs Attached

INSPECTOR SIGNATURE Kelsey Swainston

Digitally signed by Kelsey Swainston
Date: 2018.01.29 12:17:18 -0700

Delivered to Producer By: US Mail

Date: 1/29/2018

De Bencletti

#993

IDAHO DEPARTMENT OF AGRICULTURE
ANIMAL INDUSTRIES / DAIRY/CAFO BUREAU
PO BOX 7249, BOISE ID 83707
(208) 332-8550

LIVESTOCK ENVIRONMENTAL INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY/EMAIL
AK Feeders

21696 Stalene Rd, Wilder, ID 83676

Owner: David De Bencletti
Manager: Matt Morford

PLANT/PERMIT # 993

DATE: 2/7/19

OF ANIMALS:

Fresh & Dry: _____

Replacements: _____

Beef: 105

Poultry: _____

Other: Capacity: 500

INSPECTION TYPE:

- ROUTINE
- FOLLOW-UP
- PRE-QUALIFYING
- QUALIFYING
- COMPLAINT
- NMP REVIEW
- OTHER

REPEAT NON-COMPLIANCE

DISCHARGE INSPECTION

UPDATE NMP

TIME START: 11:30 am

TIME FINISH: 12:15 pm

ITEM/DESCRIPTION	Compliant	Non-Compliance	Discharge
I. WASTE SYSTEM			
a. Waste Containment	X		
Type			
Freeboard			
b. Corral/Facility Containment	X		
<input checked="" type="checkbox"/> In-Corral <input type="checkbox"/> Pond			
c. Separation System			
d. Construction Approved			
e. Adequate Liquid Storage			
f. Land Application Appropriately Managed			
g. Evidence of Past Discharge	X		
h. Animals Confined From Waterways	X		

Remarks:

Matt Morford, Manager, was contacted to schedule the inspection. Mr. Morford was present during the inspection and provided the information for this report.

This facility operates as a medium AFO with a capacity of 500 head. There are approximately 105 head of cattle currently in the feedlot. This facility primarily utilizes these lots to wean and background their own calves.

1 a/b
Waste containment is achieved by utilizing in corral containment and berming. Each pen has a low spot where liquid waste accumulates. If any run off occurs it is captured by a berm on the eastern side of the feedlot between the perimeter of the corrals and the producers own field.
Solids are mounded with in pens and are hauled out every 2-3 years on an as needed basis. When solids are hauled out they are land applied to producers own fields.

Water troughs exist on floats.

Deads are buried in accordance with ISDA rules and regulations.

g.
No evidence of past or current discharge

h.
Pens possess structural integrity to confine cattle from nearby water and roadways.

No NMP is required as facility capacity is less than 1,000 head.

The weather was sunny and approximately 28 degrees Fahrenheit.

Compliance Date:

Terms of Compliance:

Photographs Attached

INSPECTOR SIGNATURE **Kayla Wesoloski**

Digitally signed by Kayla Wesoloski
Date: 2019.02.19 14:28:08 -0700

Delivered to Producer By: US Mail

Date:

RECEIVED FEB 20 2019

De Benedetti

#993

IDAHO DEPARTMENT OF AGRICULTURE
ANIMAL INDUSTRIES / DAIRY/CAFO BUREAU
PO BOX 7249, BOISE ID 83707
(208) 332-8550

LIVESTOCK ENVIRONMENTAL INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY/EMAIL
Facility: AK Feeders

Owner: David De Benedetti

Address: 21696 Stalene Rd, Wilder, ID 83676

Manager: Matt Morford

PLANT/PERMIT # 993

DATE: 1.09.2020

OF ANIMALS:

Fresh & Dry: _____
Replacements: _____
Beef: Approx. 150
Poultry: _____
Other Capacity: 500

INSPECTION TYPE:

- ROUTINE
- FOLLOW-UP
- PRE-QUALIFYING
- QUALIFYING
- COMPLAINT
- NMP REVIEW
- OTHER

REPEAT NON-COMPLIANCE

DISCHARGE INSPECTION

UPDATE NMP

TIME START: 12:30

TIME FINISH: 1:00

ITEM/DESCRIPTION	Comment	Non-Compliance	Discharge
1. WASTE SYSTEM			
a. Waste Containment	X		
Type			
Freeboard	X		
b. Corral/Facility Containment	X		
<input type="checkbox"/> In-Corral <input type="checkbox"/> Pond			
c. Separation System			
d. Construction Approved			
e. Adequate Liquid Storage	X		
f. Land Application Appropriately Managed			
g. Evidence of Past Discharge	X		
h. Animals Confined From Waterways	X		

Remarks:

This facility operates as a medium AFO with a capacity of 500 head. There are approximately 150 head of cattle currently in the feedlot. This facility primarily utilizes these lots to wean and background their own calves.

1 a/b
Waste containment is achieved by utilizing in corral containment and berming. Each pen has a low spot where liquid waste accumulates. If any run off occurs it is captured by a berm on the eastern perimeter of the feedlot between the corrals and the producers own field.
Solids are mounded with-in corrals and are hauled out every 2-3 years on an as needed basis. When solids are hauled out they are land applied to producers own fields.

1g.
No evidence of past discharge at this time.

1h.
Animals are confined from waterways.

*Additional Notes:
Water troughs are on a float system.
Weather at the time of the inspection was approximately 36 degrees and sunny.
Deads are buried in accordance with ISDA rules and regulations.

Compliance Date:

Terms of Compliance:

RECEIVED JAN 15 2020

Photographs Attached

INSPECTOR SIGNATURE **Daniel Chaney**

Digitally signed by Daniel Chaney
Date: 2020.01.13 11:51:55 -07'00'

Delivered to Producer By: US Mail

Date: 1.09.2020

De Bendetti

#9923

IDAHO DEPARTMENT OF AGRICULTURE
ANIMAL INDUSTRIES / DAIRY/CAFO BUREAU
PO BOX 7249, BOISE ID 83707
(208) 332-8550

LIVESTOCK ENVIRONMENTAL
INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY/EMAIL
Facility: AK Feeders

Owner: David De Bendetti

Address: 21696 State Line Rd, Wilder, ID 83676

Manager: Matt Morford

PLANT/PERMIT # 993

DATE: 1.19.2021

OF ANIMALS:
Fresh & Dry: _____
Replacements: _____
Beef: Approx. 200
Poultry: _____
Other Capacity: 500

INSPECTION TYPE:
 ROUTINE
 FOLLOW-UP
 PRE-QUALIFYING
 QUALIFYING
 COMPLAINT
 NMP REVIEW
 OTHER

REPEAT NON-COMPLIANCE
DISCHARGE INSPECTION
UPDATE NMP
TIME START: 10:00
TIME FINISH: 10:30

ITEM/DESCRIPTION	Compliant	Non-Compliance	Discharge
I. WASTE SYSTEM			
a. Waste Containment	X		
Type In-Corral			
Freeboard			
b. Corral/Facility Containment	X		
<input checked="" type="checkbox"/> In-Corral <input type="checkbox"/> Pond			
c. Separation System			
d. Construction Approved			
e. Adequate Liquid Storage	X		
f. Land Application Appropriately Managed			
g. Evidence of Past Discharge	X		
h. Animals Confined From Waterways	X		

Remarks

This facility operates as a medium AFO with a capacity of 500 head. At the time of this inspection approximately 200 head of cattle were in the feedlot. This facility primarily utilizes these lots to wean and background their own calves.

1 a/b

Waste containment is achieved by utilizing berming to create in-corral containment. Each corral has a low spot where liquid waste accumulates. If any run off occurs it is captured by a berm on the eastern perimeter of the feedlot between the corrals and the producers own field.

Solids are mounded with-in corrals and are removed every 2-3 years on an as needed basis. When solids are removed they are land applied to producers own fields.

1g.

No evidence of past discharge at this time.

1h.

Animals are confined from waterways.

*Additional Notes:

Water troughs are on a float system.

Weather at the time of the inspection was approximately 35 degrees and sunny.

Deads are buried in accordance with ISDA rules and regulations.

Compliance Date:

Terms of Compliance:

RECEIVED JAN 27 2021

Photographs Attached

INSPECTOR SIGNATURE Daniel Chaney

Digitally signed by Daniel Chaney
Date: 2021.01.27 12:12:01 -0700

Delivered to Producer By: US Mail

Date: 1.19.2021

My client Danny Cardoza has asthma and COPD he has had to increase his use of inhalers as well as add an additional daily inhaler, to keep his asthma under control. He enjoys working outside with his horses and should be able to enjoy the use of his own property. When the dry scraping of the feedlot next door takes place it affects him with the contaminated dust produced and he can't be out in it. I feel allowing this feedlot to expand to 3700 head of cattle will just make this situation worse and could affect his health more.

Than you for your consideration in this matter.



Dr. Patrick Stowell M.D.

3/27/24

TRELEGY ELLIPTA

(fluticasone furoate, umeclidinium, and vilanterol inhalation powder)

200 mcg/62.5 mcg/25 mcg

Savon
PHARMACY

#3366 20 E Wyoming Ave
Homedale, ID 83628

(208) 337-4888

STOWELL, PATRICK MD

512 N 21ST AVE
CALDWELL, ID 83606

Fill 04/01/2024

RX: 6280702

CARDOZA, DANNY W

31252 Peckham Rd Wilder, ID 83676

INHALE 1 PUFF ONCE A DAY

Discard After: 03/06/2025

LOT #: FUSY

Trelegy Ellipta 200-62.5-25

MCGIAXT AER GLAX

Orig: 06/25/2023 Refill 1 Dty: 12/23/2024 Qty: 60 RPH: MR-NAB

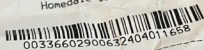
NDC: 80173-0893-10

95227

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Aiber
Store 3366 Dir Brian Wood
Main: (208) 337-4679 Rx: (208) 337-4888
20 E Wyoming
Homedale- ID 83628



00336602900632404011658

YOUR CASHIER TODAY WAS MARYSOL

PHARMACY

68710

68710

68710

#RX NON-TAX ITEM

#RX NON-TAX ITEM

#RX NON-TAX ITEM

TAX

**** BALANCE

Price	You Pay
129.36	129.36
22.37	22.37
0.00	0.00

0.00
151.73

Credit Purchase 04/01/24 16:57

CARD # *****6689

REF: 875759466890 AUTH: 00016863

151.73















CANYON COUNTY SHERIFF

Kieran Donahue
 Sheriff

Douglas S. Hart
 Chief Deputy

February 6, 2024

Christina Marston
 31396 Red Top Rd.
 Wilder, ID 83676
 ckmarstonclothing@gmail.com

Christina Marston


How we handled your request	
Request date. We received your request on: January 24, 2024	
Request content. Your full request is attached. We understood you to be asking for: Traffic incidents at Red Top Road or Peckham Road for the past 10-15 years	
Legal review.	<input checked="" type="checkbox"/> The Civil Division of the Canyon County Prosecuting Attorney's Office reviewed your request and the legal authority for redactions and denials in our response, if any, on 2/5/24 <input type="checkbox"/> We had the opportunity and chose not to consult a county attorney.
<input type="checkbox"/> Compilation. Because the records you requested pertained to a pending case, we did not compile responsive media records.	
CCSO provided the Canyon County Prosecutor's Office with: 14 pages	
of potentially responsive information for review, some of which may have been removed or redacted as noted below.	
<input type="checkbox"/> Discovery response from the Prosecutor's office. As a courtesy, we have directly routed your request to the Canyon County Deputy Prosecuting Attorney assigned to your case to process as a discovery request in accordance with the requirements of Idaho Criminal Rule 16.	
Why you received unredacted information	
<input type="checkbox"/> Government entity. Although the information you requested may typically be exempt from disclosure, as a government entity, you are subject to the same or similar legal obligations as our office regarding the dissemination of these records.	
<input type="checkbox"/> Court order. You need the requested records in order to comply with a court order (e.g., domestic violence evaluator, mental health evaluator, pre-sentence investigator).	
<input type="checkbox"/> Involved party. You have provided satisfactory information that you are requesting records about yourself or about an involved party for whom you are either an insurer, legal representative, parent (of a minor), or other authorized agent. Idaho Code ("I.C.") §§ 74-113, 74-105(1), and 74-124(2) for records involving a motor vehicle collision; I.C. § 74-113 only for all other record types.	
<input checked="" type="checkbox"/> Other. No redactions necessary.	
Why information was redacted or omitted – (Section 1 of 2)	
<input type="checkbox"/> No responsive records. No responsive records were found within the parameters of your request.	<input type="checkbox"/> Private information. For investigatory records, I.C. §§ 74-104(1), 74-105(1), 74-124(1)(c). For all other records, I.C. § 74-106(4)(h).
<input type="checkbox"/> No date range specified. Your request did not provide a date range. I.C. § 74-102(4).	<input type="checkbox"/> Pending investigation or case. I.C. §§ 74-105(1), 74-124(1).

Public Safety, Teamwork, Community

Why information was redacted or omitted – (Section 2 of 2)	
<input type="checkbox"/> Social security number. I.C. § 74-106(4)(g), 74-104(1); 42 U.S.C. 405(c)(2)(C)(viii)(I).	<input type="checkbox"/> Motor vehicle information, and/or driver records. I.C. §§ 74-106(15), 49-203.
<input type="checkbox"/> Juvenile information. I.C. §§ 16-1626, 74-104(2); Idaho Court Administrative Rule 32(g)(9); Idaho Juvenile Rule 53.	<input type="checkbox"/> National criminal history database information. I.C. §§ 74-105(12), 74-104(1); 28 U.S.C. § 534(f)(1).
<input type="checkbox"/> Medical records. I.C. §§ 74-106(6), 74-106(13).	<input type="checkbox"/> Jail inmate records by current inmate. I.C. § 74-113(3)(e).
<input type="checkbox"/> Medical records (as a provider). I.C. §§ 74-106(6), 74-106(13), 74-104(1); 42 U.S.C. § 1320d-6; 45 C.F.R. § 164.502.	<input type="checkbox"/> Attorney-client communication or attorney work-product. I.C. § 74-104(1); Idaho Rule of Professional Conduct 1.6; Idaho Rules of Civil Procedure 26(b)(1), (5); and Idaho Criminal Rule 16(g).
<input type="checkbox"/> Psychiatric records. I.C. §§ 66-348, 74-106(13), 74-105(1), and 74-124(1)(c).	
<input type="checkbox"/> Critical infrastructure. I.C. § 74-105(4)(b).	<input type="checkbox"/> Destroyed record. See county records retention requirements in I.C. § 31-871.
<input type="checkbox"/> Other.	<input type="checkbox"/> Additional grounds for the denial and/or redactions of your request may exist, and are not waived by our office.
How you <i>MAY</i> be able to obtain additional information	
<input type="checkbox"/> Proof of identity or release. Provide our office with (a) a copy of government-issued photo identification (b) information proving your relationship to an individual in the requested records, or (c) a notarized release of information or power of attorney for such individual.	
<input type="checkbox"/> Subpoena. Provide our office with a subpoena issued in a criminal case or a civil case.	
<input type="checkbox"/> Discovery request. Submit a request for discovery to the handling prosecuting attorney's office.	
<input type="checkbox"/> Court order. If you need the requested information because you are preparing a report pursuant to a court order (e.g., evaluation), provide us with a copy of the order.	
<input checked="" type="checkbox"/> iCourt. Visit the iCourt Portal online at https://mycourts.idaho.gov .	
<input type="checkbox"/> Victim services. If you are a victim, speak with a victim-witness coordinator or restitution coordinator with the Canyon County Sheriff's Office, (208) 455-5970, or the Canyon County Prosecuting Attorney's Office, (208) 454-7391.	
<input type="checkbox"/> Court. Contact Canyon County Court Records, cdclerk@canyoncounty.id.gov , (208) 454-7495.	
<input type="checkbox"/> Resubmission. Resubmit your request once the case is adjudicated.	
<input type="checkbox"/> Other government entity. Contact the government entity listed below, as it may have some or all of the requested information:	

If you believe that you have been improperly denied the information you requested, you may contact our office or you have the right to institute proceedings in the district court of this county within 180 days from the date of the mailing of this letter to attempt to compel disclosure of that information.

Sincerely,

 5937
CCSO Records Section

Sheriff's Office Public Records Request

NOTICE FOR PUBLIC RECORDS REQUEST

IDAHO REPOSITORY



REQUESTOR INFORMATION

Name/Organization:

Christina Marston

Address:

31396 Red Top Road
Wilder, ID 83676
United States

Date of birth:

10/29/1978

Driver's license number:

Phone:

(208) 841-2975

Email:

ckmarstonclothing@gmail.com

Preferred method of delivery (please check one):

Email

Name of Client / Insured (if applicable)

ID, Releases / Authorization, Etc (if applicable)

RECORDS REQUESTED

Police/accident report number(s):

unknown

Court case number:

unknown

Date of incident:

Subject's name:

unjown

Subject's date of birth:

Records requested:

Narrative report

Description of requested information:

I'm looking for major traffic accidents that took place on Red Top Road or Peckham Road west of Highway 95 to the Stateline in the last 10-15 years. I know of one that a teenager died, 7-2017 on Red Top. I believe there was another that a child was struck by a driver while getting her mail and ended up passing away from injuries. Any help or guidance on finding out this information would be greatly appreciated.

C

Signature

A handwritten signature in black ink, appearing to be 'C. Hunt'.

Date

01/24/2024

Record List - Total:11

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-43050	PD Accident	Peckham Rd & Arena Valley Rd	CCS	20:51:23 11/27/23	INA	
C20-30144	PD Accident	Peckham Rd & Arena Valley Rd	CCS	13:09:34 10/23/20	CCA	
C20-29548	PI Accident	Peckham Rd & Arena Valley Rd	CCS	13:20:22 10/18/20	CCJ	
C20-15669	PD Accident	Peckham Rd & Arena Valley Rd	CCS	20:11:49 06/04/20	INA	
C20-01252	PI Accident	Peckham Rd & Arena Valley Rd	CCS	07:15:41 01/11/20	INA	
C19-11296	PD Accident	Peckham Rd & Arena Valley Rd	CCS	15:10:39 04/10/19	INA	
C18-12242	PI Accident	Peckham Rd & Arena Valley Rd	CCS	20:04:23 05/25/18	INA	
C16-25968	PI Accident	Arena Valley Rd & Peckham Rd	CCS	12:09:55 12/03/16	INA	
16PP-2833	TrafficAccid-D/L	Arena Valley Rd & Peckham Rd	PPD	12:09:55 12/03/16		
C15-14755	PD Accident	Peckham Rd & Arena Valley Rd	CCS	05:58:28 07/06/15	INA	
C14-25940	PD Accident	Arena Valley Rd & Peckham Rd	CCS	07:10:08 10/14/14	CCA	

Record List - Total:1

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-10704	PD Accident	Arena Valley Rd & Red Top Rd	CCS	18:09:00 03/30/23	CCA	

Record List - Total:4

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C19-25405	PD Accident	Batt Corner Rd & Peckham Rd	CCS	13:28:55 08/05/19	CCA	
C19-13843	PI Accident	Peckham Rd & Batt Corner Rd	CCS	06:24:08 05/02/19	CCA	
C19-01788	1050	Peckham Rd & Batt Corner Rd	CCS	13:30:06 01/17/19	SER	
19-WP0180	1050	Peckham Rd & Batt Corner Rd	WPD	13:30:06 01/17/19		

Record List - Total:6

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C20-28382	PD Accident	Batt Corner Rd & Red Top Rd	CCS	18:05:29 10/06/20	CCA	
C19-00009	1050	Batt Corner Rd & Red Top Rd; n of	CCS	01:16:28 01/01/19	SER	
C18-05138	PD Accident	Red Top Rd & Batt Corner Rd	CCS	07:36:46 03/13/18	CCA	
18-WP0452	PI Accident	Red Top Rd & Batt Corner Rd	WPD	07:36:46 03/13/18		
C16-19856	Hit and Run	Red Top Rd & Batt Corner Rd	CCS	09:38:31 09/15/16	INF	
C13-15167	DUI	Red Top Rd & Batt Corner Rd	CCS	03:25:39 06/23/13	CCA	

Record List - Total:6

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-26084	PI Accident	Peckham Rd & Case Ln	CCS	22:11:27 07/20/23	INF	
C20-26461	PI Accident	Peckham Rd & Case Ln	CCS	19:22:11 09/17/20	INA	
C19-42683	Hit and Run	Peckham Rd & Case Ln	CCS	12:50:13 12/30/19	INA	
C19-20831	DUI	Case Ln & Peckham Rd	CCS	23:53:25 06/29/19	PNA	
C18-27227	Hit and Run	Peckham Rd & Case Ln	CCS	00:54:12 10/02/18	INF	
C11-15641	PD Accident	Peckham Rd & Case Ln	CCS	10:39:59 08/13/11	INA	

Record List - Total:1

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C24-00022	PD Accident	Red Top Rd & Case Ln	CCS	04:45:31 01/01/24	INA	

Record List - Total:19

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-27387	PD Accident	Fargo Rd & Peckham Rd; BTWN STEWART	CCS	04:54:44 07/31/23	INF	
C23-25673	PI Accident	Fargo Rd & Peckham Rd	CCS	05:54:57 07/18/23	CCA	
19-WP3614	Hit and Run	Fargo Rd & Peckham Rd	WPD	15:54:36 12/19/19	SER	
C19-31540	Hit and Run	Fargo Rd & Peckham Rd	CCS	12:00:15 09/25/19	SER	
C17-16300	PI Accident	Peckham Rd & Fargo Rd	CCS	15:39:42 08/05/17	INA	
17PP-1601	PI Accident	Peckham Rd & Fargo Rd; area of ; c2	PPD	15:39:42 08/05/17		
C17-04601	PI Accident	Fargo Rd & Peckham Rd	CCS	14:26:47 03/06/17	CCA	
17-WP0324	PI Accident	Fargo Rd & Peckham Rd	WPD	14:26:47 03/06/17		
16PP-2472	TrafficAccid-B/L	Fargo Rd & Peckham Rd	PPD	19:06:16 10/09/16	SER	
C16-19919	PD Accident	Peckham Rd & Fargo Rd	CCS	20:06:31 09/15/16	CCA	
C16-00337	Slide Off	Fargo Rd & Peckham Rd; n of	CCS	09:24:11 01/06/16	SER	
C15-12095	PD Accident	Fargo Rd & Peckham Rd	CCS	14:36:57 06/07/15	CCA	
15-WP0604	1050	Fargo Rd & Peckham Rd	WPD	17:21:15 04/17/15	RTF	
C15-07944	PD Accident	Peckham Rd & Fargo Rd	CCS	17:21:15 04/17/15	CCA	
15PP-0874	1050	Fargo Rd & Peckham Rd	PPD	17:21:15 04/17/15		
C14-23344	Hit and Run	Peckham Rd & Fargo Rd	CCS	21:00:49 09/14/14	SER	
13-WP1430	PD Accident	Peckham Rd & Fargo Rd	WPD	08:52:07 10/23/13	CJA	
C13-26150	PD Accident	Peckham Rd & Fargo Rd	CCS	08:52:07 10/23/13	CCJ	
C13-17526	PD Accident	Peckham Rd & Fargo Rd;occured sunday	CCS	13:32:05 07/16/13	SER	

Record List - Total:10

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-18675	PD Accident	Red Top Rd & Fargo Rd	CCS	23:38:14 05/28/23	INA	
C22-37570	PD Accident	Fargo Rd & Red Top Rd	CCS	15:45:08 12/26/22	CCA	
C22-15107	PD Accident	Red Top Rd & Fargo Rd	CCS	21:10:56 05/24/22	CCA	
C22-14563	PD Accident	Red Top Rd & Fargo Rd	CCS	21:28:56 05/18/22	CCA	
C22-08026	PD Accident	Red Top Rd & Fargo Rd	CCS	17:46:26 03/18/22	CCA	
C19-35762	PD Accident	Fargo Rd & Red Top Rd	CCS	21:56:21 10/31/19	INA	
C13-30250	PI Accident	Red Top Rd & Fargo Rd	CCS	16:48:36 12/13/13	CCA	
C12-24811	PI Accident	Fargo Rd & Red Top Rd	CCS	08:24:00 10/17/12	CCA	
12-WP1358	1050	Fargo Rd & Red Top Rd	WPD	08:24:00 10/17/12		
C12-21042	PI Accident	Fargo Rd & Red Top Rd	CCS	16:49:26 09/07/12	INA	

Record List - Total:1

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C21-37659	PD Accident	Red Top Rd & Monte Rd	CCS	06:01:11 12/03/21	INF	

Record List - Total:9

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C21-10780	Hit and Run	Peckham Rd & Rodeo Ln	CCS	17:32:16 04/05/21	CCA	
C20-20370	Hit and Run PI	Peckham Rd & Rodeo Ln	CCS	14:44:28 07/20/20	INA	
C20-00543	PD Accident	Peckham Rd & Rodeo Ln	CCS	21:26:03 01/05/20	INA	
C17-19721	PD Accident	Peckham Rd & Rodeo Ln	CCS	01:16:43 09/17/17	CCA	
17-WP1395	PD Accident	Peckham Rd & Rodeo Ln	WPD	01:16:43 09/17/17		
C16-20021	PD Accident	Peckham Rd & Rodeo Ln	CCS	22:53:39 09/16/16	INA	
16-WP1427	PD Accident	Peckham Rd & Rodeo Ln; mt Jacksons Wilder	WPD	22:53:39 09/16/16		
C15-02354	PD Accident	Peckham Rd & Rodeo Ln; west of	CCS	14:22:27 02/03/15	SER	
15-WP0207	PD Accident	Peckham Rd & Rodeo Ln; west of	WPD	14:22:27 02/03/15		

Record List - Total:12

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C18-26043	Hit and Run	Rodeo Ln & Red Top Rd	CCS	09:41:50 09/21/18	CCA	
C17-21005	PD Accident	Rodeo Ln & Red Top Rd	CCS	17:19:16 10/04/17	CCJ	
17PP-2067	TraffcAccid-B/L	Rodeo Ln & Red Top Rd	PPD	17:19:16 10/04/17	RTF	
C17-11063	PD Accident	Red Top Rd & Rodeo Ln	CCS	10:50:40 06/01/17	CCA	
C16-21191	PD Accident	Red Top Rd & Rodeo Ln	CCS	12:15:16 10/01/16	INA	
C14-30862	PI Accident	Red Top Rd & Rodeo Ln	CCS	19:35:59 12/13/14	INA	
13-WP0273	PI Accident	Red Top Rd & Rodeo Ln	WPD	12:50:23 03/07/13	RTF	
C13-05511	PI Accident	Red Top Rd & Rodeo Ln	CCS	12:50:23 03/07/13	CCA	
C12-19769	PD Accident	Red Top Rd & Rodeo Ln	CCS	17:41:38 08/25/12	INA	
C12-12542	PD Accident	Rodeo Ln & Red Top Rd	CCS	21:24:30 06/08/12	CCA	
12-WP0712	1050	Rodeo Ln & Red Top Rd	WPD	21:24:30 06/08/12		
12PP-1001	1050	Rodeo Ln & Red Top Rd	PPD	21:24:30 06/08/12		

Record List - Total:4

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C22-32396	PD Accident	Roswell Rd & Peckham Rd	CCS	08:03:55 11/02/22	INF	
C22-29230	PI Accident	Peckham Rd & Roswell Rd	CCS	19:04:16 10/01/22	INF	
C22-19063	Hit and Run	Peckham Rd & Roswell Rd	CCS	02:15:29 07/03/22	INA	
C17-27033	PD Accident	Roswell Rd & Peckham Rd	CCS	13:18:41 12/28/17	CCA	

Record List - Total:6

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-17951	PD Accident	Red Top Rd & Roswell Rd	CCS	17:24:01 05/23/23	CCA	
22PP-5387	PI Accident	Red Top Rd & Roswell Rd	PPD	12:49:59 12/04/22	SER	
C22-35619	PI Accident	Red Top Rd & Roswell Rd	CCS	12:49:59 12/04/22	CCA	
C17-01601	Slide Off	Red Top Rd & Roswell Rd ; s of	CCS	06:28:23 01/22/17	SER	
14-WP1793	TraffcAccid-B/L	Red Top Rd & Roswell Rd;	WPD	19:35:59 12/13/14		
14PP-2464	TraffcAccid-B/L	Red Top Rd & Roswell Rd;	PPD	19:35:59 12/13/14		

Record List - Total:14

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C22-36279	PD Accident	Red Top Rd & State Line Rd	CCS	18:47:27 12/11/22	INF	
C21-32434	PD Accident	State Line Rd & Red Top Rd;E OF	CCS	07:14:09 10/12/21	SER	
C21-12902	PD Accident	State Line Rd & Red Top Rd	CCS	16:17:17 04/22/21	INA	
C18-24701	Hit and Run	State Line Rd & Red Top Rd	CCS	08:39:58 09/09/18	INA	
C17-03010	Hit and Run	Red Top Rd & State Line Rd	CCS	10:57:57 02/11/17	INA	
17-WP0012	PI Accident	State Line Rd & Red Top Rd	WPD	15:14:19 01/03/17	RTF	
C17-00157	PI Accident	State Line Rd & Red Top Rd	CCS	15:14:19 01/03/17	INA	
C16-19949	PD Accident	State Line Rd & Red Top Rd	CCS	09:36:15 09/16/16	INA	
C16-17402	PI Accident	State Line Rd & Red Top Rd	CCS	16:27:34 08/15/16	CCA	
C16-15084	PD Accident	Red Top Rd & State Line Rd	CCS	22:15:28 07/16/16	CCA	
15-WP0613	PD Accident	State Line Rd & Red Top Rd	WPD	02:16:07 04/18/15	INF	
C15-07984	PI Accident	State Line Rd & Red Top Rd	CCS	02:16:07 04/18/15	CCA	
C13-06906	Hit and Run	Red Top Rd & State Line Rd	CCS	02:21:52 03/23/13	INA	
C12-24350	PD Accident	State Line Rd & Red Top Rd	CCS	10:05:18 10/12/12	INA	

Record List - Total:1

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-10475	DUI	State Line Rd & Peckham Rd	CCS	21:45:57 03/28/23	CCA	

Uniform Residential Appraisal Report

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address 31252 Peckham Rd City Wilder State ID Zip Code 83676
 Borrower Danny Cardoza Owner of Public Record Steven Fouts County Canyon
 Legal Description Tax 2 IN SENE 14-4N-6W NE
 Assessor's Parcel # R373480000 Tax Year 2018 R.E. Taxes \$ 1,315
 Neighborhood Name Wilder Map Reference 14260 Census Tract 0222.00
 Occupant Owner Tenant Vacant Special Assessments \$ 0 PUD HOA \$ 0 per year per month
 Property Rights Appraised Fee Simple Leasehold Other (describe)
 Assignment Type Purchase Transaction Refinance Transaction Other (describe)
 Lender/Client LoanDepot, LLC Address 26642 Towne Centre Drive Foothill Ranch CA 92610
 Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? Yes No
 Report data source(s) used, offering price(s), and date(s).
 DOM 2;DOM 2;MLS#98742139, The listing price is \$288,000 with a listing date of 008/23/2019. The listing is currently pending. Based on competitive homes in the area the listing price appears to be over priced for the market.

I did did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed.
 Arms length sale;Arms length sale;Arms length sale; Contract date is 08/25/2019 for the sales amount of \$288,000.
 Contract Price \$ 288,000 Date of Contract 08/25/2019 Is the property seller the owner of public record? Yes No Data Source(s) County
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? Yes No
 If Yes, report the total dollar amount and describe the items to be paid.
 \$0;;

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics		One-Unit Housing Trends			One-Unit Housing		Present Land Use %	
Location <input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input checked="" type="checkbox"/> Rural	Property Values <input checked="" type="checkbox"/> Increasing <input type="checkbox"/> Stable <input type="checkbox"/> Declining	PRICE	AGE	One-Unit	55 %			
Built-Up <input type="checkbox"/> Over 75% <input checked="" type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	Demand/Supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply	\$(000)	(yrs)	2-4 Unit	1 %			
Growth <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	Marketing Time <input checked="" type="checkbox"/> Under 3 mths <input type="checkbox"/> 3-6 mths <input type="checkbox"/> Over 6 mths	70	Low 0	Multi-Family	1 %			
Neighborhood Boundaries		525	High 110	Commercial	5 %			
Neighborhood boundaries are North of Hwy 19, South of Hwy 18, East of Idaho/Oregon and West of Notus Rd.		247	Pred. 25	Other	38 %			
Neighborhood Description See attached addenda.								
Market Conditions (including support for the above conclusions) See attached addenda.								

Dimensions refer to platt Area 2.00 ac Shape Irregular View N;Res;
 Specific Zoning Classification AG Zoning Description Agriculture
 Zoning Compliance Legal Legal Nonconforming (Grandfathered Use) No Zoning Illegal (describe)
 Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? Yes No If No, describe.
 Utilities Public Other (describe) Public Other (describe) Off-site Improvements-Type Public Private
 Electricity Water Private well Street Asphalt
 Gas Elect Sanitary Sewer Private Septic Alley None
 FEMA Special Flood Hazard Area Yes No FEMA Flood Zone X FEMA Map # 16027C0175F FEMA Map Date 05/24/2011
 Are the utilities and off-site improvements typical for the market area? Yes No If No, describe.
 Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? Yes No If Yes, describe.
 See addendum

General Description	Foundation	Exterior Description materials/condition	Interior materials/condition
Units <input checked="" type="checkbox"/> One <input type="checkbox"/> One with Accessory Unit	<input type="checkbox"/> Concrete Slab <input checked="" type="checkbox"/> Crawl Space	Foundation Walls Concrete/C4	Floors Wd/Cpt/C3
# of Stories 1	<input type="checkbox"/> Full Basement <input type="checkbox"/> Partial Basement	Exterior Walls Hdbrd/C4	Walls Drywall/C4
Type <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det./End Unit	Basement Area 0 sq. ft.	Roof Surface Comp/C4	Trim/Finish Wood/Paint/C4
<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const.	Basement Finish 0 %	Gutters & Downspouts Metal/C4	Bath Floor Vinyl/C3
Design (Style) Ranch	<input type="checkbox"/> Outside Entry/Exit <input type="checkbox"/> Sump Pump	Window Type Vinyl/C3	Bath Wainscot Fg/C3
Year Built 1971	Evidence of <input type="checkbox"/> Infestation	Storm Sash/Insulated None/None	Car Storage <input checked="" type="checkbox"/> None
Effective Age (Yrs) 25	<input type="checkbox"/> Dampness <input type="checkbox"/> Settlement	Screens Yes/C3	<input type="checkbox"/> Driveway # of Cars 0
Attic <input type="checkbox"/> None	Heating <input checked="" type="checkbox"/> FWA <input type="checkbox"/> HWBB <input type="checkbox"/> Radiant	Amenities <input checked="" type="checkbox"/> WoodStove(s) # 1	Driveway Surface Gravel
<input type="checkbox"/> Drop Stair <input type="checkbox"/> Stairs	<input type="checkbox"/> Other Fuel Elect	<input type="checkbox"/> Fireplace(s) # 0 <input checked="" type="checkbox"/> Fence Wire	<input type="checkbox"/> Garage # of Cars 0
<input type="checkbox"/> Floor <input checked="" type="checkbox"/> Scuttle	Cooling <input checked="" type="checkbox"/> Central Air Conditioning	<input checked="" type="checkbox"/> Patio/Deck Cov <input type="checkbox"/> Porch None	<input type="checkbox"/> Carport # of Cars 0
<input type="checkbox"/> Finished <input type="checkbox"/> Heated	<input type="checkbox"/> Individual <input type="checkbox"/> Other	<input type="checkbox"/> Pool None <input type="checkbox"/> Other None	<input type="checkbox"/> Att. <input type="checkbox"/> Det <input type="checkbox"/> Built-in

Appliances Refrigerator Range/Oven Dishwasher Disposal Microwave Washer/Dryer Other (describe)
 Finished area above grade contains: 6 Rooms 3 Bedrooms 1.0 Bath(s) 1,201 Square Feet of Gross Living Area Above Grade
 Additional features (special energy efficient items, etc.)
 See attached addenda.
 Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.).
 C3;Kitchen-remodeled-one to five years ago;Bathrooms-remodeled-one to five years ago; The subject property is in average to good condition for its age.
 Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? Yes No If Yes, describe
 Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? Yes No If No, describe

Uniform Residential Appraisal Report

There are 14 comparable properties currently offered for sale in the subject neighborhood ranging in price from \$ 220,000 to \$ 650,000
 There are 36 comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$ 70,000 to \$ 525,000

FEATURE	SUBJECT	COMPARABLE SALE # 1			COMPARABLE SALE # 2			COMPARABLE SALE # 3		
Address	31252 Peckham Rd Wilder, ID 83676	26362 Riverview Rd Wilder, ID 83676			5695 Market Rd Marsing, ID 83639			22778 Upper Pleasant Ridge Rd Caldwell, ID 83607		
Proximity to Subject		6.90 miles SE			11.08 miles SE			8.77 miles E		
Sale Price	\$ 288,000	\$ 227,500			\$ 240,000			\$ 253,962		
Sale Price/Gross Liv. Area	\$ 239.80 sq.ft.	\$ 189.90 sq.ft.			\$ 148.88 sq.ft.			\$ 176.36 sq.ft.		
Data Source(s)		IMLS#98738339;DOM 2			IMLS#98730964;DOM 4			IMLS#987279002;DOM 66		
Verification Source(s)		Cnty recs/inspection			Cnty recs/inspection			Cnty recs/inspection		
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+ (-) \$ Adjustment		DESCRIPTION	+ (-) \$ Adjustment		DESCRIPTION	+ (-) \$ Adjustment	
Sale or Financing Concessions		ArmLth Conv;5000	-5,000		ArmLth Cash;0	0		ArmLth Cash;0	0	
Date of Sale/Time		s08/19;c07/19	0		s07/19;c05/19			s07/19;c07/19		
Location	N;Res;	N;Res;			N;Res;			N;Res;		
Leasehold/Fee Simple	Fee simple	Fee simple			Fee simple			Fee simple		
Site	2.00 ac	2.39 ac			1.57 ac			3.91 ac		
View	N;Res;	N;Res;			N;Res;			N;Res;		
Design (Style)	DT1;Ranch	DT1;Ranch			DT1;Ranch			DT1;Manufactured		
Quality of Construction	Q4	Q4			Q4			Q5		
Actual Age	48	71			59			42		
Condition	C3	C4			C3			C4		
Above Grade	Total Bdrms. Baths	Total Bdrms. Baths			Total Bdrms. Baths			Total Bdrms. Baths		
Room Count	6 3 1.0	6 3 1.0			6 3 1.0			6 3 2.0		
Gross Living Area	1,201 sq.ft.	1,198 sq.ft.			1,612 sq.ft.			1,440 sq.ft.		
Basement & Finished Rooms Below Grade	0sf	0sf			0sf			0sf		
Functional Utility	Average	Average			Average			Average		
Heating/Cooling	Efau/Cac	Efau/None			Oil/Cac			Efau/Cac		
Energy Efficient Items	None	None			None			None		
Garage/Carport	None	None			None			None		
Porch/Patio/Deck	CovPrch/UncPati	CovPat/CovPrch			PatSlb/PrchSlb			CovPrch/UncPati		
Shop	Shop	No Shop			No Shop			Shop		
Barn	No Barn	No Barn			No Barn			No Barn		
Net Adjustment (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 37,100			<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 17,600			<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 23,100		
Adjusted Sale Price of Comparables		Net Adj. 16.3 % Gross Adj. 25.5 % \$ 264,600			Net Adj. 7.3 % Gross Adj. 14.2 % \$ 257,600			Net Adj. 9.1 % Gross Adj. 30.3 % \$ 277,062		

I did did not research the sale or transfer history of the subject property and comparable sales. If not, explain

My research did did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data source(s) Imls / County records / Title company

My research did did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.

Data source(s) Imls / County records / Title company

Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).

ITEM	SUBJECT	COMPARABLE SALE #1		COMPARABLE SALE #2		COMPARABLE SALE #3	
Date of Prior Sale/Transfer	04/24/2019						
Price of Prior Sale/Transfer	\$295,000						
Data Source(s)	Imls#98721702	IntermountainMLS/TaxRecord		IntermountainMLS/TaxRecord		IntermountainMLS/TaxRecord	
Effective Date of Data Source(s)	09/18/2019	09/18/2019		09/18/2019		09/18/2019	

Analysis of prior sale or transfer history of the subject property and comparable sales
 The subject site has sold within the past 3 years as of the effective date of this appraisal. None of the sales used in the report have sold or transferred ownership within the past 12 months as of the effective date of this appraisal. This information was verified from the Imls, county records and title companies.

Summary of Sales Comparison Approach

See attached addenda.

Indicated Value by Sales Comparison Approach \$ 270,000

Indicated Value by: Sales Comparison Approach \$ 270,000 Cost Approach (if developed) \$ Income Approach (if developed) \$

See attached addenda

This appraisal is made "as is," subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed, or subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair:

Based on a complete visual inspection of the interior and exterior areas of the subject property, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of the market value, as defined, of the real property that is the subject of this report is \$ 270,000 as of 09/18/2019, which is the date of inspection and the effective date of this appraisal.

Uniform Residential Appraisal Report

See attached addenda.

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COST APPROACH TO VALUE (not required by Fannie Mae)

Provide adequate information for the lender/client to replicate the below cost figures and calculations.
Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value)
See addendum

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ESTIMATED <input type="checkbox"/> REPRODUCTION OR <input type="checkbox"/> REPLACEMENT COST NEW	OPINION OF SITE VALUE	= \$	40,000
Source of cost data	Dwelling	Sq. Ft. @ \$ = \$
Quality rating from cost service		Sq. Ft. @ \$ = \$
Effective date of cost data			
Comments on Cost Approach (gross living area calculations, depreciation, etc.)			= \$
	Garage/Carport	Sq. Ft. @ \$ = \$
	Total Estimate of Cost-New		= \$
	Less	Physical	Functional
	Depreciation		External
			= \$ ()
	Depreciated Cost of Improvements		= \$
	"As-is" Value of Site Improvements		= \$
Estimated Remaining Economic Life (HUD and VA only)	35 Years	Indicated Value by Cost Approach	= \$

INCOME APPROACH TO VALUE (not required by Fannie Mae)

Estimated Monthly Market Rent \$ X Gross Rent Multiplier = \$ Indicated Value by Income Approach
Summary of Income Approach (including support for market rent and GRM)

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PROJECT INFORMATION FOR PUDs (if applicable)

Is the developer/builder in control of the Homeowners' Association (HOA)? Yes No Unit type(s) Detached Attached

Provide the following information for PUDs ONLY if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit.

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Legal Name of Project

Total number of phases Total number of units Total number of units sold

Total number of units rented Total number of units for sale Data source(s)

Was the project created by the conversion of existing building(s) into a PUD? Yes No If Yes, date of conversion

Does the project contain any multi-dwelling units? Yes No Data source(s)

Are the units, common elements, and recreation facilities complete? Yes No If No, describe the status of completion.

Are the common elements leased to or by the Homeowners' Association? Yes No If Yes, describe the rental terms and options.

Describe common elements and recreational facilities

Uniform Residential Appraisal Report

This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit; including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the interior and exterior areas of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

INTENDED USE: The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this appraisal report is the lender/client.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
6. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

Uniform Residential Appraisal Report**APPRAISER'S CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the interior and exterior areas of the subject property. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
11. I have knowledge and experience in appraising this type of property in this market area.
12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

Uniform Residential Appraisal Report

21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.


24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER


Signature
Name Daniel Perry
Company Name Perry Associates, LLC
Company Address 3032 East Calabria Drive
Meridian, Id 83646
Telephone Number 208-672-1997
Email Address perryassociatesllc@gmail.com
Date of Signature and Report 09/26/2019
Effective Date of Appraisal 09/18/2019
State Certification # CRA-1919
or State License # _____
or Other (describe) _____ State # _____
State ID
Expiration Date of Certification or License 12/13/2019

ADDRESS OF PROPERTY APPRAISED

31252 Peckham Rd
Wilder, ID 83676
APPRAISED VALUE OF SUBJECT PROPERTY \$ 270,000

LENDER/CLIENT

Name United States Appraisals
Company Name LoanDepot, LLC
Company Address 26642 Towne Centre Drive
Foothill Ranch, CA 92610
Email Address _____

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature _____
Name _____
Company Name _____
Company Address _____
Telephone Number _____
Email Address _____
Date of Signature _____
State Certification # _____
or State License # _____
State _____
Expiration Date of Certification or License _____

SUBJECT PROPERTY

- Did not inspect subject property
 Did inspect exterior of subject property from street
Date of Inspection _____
 Did inspect interior and exterior of subject property
Date of Inspection _____

COMPARABLE SALES

- Did not inspect exterior of comparable sales from street
 Did inspect exterior of comparable sales from street
Date of Inspection _____

Uniform Residential Appraisal Report

FEATURE	SUBJECT	COMPARABLE SALE # 4			COMPARABLE SALE # 5			COMPARABLE SALE # 6			
Address	31252 Peckham Rd Wildier, ID 83676	4612 Market Rd Homedale, ID 83628			26197 Reed Ln Wildier, ID 83676			4059 Pioneer Rd Homedale, ID 83628			
Proximity to Subject		9.39 miles SE			6.67 miles SE			7.35 miles SE			
Sale Price	\$ 288,000	\$ 284,900			\$ 254,000			\$ 220,000			
Sale Price/Gross Liv. Area	\$ 239.80 sq.ft.	\$ 169.18 sq.ft.			\$ 174.69 sq.ft.			\$ 202.95 sq.ft.			
Data Source(s)		IMLS#98709182;DOM 32			IMLS#98722090;DOM 19			IMLS#98742763;DOM 4			
Verification Source(s)		Cnty recs/inspection			Cnty recs/inspection			Cnty recs/inspection			
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION		+ (-) \$ Adjustment	DESCRIPTION		+ (-) \$ Adjustment	DESCRIPTION		+ (-) \$ Adjustment	
Sale or Financing		Armlth			Armlth			Listing			
Concessions		Conv;0			FHA;6700			-4,100			
Date of Sale/Time		s12/18;c11/18			s05/19;c04/19			+2,540			
Location	N;Res;	N;Res;			N;Res;			N;Res;			
Leasehold/Fee Simple	Fee simple	Fee simple			Fee simple			Fee simple			
Site	2.00 ac	1.77 ac			2.25 ac			1.31 ac			
View	N;Res;	N;Res;			N;Res;			N;Res;			
Design (Style)	DT1;Ranch	DT1;Ranch			DT1;Ranch			DT1;Ranch			
Quality of Construction	Q4	Q4			Q4			Q4			
Actual Age	48	65			89			78			
Condition	C3	C3			C3			C4			
Above Grade	Total Bdrms. Baths	Total Bdrms. Baths			Total Bdrms. Baths			Total Bdrms. Baths			
Room Count	6 3 1.0	6 3 2.0		-3,000	5 2 1.0		0	5 2 2.0		-3,000	
Gross Living Area	1,201 sq.ft.	1,684 sq.ft.		-9,700	1,454 sq.ft.		-5,100	1,084 sq.ft.		+2,300	
Basement & Finished Rooms Below Grade	0sf	0sf			0sf			0sf			
Functional Utility	Average	Average			Average			Average			
Heating/Cooling	Efau/Cac	Efau/Cac			Efau/Cac			Ebb/Wall			
Energy Efficient Items	None	None			None			None			
Garage/Carport	None	4cp6dw			-10,000	1ga2dw		-5,000	2gd2dw		-1,000
Porch/Patio/Deck	CovPrch/UncPati	CovPrch/PatSlb			0	PatSlb/PrchSlb		+1,500	CovPat/CovPrch		-3,000
Shop	Shop	No Shop			+20,000	No Shop			+20,000	No Shop	
Barn	No Barn	Barn			-10,000	No Barn			No Barn		
Net Adjustment (Total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> -		\$ -3,990	<input checked="" type="checkbox"/> + <input type="checkbox"/> -		\$ 7,340	<input checked="" type="checkbox"/> + <input type="checkbox"/> -		\$ 49,700	
Adjusted Sale Price of Comparables		Net Adj. 1.4 %			Net Adj. 2.9 %			Net Adj. 22.6 %			
		Gross Adj. 21.6 %		\$ 280,910	Gross Adj. 16.0 %		\$ 261,340	Gross Adj. 29.0 %		\$ 269,700	

Summary of Sales Comparison Approach

ITEM	SUBJECT	COMPARABLE SALE #4	COMPARABLE SALE #5	COMPARABLE SALE #6
Date of Prior Sale/Transfer	04/24/2019			
Price of Prior Sale/Transfer	\$295,000			
Data Source(s)	Imls#98721702	IntermountainMLS/TaxRecord	IntermountainMLS/TaxRecord	IntermountainMLS/TaxRecord
Effective Date of Data Source(s)	09/18/2019	09/18/2019	09/18/2019	09/18/2019

Analysis of prior sale or transfer history of the subject property and comparable sales

The subject site has not sold within the past 3 years as of the effective date of this appraisal. None of the sales used in the report have sold or transferred ownership within the past 12 months as of the effective date of this appraisal. This information was verified from the Imls, county records and title companies.

Uniform Residential Appraisal Report

FEATURE	SUBJECT	COMPARABLE SALE # 7			COMPARABLE SALE # 8			COMPARABLE SALE # 9		
Address	31252 Peckham Rd Wilder, ID 83676	5634 Van Rd Marsing, ID 83639								
Proximity to Subject		13.58 miles SE								
Sale Price	\$ 288,000	\$ 365,000			\$			\$		
Sale Price/Gross Liv. Area	\$ 239.80 sq.ft.	\$ 221.48 sq.ft.			\$ sq.ft.			\$ sq.ft.		
Data Source(s)		IMLS#98739949;DOM 45								
Verification Source(s)		Cnty recs/inspection								
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment	
Sale or Financing Concessions		Listing								
Date of Sale/Time		Active								
Location	N;Res;	N;Res;								
Leasehold/Fee Simple	Fee simple	Fee simple								
Site	2.00 ac	4.16 ac			-20,600					
View	N;Res;	N;Res;								
Design (Style)	DT1;Ranch	DT1;Ranch								
Quality of Construction	Q4	Q4								
Actual Age	48	46			0					
Condition	C3	C3								
Above Grade	Total Bdrms. Baths	Total Bdrms. Baths		Total Bdrms. Baths		Total Bdrms. Baths		Total Bdrms. Baths		
Room Count	6 3 1.0	6 3 2.0	-3,000							
Gross Living Area	1,201 sq.ft.	1,648 sq.ft.	-8,900	sq.ft.		sq.ft.		sq.ft.		
Basement & Finished Rooms Below Grade	0sf	0sf								
Functional Utility	Average	Average								
Heating/Cooling	Efau/Cac	Efau/None			+2,500					
Energy Efficient Items	None	None								
Garage/Carport	None	2ga2dw			-10,000					
Porch/Patio/Deck	CovPrch/UncPati	CovPat/CovPrch			-3,000					
Shop	Shop	No Shop			+20,000					
Barn	No Barn	No Barn								
Net Adjustment (Total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ -23,000	<input type="checkbox"/> + <input type="checkbox"/> -	\$	<input type="checkbox"/> + <input type="checkbox"/> -	\$	<input type="checkbox"/> + <input type="checkbox"/> -	\$	
Adjusted Sale Price of Comparables		Net Adj. 6.3 %	Gross Adj. 18.6 %	\$ 342,000	Net Adj. %	Gross Adj. %	\$	Net Adj. %	Gross Adj. %	

Summary of Sales Comparison Approach

ANALYSIS / COMMENTS

ITEM	SUBJECT	COMPARABLE SALE #7	COMPARABLE SALE #8	COMPARABLE SALE #9
Date of Prior Sale/Transfer	04/24/2019			
Price of Prior Sale/Transfer	\$295,000			
Data Source(s)	Imls#98721702	IntermountainMLS/TaxRecord		
Effective Date of Data Source(s)	09/18/2019	09/18/2019		

Analysis of prior sale or transfer history of the subject property and comparable sales

TEXT ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza		
Property Address	31252 Peckham Rd		
City	Wilder	County	Canyon
		State	ID
		Zip Code	83676
Lender	LoanDepot, LLC		

General Text Addendum
Additional certification

I have performed no services as an appraiser or in any other capacity regarding the property that is the subject of this appraisal within the three-year period immediately preceding acceptance of this assignment.

To the best of my knowledge and beliefs the statements of fact contained in this report are true and correct.

The report analysis, opinion, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal impartial and unbiased professional analysis, opinion and conclusions. I have no current or prospective interests in the subject property or the parties involved.

Clarification of intended user:

The intended user of this appraisal report is the lender/client.

No additional intended users or uses are identified by the appraiser.

The appraiser has confidentiality obligations that do not extend to the borrower or any other persons who has access to the appraisal report other than the stated client. This would include but not limited to the borrowers, listing agents, selling agents, title persons, etc. All questions, concerns or statements about the appraisal report MUST be communicated through the client. Contact made to the appraiser by anyone other than the client will be taken by the appraiser as an attempt to influence the appraiser and the opinion of value. We do welcome any additional factual information about the property, market data and or questions not understood or answered in the appraisal report and will be open to review all information that can or will be provided. However, all communication must go through the client.

Clarification of intended use:

The intended use is to evaluate the property that is the subject of this appraisal for a mortgage finance transaction, subject to the stated scope of work, purpose of the appraisal, reporting requirements of this appraisal report form, and definition of market value.

No additional intended users or uses are identified by the appraiser.

Scope of work inspection:

As part of the Scope of Work, the appraisal was developed by gathering information on the subject from the public records, the Alamo software program and the Multiple Listing Service (IMLS). This includes the legal description, owner of record and sales of the subject within the past three years and current or past listings within the past 12 months of the date of this appraisal. This Appraisal Report sets forth only a summary of the comparable sales and their comparability to the subject and the appraiser's conclusion. Supporting documentation is retained in the appraiser's work file or located in the appraiser's office.

Upon receiving this assignment, I identified the real property being appraised and collected property-specific data available through public records, various data services and or MLS database when available. I then completed an interior and exterior inspection of the subject property, noting the condition, quality, utility, amenities and architectural style. The appraiser made an interior and exterior inspection of all readily accessible areas of the subject property improvements. Appraiser did not move any personal property or furniture. Appraiser has noted all readily observable conditions of the subject property, that is, conditions that are immediately noticeable and discernible during a typical site visit.

The appraiser is not a home inspector, and this appraisal report is not a home inspection; the appraiser only performed a visual observation of accessible areas and the appraisal report cannot be relied upon to disclose conditions and/or defects in the property.

Zoning data was obtained from public records, office files, and or city/county planning offices. The collected data was then used to develop a profile of the subject and to perform a search of the market for the most similar closed comparable sales, pending sales and active listings. The sales were inspected from the street and photos taken. The sales were confirmed and verified from public records, various data services and MLS, and when necessary with an agent or the owner. The sales data was then analyzed and a value conclusion derived. This Report was then completed, signed and released to the client. This report is intended to satisfy the requirements of USPAP.

FIRREA Certification Statement:

The appraisal was prepared in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice and in accordance with the requirements of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, as amended (12 U.S.C. 3331 et seq.), and any applicable implementing regulations in effect at the time the appraiser signs the appraisal certification. Compliance to the FIRREA Title XI has been met to the extent such supervision is mandated by the required assignment condition of other secondary lending agencies. In all other areas, given the nature of the assignment, the appraiser has adhered to the required assignment conditions of the secondary agencies. When identified by the appraiser and directed by the engagement of the client, the appraiser will adhere to those specific residential assignment condition, i.e. Fannie Mae, FHA, Freddie Mac, VA or Sallie Mae depending upon the specific assignment conditions. It is understood this adherence will be in keeping with the QM of the Safe Harbor Act as well as the Rebuttable Presumption of the FHA in FHA assignments. I further attest that on the effective date of the appraisal and the date of the report, I am a certified appraiser in the state for which the subject of the appraisal is located.

Exposure time:

Exposure time is deemed to expire as of the effective date of the appraisal- it examines the time frame leading up to the date of valuation, linking the value estimate to how long the property would have required exposure in order to sell at the estimated market value. Exposure time is the appraiser's opinion of the amount of time the subject property would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

The reasonable exposure time linked to this value opinion is 0-30 days.

Market value:

The definition of market value is the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. implicit in this definition is the consummation of a sale as of a specified day and the passing of title from a seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Neighborhood - description :

The subject is noted as being located 5-6 miles of down town Wilder, 15-18 miles to The College of Idaho and 43-45 miles to the Boise airport. The neighborhood is located within 6-10 miles of all public schools. Shopping is noted to be located within 5-6 miles and major shopping be located in down town Caldwell area located within 13-15 miles.

Neighborhood - market conditions:

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EXHIBIT Y - 009

TEXT ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza		
Property Address	31252 Peckham Rd		
City	Wilder	County	Canyon
		State	ID
		Zip Code	83676
Lender	LoanDepot, LLC		

The first market analysis is for single family homes that were as similar to the subject property as possible that are located within the marketing area of 1293, 1275 and 1270. This included properties that were listed and sold as well as currently listed properties for the past 12 months. The search criteria used to locate the sales and listings was as follows: properties that were located on 1.00 acres up to 5.00 acres of land, homes built up to 1975 and no restrictions on square footage.

Financing for the area is typically conventional with buyers and sellers typically paying their own closing costs. Sales prices within the area have been stable over the past 12 months. Current list to sales prices over the past 12 months has been ranging from 8% to -5% typically depending on the location of the properties, list prices, and amenities. There is a noted increase in FHA, VA and IHA transactions within the marketing area over the past 6-12 months with buyers and sellers typically paying their own closing costs. If seller concessions are noted they typically have been running at about 1-2 points. Well prices homes within the market typically sell within a reasonable time frame as noted by a marketing study of the neighborhood and the marketing area determined.

The average list to sales prices over the past 12 months within the area are noted to be ranging from 1% to -2% with the median list to sales prices ranging in the -2% to -2% range of the list prices. This can vary as well depending on the values of the homes with the higher valued homes reducing their list prices greater than the lower valued homes.

Sales History-Property Specific

DOM - Days On Market \$/LIST Ratio--Pice Divided List Ratio D/RATE +/- - Discount Rate

Marketing Time Current 3 Mths Sales

High Low Average Median Total Price Total Count

List \$450,000 \$195,000 \$282,333 \$252,000 \$1,694,000 6

Sold \$450,000 \$185,000 \$285,416 \$247,500 \$1,712,500

DOM 24 1 7 4

\$/List Ratio 100% 95% 101% 98% 101%

100% 100% 100% 100% 100%

D/ Rate +/- 0% -5% 1% -2% 1%

Marketing Time Prior 4-6 Mths Sales

High Low Average Median Total Price Total Count

List \$424,900 \$125,000 \$300,818 \$299,900 \$4,813,090 16

Sold \$450,000 \$125,000 \$295,968 \$295,000 \$4,735,500

DOM 271 0 61 20

\$/List Ratio 106% 100% 98% 98% 98%

100% 100% 100% 100% 100%

D/ Rate +/- 6% 0% -2% -2% -2%

Marketing Time Prior 7-12 Mths Sales

High Low Average Median Total Price Total Count

List \$540,000 \$65,000 \$269,621 \$272,400 \$3,774,700 14

Sold \$525,000 \$70,000 \$265,107 \$267,450 \$3,711,500

DOM 327 1 63 32

\$/List Ratio 97% 108% 98% 98% 98%

100% 100% 100% 100% 100%

D/ Rate +/- -3% 8% -2% -2% -2%

Single Family Housing Trends -Property Specific

We first used a 12-month marketing time to obtain the total number of sales of as "similar properties to the subject property" within the subject marketing area. We then located all short sales properties, foreclosure properties and REO properties within the total number of closed sales. Taking the total number of distressed sales and dividing that number by the total number of sales gave us the percentage of distressed sales within the subjects marketing area. The following is a break down of this formula.

36 # Total Sales

0 Short Sales

0 Foreclosure

0 REO

0 Total Distressed

0.0000% % Of Distressed

LISTINGS - Property Specific

Prior 7-12 Mths Prior 4-6 Mths Current 3 Mths

Total # of comparable active listing 0 0 14

Median comparable list price \$0 \$0 \$290,250

Median comparable listings day on market 0 0 37

Single family homes housing trends - marketing time (days on market)

It is noted using the above stated market analysis for the subjects marketing area, the average days on market for properties listed and sold within the past 6 months was 4-32 days. all information was obtained from the multiple listing service of Idaho.

The market analysis was completed using the Intermountain Multiple service sales and listing data.

The second marketing analysis for ALL single family properties that were located within the marketing area of 1293, 1275 and 1700.

Financing for the area is typically conventional with buyers and sellers typically paying their own closing costs. Sales prices within the area have been increasing over the past 12 months. Current sales price over the past 12 months has been ranging from 1% to -27% typically depending on the location of the properties, list prices, and amenities. There is a noted increase in FHA, VA and IHA transactions within the marketing area over the past 6 months with buyers and sellers typically paying their own closing costs. IF seller concessions are noted they typically have been running at about 1-2 points. Well price homes within the market typically sell within a reasonable time frame as noted by a marketing study of the neighborhood and the marketing area determined.

The average list to sales prices over the past 12 months within the area are noted to be ranging from -1% to -1% with the median list to sales prices ranging in the 0% to 1% range of the list prices. This can vary as well depending on the values of the homes with the higher valued homes reducing their list prices greater than the lower valued homes.

Sales History-General Market

CONTINUED ON NEXT PAGE

EXHIBIT Y - 010

TEXT ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza		
Property Address	31252 Peckham Rd		
City	Wilder	County	Canyon
		State	ID
		Zip Code	83676
Lender	LoanDepot, LLC		

DOM - Days on Market \$/List Ratio--Price Divided List Ratio D/Rate +/- - Discount Rate

Marketing Time Current 3 Mths Sales

High Low Average Median Total Price Total Count

List \$949,000 \$43,000 \$254,717 \$230,551 \$64,698,354 254

Sold \$928,000 \$43,500 \$252,901 \$233,364 \$64,236,967

DOM 346 0 28 6

\$/List Ratio 98% 101% 99% 101% 99%

100% 100% 100% 100% 100%

D/ Rate +/- -2% 1% -1% 1% -1%

Marketing Time Prior 4-6 Mths Sales

High Low Average Median Total Price Total Count

List \$999,850 \$11,500 \$238,022 \$220,000 \$52,126,983 219

Sold \$975,000 \$10,000 \$236,714 \$220,000 \$51,840,537

DOM 271 0 35 8

\$/List Ratio 98% 87% 99% 100% 99%

D/ Rate +/- -2% -13% -1% 0% -1%

Marketing Time Prior 7-12 Mths Sales

High Low Average Median Total Price Total Count

List \$1,350,000 \$42,000 \$236,581 \$212,990 \$70,974,425 301

Sold \$986,000 \$42,000 \$233,499 \$212,000 \$70,283,323

DOM 517 0 41 15

\$/List Ratio 73% 100% 99% 100% 99%

100% 100% 100% 100% 100%

D/ Rate +/- -27% 0% -1% 0% -1%

Single Family Housing Trends -General Market

We first used a 12-month marketing time to obtain the total number of sales of as "all properties" within the subject marketing area. We then located all short sales properties, foreclosure properties and REO properties within the total number of closed sales. Taking the total number of distressed sales and dividing that number by the total number of sales gave us the percentage of distressed sales within the subjects marketing area. The following is a breakdown of this formula.

774 # Total Sales

0 Short Sales

2 Foreclosure

4 REO

6 Total Distressed

0.7752% % Of Distressed

Listings - Property General Market

Prior 7-12 Mths Prior 4-6 Mths Current 3 Mths

Total # of comparable active listing 6 46 139

Median comparable list price \$333,648 \$291,490 \$263,523

Median comparable listings day on market 303 107 22

One unit housing trends - marketing time (days on market)

It is noted using the above stated market analysis for the subjects marketing area, the average days on market for properties listed and sold within the past 12 months was 8-15 days. all information was obtained from the multiple listing service of Idaho.

The market analysis was completed using the Intermountain Multiple service sales and listing data.

Improvements - additional features:

The subject property has the following items but not limited to: updated kitchen, updated bathroom, shop, mature landscaping, new doors, new windows, covered patio, out buildings, wood stove and new paint.

Additional comments:

The state of Idaho is a non-disclosure state. The amount of a sale is not required to be reported to any public agency and is generally unavailable within the county records. The appraiser has endeavored to discover the true conditions of the factors and information of the comparative sales information and has designated the sources of the information herein contained. The reader of this information should consider the source or sources as the information may vary from lack of an official central data source or reporting agency.

Time: Statistical information about days on market information gathered through sales verification and interviews of market participants. Market value is based on reasonable exposure time.

Marketing time is deemed to start at the effective date of the appraisal, looking forward in time. it is a prediction of how long a property would require exposure to a competitive and open market in order to find a buyer under either typical or prescribed circumstances.

Expanded scope of work statement - UAD limitations (uniform appraisal dataset)

At the request of the client, this appraisal report has been prepared in compliance with the UAD from Fannie Mae and Freddie Mac. The UAD requires the appraiser to use standardized responses that include specific formats, definitions, abbreviations, and acronyms. The appraiser attempted to obtain an adequate amount of information in the normal course of business regarding the subject and comparable properties.

Addresses:

The address reported on the appraisal form is according to us postal service records as required by UAD format. the title company reports the city or county address and the title report may or may not match to USPS records.

Condition:

The mechanics of the form and the limitations inherent in selecting a preordained condition (by virtue of a drop down menu selection process) creates criteria selections that may or may not be accurate and may create a conflict in information.

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EXHIBIT Y - 011

TEXT ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza		
Property Address	31252 Peckham Rd		
City	Wilder	County	Canyon
		State	ID
		Zip Code	83676
Lender	LoanDepot, LLC		

Some of the standardized responses required by the UAD, especially those in which the appraiser has not had the opportunity to verify personally or measure, could mistakenly imply greater precision and reliability in the data than is factually correct or typical in the normal course of business. Examples include condition, quality ratings, comparable sales and listing data. The appraiser makes no guarantees, express or implied, regarding building materials, their fitness, quality, condition or remaining economic life. Not every element of the subject property is viewable. The appraiser did not move any personal property, due to liability concerns for potential damage to the property, to disclose or reveal any unapparent or hidden defects to the structure, nor did the appraiser dismantle or probe the structure to observe enclosed, encased, or otherwise concealed areas. Comparable data was generally obtained from third-party sources including but not limited to the local IMLS, county assessor, township assessor, online resources and additional public data sources. Consequently, this information should be considered an "estimate" unless otherwise noted by the appraiser.

Support and rationale for highest and best analysis:

Highest and best use definition: The reasonably probable and legal use of the property, which is physically possible, appropriately supported, financially feasible and that results in the highest value.

The subject property's highest and best use was developed by an analysis of the property as a vacant site, as well as, analysis as presently improved. In order to factor the contributory value, if any of the existing improvements. The analysis relied on the economic principle of consistent use, which requires that land and improvements be appraised on the same economically consistent use basis, and the economic principle of anticipation which assumes that a property has value based anticipated future benefits from its expected use and not just its present use by a buyer with full knowledge of all the uses and proposed uses that comprise the property.

The four tests of highest and best use are: (1) legally permissible (2) physically possible (3) financially feasible and (4) most profitable. The first two tests are interchangeable in order and, in many circumstances, the last two are combined. Steps Three and Four (financially feasible/most profitable) cannot be determined until the first two steps are analyzed.

The subject is a legally permissible use based on its current zoning. Also, the lot size, shape and land-to-building ratio allow the present structure and indicate a good utilization of the improvements. Based on current market conditions, the existing structure as a single family residence is its financially feasible and maximally productive use. The highest and best use, as if vacant, would be to construct a single family residence. The present improvements on the property are consistent with and contribute to its highest and best use.

Extraordinary assumptions:

The Uniform Standards of Professional Appraisal Practice (USPAP) defines an extraordinary assumption as: "An assumption, directly related to a specific assignment, as of the effective date of the appraisal results, which, if found to be false, could alter the appraiser's opinions or conclusions." In essence, an extraordinary assumption is what you assume to exist. Extraordinary assumptions can be based on a number of factors or conditions, including:

Example-an appraiser can make the extraordinary assumption that the cost to cure the subject's deferred maintenance is based on reliable sources and if not, then any change may have an effect on the final value determined.

Extraordinary assumptions are made in this report that the subject property has no easements, encroachments or liens that would affect the subjects marketability and that the subject has fee simple ownership.

Hypothetical Condition:

The Uniform Standards of Professional Appraisal Practice (USPAP) defines a hypothetical condition as: "A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis." In essence, a Hypothetical Condition is something contrary to what exists as of the effective date of value.

Example-) Appraising a proposed property (such as a house) while the property is currently a vacant lot. In this case, you will be making a hypothetical condition that the non-existent improvements actually exist as of a current date and not the expected completion date, which is referred to as a prospective date. When appraising a proposed house for lending purposes, the Fannie Mae Form 1004 states that you are using the hypothetical condition that the subject improvements are completed as of the effective (current) date of appraisal. The hypothetical condition is that the improvements do not exist or are under construction and your valuation is based on the completion of the improvements.

Market conditions addendum to the appraisal report : seller concessions for the past 12 months

Financing for the area is typically convention with buyers and sellers typically paying their own closing costs. Sales prices within the area have been stable over the past 12 months. There has been increased new home construction within the area recently. There is a noted increase in FHA, VA and IHA financing transaction within the marketing area over the past 12 months. If seller concession are noted they typically have been running about 1-2 points. Well priced homes within the market typically sell within the reasonable time frame as noted by the marketing analysis for the neighborhood and the defined marketing area.

Market conditions addendum to the appraisal report : foreclosure/reo sales in the market

Short sale / foreclosure / reo properties - The appraiser has reviewed closed sales over the past 12 months as well as current available listings within the subjects marketing area. The analysis indicated that approx. 36 closed sales over the past 12 month of which 0 were found to be short sale / foreclosure / reo properties. This equates to approx. 0% of all sales thus short sale / foreclosure / reo properties or listing may have been included in the report. The presence of these properties do tend to put downward pressure on the market and extending marketing times.

Crossing boundaries

Some of the sales or listings used in our analysis are located across man made boundaries (major roadways, railroad tracks, golf course, etc.) or natural boundaries (rivers, lakes, vacant land, etc.). This could not be avoided nor do they affect the sale or listings as being similar comparable properties to that of the subject property. There is no effect on the subjects estimated value or marketability we will make no adjustment for crossing any boundaries noted at this time.

Professional assistance

It is noted that Robert Yanzuk RT-3837 assisted in market research and the preparation of this report.

Comps over 6 months

Some of the sales used in our analysis are over 6 months old as of the effective date of this appraisal. This was unavoidable at this time given the lack of similar sales or listings however given the current marketing conditions time adjustment were needed and made. Given the current and past 6-12 month marketing condition the older sales were still felt to be a good indicator of the subject's current estimate of value.

The median sales price in the subjects marketing area has been increasing over the past 6-12 months. The rate of increase range from -19.19% up to 9.34%. Using 3% as the basis of our adjustment a .25% per month applied to each of the sales over 3 months old.

Comps over 1 mile

It is noted that some of the sales used in our analysis are located over 1 mile of the subject site. Given the subjects location and the attempt to provide similar sales with similar age, land size, gla and amenities this was unavoidable. The comps that were located over 1 mile were still located in a very similar area to that of the subject property and were felt to be a good indicator of the subjects current estimate of value.

Room counts

CONTINUED ON NEXT PAGE

EXHIBIT Y - 012

TEXT ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza		
Property Address	31252 Peckham Rd		
City	Wilder	County	Canyon
		State	ID
		Zip Code	83676
Lender	LoanDepot, LLC		

It is noted that no adjustments were made for the differences in bedroom counts but for only the differences in the total gla of the subject to that of the sales and listings used in our analysis. This was due to the fact that the sales comparable interiors were not inspected and we are reliant on the real estate agents to state the room counts correctly. Agents typically do not state the room counts correctly and one agent will call a room a bedroom when it's not and another agent will not call a bedroom a bedroom but an office or study depending on how they wish to market the property. With one source of sales data this unavoidable and again on adjustments were made for bedroom counts.

Agricultural use

It is noted that the subject property is located on 2.0 acres. At the time of our inspection we did not determine that the subject site was being used for any agricultural uses, but only for personal uses at this time. The size of the parcel is typical for the area and are used for "hobby farms" or personal uses only.

Land use

It is noted that on page one of the report under present land use the "other" section states 38%. This was due to the fact that the subject property is located in an area that has large sections of vacant land. The estimated percentage for "other" is for the vacant land in the subjects marketing area. There is new developments being constructed as well as some limited new commercial developments in the area which will continue to change that estimate.

Utilities

Is noted that all utilities included water, power, gas (if present) were working at the time of the inspection.

Sales concessions

It is noted that some of the sales used in our analysis have sales concessions. Adjustments for the sales concessions were only made if the sales price was increased due to the sales concessions. The adjustment at that time would be difference in final sales price to the listing price within the amount of the sales concession or what the market would deem to be reasonable. If the sales price was not increased and the seller was willing to take a discount on the property to secure the sale then no adjustments were made.

Sales 90 days

It is noted that every attempt was made to provide sales within the past 90 days. Given the subjects location, land size, age, gla this could not be done at this time. The sales provided were the most current and most similar to the subject at this time. Given the current market conditions we have made a time adjustment. This adjustment was based on the percentage of increase per month then applied from the contract date of those sales used.

Range of listing and sales prices on 1004mc and URAR

Given the lack of sales or listings in the area the range of the high to low sales prices and listings prices have a larger than typical range. Every attempt was made to locate sales and listings that were as similar to the subject as possible to show the reader of the report the range of high to low listings and sales. To get enough sales data to complete the analysis the larger range was unavoidable at this time.

Reconciliation and final value conclusion:

The only approach to value considered applicable to this assignment is the Sales Comparison Approach.

The Cost Approach would only be applicable if the structure was proposed, under construction or relatively new. As the house was originally constructed in (1971), the estimated depreciation of the improvements would be too subjective and therefore not considered a reliable approach to value.

The Income Approach typically utilizes sales that were also rented to establish a gross rent multiplier, which would be utilized with the estimated market rent of the subject. Due to no comparable sales that were also rented, the Income Approach to value was not applicable since a Gross Rent Multiplier cannot be established.

In the Sales Comparison Approach, closed sales were utilized in comparison to the subject property. This would include sales outside of the subject neighborhood if deemed necessary. Adjustments were made for any significant differences between the comparable sales and subject. Information on the comparable sales was based on a cross section of the public records, Alamode software program, Multiple Listing Service (IMLS), an exterior observation from the street and if possible, verification with the listing agent or other parties to the sale. The gross living area for the subject was based on measurements by the appraiser and the gross living area for the sales and listings comparable properties was obtained from IMLS and or county records.

Land value reconciliation:

Land value was estimated by using land sales within the subjects marketing area that have closed over the past 12 months. There were a total of 14 sales of vacant parcels of land within the subjects marketing area that ranged from .82 acres up to 4.39 acres. The sales prices ranged from \$41,125 up to \$240,000. We have estimated the subject site at \$ based on sales of similar size, utility and location of that of the subjects parcel. The sales are located in similar developments with similar amenities as well as being located in similar zoning areas.

Sale#1-IMLS#-98705308 Sales price \$85,000 Size-3.00 ac
 Sale#2-IMLS#-98713745 Sales price \$73,000 Size-2.03 ac
 Sale#3-IMLS#-98704675 Sales price \$41,125 Size-1.00 ac

Summary of sales comparison approach

All sales were taken from within the subject marketing area and have closed and recorded within the past 12 months. All sales are located within 15 miles of the subject property. The sales and listings used in the analysis were the most similar and current to the subject that could be located at this time. All sales have similar access to public services, shopping and schools. All sales were similar in design, appeal and quality of construction. There were a total of 36 sales and 14 listings that were reported on top of page 2 of the URAR within the subjects marketing area that were deemed to be as similar in age, gla, land size and amenities to that of the subject property. Of that pool of sales the most similar and relevant sales and listings were chosen to use in our sales comparison approach. It is the appraiser's opinion based on age, gla, land size, amenities as well as over 13 years of appraisal experience in the subjects market that the sales and listings used in the sales comparison approach are the best sales and most indicative of the subject's estimate of value.

Sale #1 (26362 Riverview Rd) This sale has closed and recorded within the past 1 month. This sale is located on a slightly larger size parcel of land as the subject property. This sale is similar in total square footage and has the same total bathroom count. Adjustments have been applied to this sale for sales concessions, land size, condition, covered porch and shop.

All adjustments are located within the required ranges.

Sale #2 (5695 Market Rd) This sale has closed and recorded within the past 2 months. This sale is located on a smaller size parcel of land as the subject property. This sale is slightly larger in total square footage and has the same total bathroom count. Adjustments have been applied to this sale for land size, condition, square footage, patio and shop.

All adjustments are located within the required ranges.

Sale #3 (22778 Upper Pleasant Ridge Rd) This sale has closed and recorded within the past 2 months. This sale is located on a larger size parcel of land as the subject property. This sale is larger in total square footage and has a larger total bathroom count. Adjustments have been applied to this sale for land size, quality of construction, condition, bathroom counts and square footage. This sale has exceeded the 25% gross adjustment ratio.

CONTINUED ON NEXT PAGE

EXHIBIT Y - 013

TEXT ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza						
Property Address	31252 Peckham Rd						
City	Wilder	County	Canyon	State	ID	Zip Code	83676
Lender	LoanDepot, LLC						

This could not be avoided given the difference in land size and quality of construction.

All other adjustments are located within the required ranges.

Sale #4 (4612 Market Rd) This sale has closed and recorded within the past 9 months. This sale is located on a smaller size parcel of land as the subject property. This sale is larger in total square footage and has a similar total bathroom count. Adjustments have been applied to this sale for time, land size, bathroom counts, square footage, covered parking, shop and barn.

All adjustments are located within the required ranges.

Sale #5 (26197 Reed Ln) This sale has closed and recorded within the past 4 months. This sale is located on a larger size parcel of land as the subject property. This sale is larger in total square footage and has the same total bathroom count. Adjustments have been applied to this sale for sales concessions, time, land size, square footage, covered parking and shop.

All adjustments are located within the required ranges.

Listing #6 (4059 Pioneer Rd) This listing is located on a slightly smaller size parcel of land. This listing is slightly smaller in total square footage and has a larger total bathroom count. Adjustments have been applied to this listing for land size, condition, bathroom counts, square footage, garage parking, porch and shop. This listing exceeded the 15% net adjustment ratio. This could not be avoid given the difference is condition and shop.

All adjustments are located within the required ranges.

Listing #6 (5634 Van Rd) This listing is located on a larger size parcel of land. This listing is larger in total square footage and has a larger total bathroom count. Adjustments have been applied to this listing for land size, bathroom counts, square footage, garage parking, porch and shop.

All adjustments are located within the required ranges.

Sales used were good value indicators for that of the subject property. Final indicated value for the subject is noted to be within the adjusted range of all sales used with no consideration given to the unadjusted sales prices of all sales.

Adjustments for the sales were as a result of differences of the sales to that of the subject and items that are typically recognized within the market place. Adjustments have been derived from either market extraction or paired sales analysis and the appraisers knowledge of the subjects marketing area. All adjustments that were made were market driven and were felt to be reasonable.

Estimated value for the subject property is bracketed by the unadjusted sales price of the sales comparable used in the report as well as supports the subjects current contract price.

Most consideration was given to sale #1. This is the most current sale. Sale #2 is also a current sale along with similar in condition. Sale #3 has a similar shop. These sales bracket the subject in age, square footage and land size. Followed by sale #4 and sale #5. These sales also support the estimate of value. The listings were included to help show current market condition for similar properties to that of the subject with strong consideration given to the listings at this time. The listings show the low end as well as the higher end of the competing properties that were as similar to the subject property within the subject's immediate area.

Given the overall condition and amenities of the subject property we would estimate the market value for the subject property to be on the mid-range of the adjusted sales comparable used in our analysis. In our opinion the sales and listings used were the best and most similar to the subject and represent good comparable to that of the subject property at this time.

I have considered relevant competitive listings/contract offerings in performing this appraisal, and any trend indicated by that data is supported by the listing/offering information included in this report.

Idaho does not require a Co2 detectors in single family homes.

Idaho code does not require earthquake/seismic water heater straps.

Using the subjects marketing area we have provided sales and listings of similar homes with as similar in quality finishes and amities as well as sales that were the most similar in age, land size and total gla. After making reasonable and market driven adjustments our estimate of value is below the current contract price for the subject property. We have not included any personal items in our final estimate of value a. It is our opinion that this home is over priced for the current market for homes of this age, gla and land sizes in this marketing area. At this time our adjusted sales prices of the sales used do not support the current contract price.

The lender provided a previous appraisal report in order to extract sales and listing data only. Some of the sales, sold over 12 months ago. The other sales in the report the appraiser already had used in this report.

It is noted that the subject's shop has a finished area. This area was given consideration in the shop adjustment. This square footage was not included in the subject's total gla as it was in Multiple Listing Service (IMLS).

09/26/2019

PLEASE RUSH The purchase agreement states Nicola Stephens is the seller. Please update owner of public record to Nicola Stephens or include within the report, the county records showing the owner of public record as Fouts. If it is Fouts, then we need the box stating "Is the seller the owner of public record?" changed to 'No.'

Revised report

USPAP ADDENDUM

Borrower Danny Cardoza
Property Address 31252 Peckham Rd
City Wilder County Canyon State ID Zip Code 83676
Lender LoanDepot, LLC

This report was prepared under the following USPAP reporting option:
[X] Appraisal Report This report was prepared in accordance with USPAP Standards Rule 2-2(a).
[] Restricted Appraisal Report This report was prepared in accordance with USPAP Standards Rule 2-2(b).

Reasonable Exposure Time
My opinion of a reasonable exposure time for the subject property at the market value stated in this report is: 0-30 day
Exposure time
Exposure time is the appraiser's opinion of the amount of time the subject property would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.
The reasonable exposure time linked to this value opinion is 0-30 days.

Additional Certifications
I certify that, to the best of my knowledge and belief:
[X] I have NOT performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
[] I HAVE performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.
- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

Additional Comments
Additional certification
I have performed no services as an appraiser or in any other capacity regarding the property that is the subject of this appraisal within the three-year period immediately preceding acceptance of this assignment. I have no current or prospective interests in the subject property or the parties involved.
Scope of work inspection
The appraiser made an interior and exterior inspection of all readily accessible areas of the subject property improvements. Appraiser did not make a head & shoulders entry into the attic or crawl space and did not move any personal property or furniture. Appraiser has noted all readily observable conditions of the subject property, that is, conditions that are immediately noticeable and discernible during a typical site visit. Appraiser operated the plumbing, heating, and electrical systems to determine if they are operational; however, appraiser is not responsible for testing the functionality or capacity of these systems. The appraiser is not a home inspector, and this appraisal report is not a home inspection; the appraiser only performed a visual observation of accessible areas and the appraisal report cannot be relied upon to disclose conditions and/or defects in the property.
FIRREA certification statement: the appraiser certifies and agrees that this appraisal was prepared in accordance with the requirements of Title XI of the financial institutions, reform, recovery, and enforcement act (FIRREA) of 1989, as amended (12 u.s.c. 3331 et seq.), and any applicable implementing regulations in effect at the time the appraiser signs the appraisal certification.
Professional Assistance
It is noted that Robert Yanzuk RT 3837 assisted in the inspection of the sales, listings and the subject property as well as in the market research and the preparation of this report.

APPRAISER:

SUPERVISORY APPRAISER: (only if required)

Signature: [Handwritten Signature]
Name: Daniel Perry
Date Signed: 09/26/2019
State Certification #: CRA-1919
or State License #:
or Other (describe) State #
State: ID
Expiration Date of Certification or License: 12/13/2019
Effective Date of Appraisal: 09/18/2019

Signature:
Name:
Date Signed:
State Certification #:
or State License #:
State:
Expiration Date of Certification or License:
Supervisory Appraiser Inspection of Subject Property:
[] Did Not [] Exterior-only from Street [] Interior and Exterior

Market Conditions Addendum to the Appraisal Report

The purpose of this addendum is to provide the lender/client with a clear and accurate understanding of the market trends and conditions prevalent in the subject neighborhood. This is a required addendum for all appraisal reports with an effective date on or after April 1, 2009.

Property Address **31252 Peckham Rd** City **Wilder** State **ID** ZIP Code **83676**

Borrower **Danny Cardoza**

Instructions: The appraiser must use the information required on this form as the basis for his/her conclusions, and must provide support for those conclusions, regarding housing trends and overall market conditions as reported in the Neighborhood section of the appraisal report form. The appraiser must fill in all the information to the extent it is available and reliable and must provide analysis as indicated below. If any required data is unavailable or is considered unreliable, the appraiser must provide an explanation. It is recognized that not all data sources will be able to provide data for the shaded areas below; if it is available, however, the appraiser must include the data in the analysis. If data sources provide the required information as an average instead of the median, the appraiser should report the available figure and identify it as an average. Sales and listings must be properties that compete with the subject property, determined by applying the criteria that would be used by a prospective buyer of the subject property. The appraiser must explain any anomalies in the data, such as seasonal markets, new construction, foreclosures, etc.

Inventory Analysis	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)	14	16	6	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)	2.33	5.33	2.00	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Comparable Active Listings	0	0	14	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Months of Housing Supply (Total Listings/Ab.Rate)	0	0	7.0	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Sale & List Price, DOM, Sale/List %	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Median Comparable Sale Price	267,450	295,000	247,500	<input checked="" type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Sales Days on Market	32	20	4	<input checked="" type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable List Price	0	0	290,250	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Listings Days on Market	0	0	37	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Sale Price as % of List Price	98	98	98	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Seller-(developer, builder, etc.) paid financial assistance prevalent?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining

Explain in detail the seller concessions trends for the past 12 months (e.g., seller contributions increased from 3% to 5%, increasing use of buydowns, closing costs, condo fees, options, etc.).

Seller concessions typically run about 2% to 3% of the final sales prices. Most of the time the buyers will discount the final sales price of the home so that concessions are not included into the final sales prices. Again this is typical of the area and have remained stable with no sharp increases or decreasing the amount of the sales concessions the seller is willing to pay.

Are foreclosure sales (REO sales) a factor in the market? Yes No If yes, explain (including the trends in listings and sales of foreclosed properties).

Cite data sources for above information.

IMLS/county records

Summarize the above information as support for your conclusions in the Neighborhood section of the appraisal report form. If you used any additional information, such as an analysis of pending sales and/or expired and withdrawn listings, to formulate your conclusions, provide both an explanation and support for your conclusions.

It is noted that Idaho is a non disclosure state and that we have one source of sales data available. Which the intermountain multiple listing service. Currently our imls does not have the capability to listing the total number of active listings that are available on the market at a given time frame. The system can give us the total number for new listings for specific time frame only. This will not include existing listings or listings that have changed status to "pending or sold". For this reason the information provided within this report is of new listing for that time period and not all properties that are available within a specific time frame. The information provided still gives the reader of this report a good indication of what the market is doing and is the best and only information that can be provided at this time. A complete market analysis is provided within the body of this report under the market condition section.

If the subject is a unit in a condominium or cooperative project, complete the following: Project Name: _____

Subject Project Data	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Active Comparable Listings				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Months of Unit Supply (Total Listings/Ab. Rate)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining

Are foreclosure sales (REO sales) a factor in the project? Yes No If yes, indicate the number of REO listings and explain the trends in listings and sales of foreclosed properties.

Summarize the above trends and address the impact on the subject unit and project.

Signature Signature _____
 Appraiser Name **Daniel Perry** Supervisory Appraiser Name _____
 Company Name **Perry Associates, LLC** Company Name _____
 Company Address **3032 East Calabria Drive, Meridian, Id 83646** Company Address _____
 State License/Certification # **CRA-1919** State ID _____ State License/Certification # _____ State _____
 Email Address **perryassociatesllc@gmail.com** Email Address _____

UNIFORM APPRAISAL DATASET (UAD) DEFINITIONS ADDENDUM

(Source: UAD Appendix D: UAD Field-Specific Standardization Requirements)

Condition Ratings and Definitions

C1

The improvements have been very recently constructed and have not previously been occupied. The entire structure and all components are new and the dwelling features no physical depreciation.*

**Note: Newly constructed improvements that feature recycled materials and/or components can be considered new dwellings provided that the dwelling is placed on a 100% new foundation and the recycled materials and the recycled components have been rehabilitated/re-manufactured into like-new condition. Recently constructed improvements that have not been previously occupied are not considered "new" if they have any significant physical depreciation (i.e., newly constructed dwellings that have been vacant for an extended period of time without adequate maintenance or upkeep).*

C2

The improvements feature no deferred maintenance, little or no physical depreciation, and require no repairs. Virtually all building components are new or have been recently repaired, refinished, or rehabilitated. All outdated components and finishes have been updated and/or replaced with components that meet current standards. Dwellings in this category either are almost new or have been recently completely renovated and are similar in condition to new construction.

C3

The improvements are well maintained and feature limited physical depreciation due to normal wear and tear. Some components, but not every major building component, may be updated or recently rehabilitated. The structure has been well maintained.

C4

The improvements feature some minor deferred maintenance and physical deterioration due to normal wear and tear. The dwelling has been adequately maintained and requires only minimal repairs to building components/mechanical systems and cosmetic repairs. All major building components have been adequately maintained and are functionally adequate.

C5

The improvements feature obvious deferred maintenance and are in need of some significant repairs. Some building components need repairs, rehabilitation, or updating. The functional utility and overall livability is somewhat diminished due to condition, but the dwelling remains useable and functional as a residence.

C6

The improvements have substantial damage or deferred maintenance with deficiencies or defects that are severe enough to affect the safety, soundness, or structural integrity of the improvements. The improvements are in need of substantial repairs and rehabilitation, including many or most major components.

Quality Ratings and Definitions

Q1

Dwellings with this quality rating are usually unique structures that are individually designed by an architect for a specified user. Such residences typically are constructed from detailed architectural plans and specifications and feature an exceptionally high level of workmanship and exceptionally high-grade materials throughout the interior and exterior of the structure. The design features exceptionally high-quality exterior refinements and ornamentation, and exceptionally high-quality interior refinements. The workmanship, materials, and finishes throughout the dwelling are of exceptionally high quality.

Q2

Dwellings with this quality rating are often custom designed for construction on an individual property owner's site. However, dwellings in this quality grade are also found in high-quality tract developments featuring residence constructed from individual plans or from highly modified or upgraded plans. The design features detailed, high quality exterior ornamentation, high-quality interior refinements, and detail. The workmanship, materials, and finishes throughout the dwelling are generally of high or very high quality.

Q3

Dwellings with this quality rating are residences of higher quality built from individual or readily available designer plans in above-standard residential tract developments or on an individual property owner's site. The design includes significant exterior ornamentation and interiors that are well finished. The workmanship exceeds acceptable standards and many materials and finishes throughout the dwelling have been upgraded from "stock" standards.

Q4

Dwellings with this quality rating meet or exceed the requirements of applicable building codes. Standard or modified standard building plans are utilized and the design includes adequate fenestration and some exterior ornamentation and interior refinements. Materials, workmanship, finish, and equipment are of stock or builder grade and may feature some upgrades.

Q5

Dwellings with this quality rating feature economy of construction and basic functionality as main considerations. Such dwellings feature a plain design using readily available or basic floor plans featuring minimal fenestration and basic finishes with minimal exterior ornamentation and limited interior detail. These dwellings meet minimum building codes and are constructed with inexpensive, stock materials with limited refinements and upgrades.

Q6

Dwellings with this quality rating are of basic quality and lower cost; some may not be suitable for year-round occupancy. Such dwellings are often built with simple plans or without plans, often utilizing the lowest quality building materials. Such dwellings are often built or expanded by persons who are professionally unskilled or possess only minimal construction skills. Electrical, plumbing, and other mechanical systems and equipment may be minimal or non-existent. Older dwellings may feature one or more substandard or non-conforming additions to the original structure.

Definitions of Not Updated, Updated, and Remodeled

Not Updated

Little or no updating or modernization. This description includes, but is not limited to, new homes.

Residential properties of fifteen years of age or less often reflect an original condition with no updating, if no major components have been replaced or updated. Those over fifteen years of age are also considered not updated if the appliances, fixtures, and finishes are predominantly dated. An area that is 'Not Updated' may still be well maintained and fully functional, and this rating does not necessarily imply deferred maintenance or physical /functional deterioration.

Updated

The area of the home has been modified to meet current market expectations. These modifications are limited in terms of both scope and cost.

An updated area of the home should have an improved look and feel, or functional utility. Changes that constitute updates include refurbishment and/or replacing components to meet existing market expectations. Updates do not include significant alterations to the existing structure .

Remodeled

Significant finish and/or structural changes have been made that increase utility and appeal through complete replacement and/or expansion.

A remodeled area reflects fundamental changes that include multiple alterations. These alterations may include some or all of the following: replacement of a major component (cabinet(s), bathtub, or bathroom tile), relocation of plumbing/gas fixtures/appliances, significant structural alterations (relocating walls, and/or the addition of) square footage). This would include a complete gutting and rebuild.

Explanation of Bathroom Count

Three-quarter baths are counted as a full bath in all cases. Quarter baths (baths that feature only a toilet) are not included in the bathroom count. The number of full and half baths is reported by separating the two values using a period, where the full bath count is represented to the left of the period and the half bath count is represented to the right of the period.

Abbreviations Used in Data Standardization Text

Abbreviation	Full Name	Appropriate Fields
ac	Acres	Area, Site
AdjPrk	Adjacent to Park	Location
AdjPwr	Adjacent to Power Lines	Location
A	Adverse	Location & View
ArmLth	Arms Length Sale	Sale or Financing Concessions
ba	Bathroom(s)	Basement & Finished Rooms Below Grade
br	Bedroom	Basement & Finished Rooms Below Grade
B	Beneficial	Location & View
Cash	Cash	Sale or Financing Concessions
CtySky	City View Skyline View	View
CtyStr	City Street View	View
Comm	Commercial Influence	Location
c	Contracted Date	Date of Sale/Time
Conv	Conventional	Sale or Financing Concessions
CrtOrd	Court Ordered Sale	Sale or Financing Concessions
DOM	Days On Market	Data Sources
e	Expiration Date	Date of Sale/Time
Estate	Estate Sale	Sale or Financing Concessions
FHA	Federal Housing Authority	Sale or Financing Concessions
GlfCse	Golf Course	Location
Glfvw	Golf Course View	View
Ind	Industrial	Location & View
in	Interior Only Stairs	Basement & Finished Rooms Below Grade
Lndfl	Landfill	Location
LtdSght	Limited Sight	View
Listing	Listing	Sale or Financing Concessions
Mtn	Mountain View	View
N	Neutral	Location & View
NonArm	Non-Arms Length Sale	Sale or Financing Concessions
BsyRd	Busy Road	Location
o	Other	Basement & Finished Rooms Below Grade
Prk	Park View	View
Pstrl	Pastoral View	View
PwrLn	Power Lines	View
PubTrn	Public Transportation	Location
rr	Recreational (Rec) Room	Basement & Finished Rooms Below Grade
Relo	Relocation Sale	Sale or Financing Concessions
REO	REO Sale	Sale or Financing Concessions
Res	Residential	Location & View
RH	USDA –Rural Housing	Sale or Financing Concessions
s	Settlement Date	Date of Sale/Time
Short	Short Sale	Sale or Financing Concessions
sf	Square Feet	Area, Site, Basement
Unk	Unknown	Date of Sale/Time
VA	Veterans Administration	Sale or Financing Concessions
w	Withdrawn Date	Date of Sale/Time
wo	Walk Out Basement	Basement & Finished Rooms Below Grade
wu	Walk Up Basement	Basement & Finished Rooms Below Grade
WtrFr	Water Frontage	Location
Wtr	Water View	View
Woods	Woods View	View

Other Appraiser-Defined Abbreviations

Abbreviation	Full Name	Fields Where This Abbreviation May Appear

ENVIRONMENTAL ADDENDUM

APPARENT* HAZARDOUS SUBSTANCES AND/OR DETRIMENTAL ENVIRONMENTAL CONDITIONS

2019 09 067

File No. 684006

Borrower or Owner Danny Cardoza
 Property Address 31252 Peckham Rd
 City Wilder County Canyon State ID Zip Code 83676
 Lender/Client LoanDepot, LLC

* Apparent is defined as that which is visible, obvious, evident or manifest to the appraiser.

This universal Environmental Addendum is for use with any real estate appraisal. Only the statements which have been checked by the appraiser apply to the property being appraised.

This addendum reports the results of the appraiser's routine inspection of and inquires about the subject property and its surrounding area. It also states what assumptions were made about the existence (or nonexistence) of any hazardous substances and/or detrimental environmental conditions. **The appraiser is not an expert environmental inspector** and therefore might be unaware of existing hazardous substances and/or detrimental environmental conditions which may have negative effect on the safety and value of the property. It is possible that tests and inspections made by a qualified environmental inspector would reveal the existence of hazardous materials and/or detrimental conditions on or around the property that would negatively affect its safety and value.

DRINKING WATER

- Drinking Water is supplied to the subject from a municipal water supply which is considered safe. However the only way to be absolutely certain that the water meets published standards is to have it tested at all discharge points.
- Drinking Water is supplied by a well or other non-municipal source. It is recommended that tests be made to be certain that the property is supplied with adequate pure water.
- Lead can get into drinking water from its source, the pipes, at all discharge points, plumbing fixtures and/or appliances. The only way to be certain that water does not contain an unacceptable lead level is to have it tested at all discharge points.
- The value estimated in this appraisal is based on the assumption that there is an adequate supply of safe, lead-free Drinking Water.**

Comments

This is typical for the area and does not affect the marketability of the property.

SANITARY WASTE DISPOSAL

- Sanitary Waste is removed from the property by a municipal sewer system.
- Sanitary Waste is disposed of by a septic system or other sanitary on site waste disposal system. The only way to determine that the disposal system is adequate and in good working condition is to have it inspected by a qualified inspector.
- The value estimated in this appraisal is based on the assumption that the Sanitary Waste is disposed of by a municipal sewer or an adequate properly permitted alternate treatment system in good condition.**

Comments

This is typical for the area and does not affect the marketability of the property.

SOIL CONTAMINANTS

- There are no apparent signs of Soil Contaminants on or near the subject property (except as reported in comments below). It is possible that research, inspection and testing by a qualified environmental inspector would reveal existing and/or potential hazardous substances and/or detrimental environmental conditions on or around the property that would negatively affect its safety and value.
- The value estimated in this appraisal is based on the assumption that the subject property is free of Soil Contaminants.**

Comments

ASBESTOS

- All or part of the improvements were constructed before 1979 when Asbestos was a common building material. The only way to be certain that the property is free of friable and non-friable Asbestos is to have it inspected and tested by a qualified asbestos inspector.
- The improvements were constructed after 1979. No apparent friable Asbestos was observed (except as reported in the comments below)
- The value estimated in this appraisal is based on the assumption that there is no uncontained friable Asbestos or other hazardous Asbestos material on the property.**

Comments

PCBs (POLYCHLORINATED BIPHENYLS)

- There were no apparent leaking fluorescent light ballasts, capacitors or transformers anywhere on or nearby the property (except as reported in Comments below).
- There was no apparent visible or documented evidence known to the appraiser of soil or groundwater contamination from PCBs anywhere on the property (except as reported in Comments below).
- The value estimated in this appraisal is based on the assumption that there are no uncontained PCBs on or nearby the property.**

Comments

RADON

- The appraiser is not aware of any Radon tests made on the subject property within the past 12 months (except as reported in Comments below).
- The appraiser is not aware of any indication that the local water supplies have been found to have elevated levels of Radon or Radium.
- The appraiser is not aware of any nearby properties (except as reported in Comments below) that were or currently are used for uranium, thorium or radium extraction or phosphate processing.
- The value estimated in this appraisal is based on the assumption that the Radon level is at or below EPA recommended levels.**

Comments

ENVIRONMENTAL ADDENDUM (cont.)

USTs (UNDERGROUND STORAGE TANKS)

- There is no apparent visible or documented evidence known to the appraiser of any LISTs on the property nor any known historical use of the property that would likely have had LISTs.
- There are no apparent petroleum storage and/or delivery facilities (including gasoline stations or chemical manufacturing plants) located on adjacent properties (except as reported in Comments below).
- There are apparent signs of LISTs existing now or in the past on the subject property. It is recommended that an inspection by a qualified LIST inspector be obtained to determine the location of any LISTs together with their condition and proper registration if they are active; and if they are inactive, to determine whether they were deactivated in accordance with sound industry practices.
- The value estimated in this appraisal is based on the assumption that any functioning USTs are not leaking and are properly registered and that any abandoned USTs are free from contamination and were properly drained, filled and sealed.**

Comments

NEARBY HAZARDOUS WASTE SITES

- There are no apparent Hazardous Waste Sites on the subject property or nearby the subject property (except as reported in Comments below). Hazardous Waste Site search by a trained environmental engineer may determine that there is one or more Hazardous Waste Sites on or in the area of the subject property.
- The value estimated in this appraisal is based on the assumption that there are no Hazardous Waste Sites on or nearby the subject property that negatively affect the value or safety of the property.**

Comments

UREA FORMALDEHYDE (UFFI) INSULATION

- All or part of the improvements were constructed before 1982 when UREA foam insulation was a common building material. The only way to be certain that the property is free of UREA formaldehyde is to have it inspected by a qualified UREA formaldehyde Inspector.
- The improvements were constructed after 1982. No apparent UREA formaldehyde materials were observed (except as reported in Comments below).
- The value estimated in this appraisal is based on the assumption that there is no significant UFF1 Insulation or other UREA formaldehyde material on the property.**

Comments

LEAD PAINT

- All or part of the improvements were constructed before 1980 when Lead Paint was a common building material. There is no apparent visible or known documented evidence of peeling or flaking Lead Paint on the floors, walls or callings (except as reported in Comments below). The only way to be certain that the property is free of surface or subsurface Lead Paint is to have it inspected by a qualified inspector.
- The improvements were constructed after 1980. No apparent Lead Paint was observed (except as reported in Comments below).
- The value estimated in this appraisal is based on the assumption that there is no flaking or peeling Lead Paint on the property.**

Comments

AIR POLLUTION

- There are no apparent signs of Air Pollution at the time of the inspection nor were any reported (except as reported in Comments below). The only way to be certain that the air is free of pollution is to have it tested.
- The value estimated in this appraisal is based on the assumption that the property is free of Air Pollution.**

Comments

WETLANDS/FLOOD PLAINS

- The site does not contain any apparent Wetlands/Flood Plains (except as reported in Comments below)- The only way to be certain that the site is free of Wetlands/Flood Plains is to have it inspected by a qualified environmental professional.
- The value estimated in this appraisal is based on the assumption that there are no Wetlands/Flood Plains on the property (except as reported in Comments below).**

Comments

MISCELLANEOUS ENVIRONMENTAL HAZARDS

- There are no other apparent miscellaneous hazardous substances and/or detrimental environmental conditions on or in the area of the site except as indicated below:
- Excess Noise _____
- Radiation + Electromagnetic Radiation _____
- Light Pollution _____
- Waste Heat _____
- Acid Mine Drainage _____
- Agricultural Pollution _____
- Geological Hazards _____
- Nearby Hazardous Property _____
- Infectious Medical Wastes _____
- Pesticides _____
- Others (Chemical Storage - Storage Drums, Pipelines, etc.) _____
- The value estimated in this appraisal is based on the assumption that there are no Miscellaneous environmental Hazards (except those reported above) that would negatively affect the value of the property.**

When any of the environmental assumptions made in this addendum are not correct, the estimated value in this appraisal may not be valid.

SUBJECT PHOTOGRAPH ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza						
Property Address	31252 Peckham Rd						
City	Wilder	County	Canyon	State	ID	Zip Code	83676
Lender	LoanDepot, LLC						



FRONT OF SUBJECT PROPERTY

Subject Front _____
31252 Peckham Rd _____
288,000 _____



REAR OF SUBJECT PROPERTY

Subject Rear _____
31252 Peckham Rd _____
288,000 _____



STREET SCENE

Subject Street _____
31252 Peckham Rd _____
288,000 _____

ADDITIONAL PHOTOGRAPH ADDENDUM

File # 684006

Borrower/Client Danny Cardoza
Property Address 31252 Peckham Rd
City Wilder County Canyon State ID Zip Code 83676
Lender LoanDepot, LLC



out-building _____



out-building _____



side _____

ADDITIONAL PHOTOGRAPH ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza						
Property Address	31252 Peckham Rd						
City	Wilder	County	Canyon	State	ID	Zip Code	83676
Lender	LoanDepot, LLC						



side _____



drive way _____



entry _____

ADDITIONAL PHOTOGRAPH ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza						
Property Address	31252 Peckham Rd						
City	Wilder	County	Canyon	State	ID	Zip Code	83676
Lender	LoanDepot, LLC						



bedroom _____



bedroom _____



bedroom _____

ADDITIONAL PHOTOGRAPH ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza				
Property Address	31252 Peckham Rd				
City	Wilder	County	Canyon	State	ID
Zip Code	83676				
Lender	LoanDepot, LLC				



bathroom _____



kitchen _____



laundry _____

ADDITIONAL PHOTOGRAPH ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza				
Property Address	31252 Peckham Rd				
City	Wilder	County	Canyon	State	ID
Zip Code	83676				
Lender	LoanDepot, LLC				



dining _____



wood stove _____



living room _____

ADDITIONAL PHOTOGRAPH ADDENDUM

File # 684006

Borrower/Client Danny Cardoza
Property Address 31252 Peckham Rd
City Wilder County Canyon State ID Zip Code 83676
Lender LoanDepot, LLC



water supply on



power supply on



mechanical

ADDITIONAL PHOTOGRAPH ADDENDUM

File # 684006

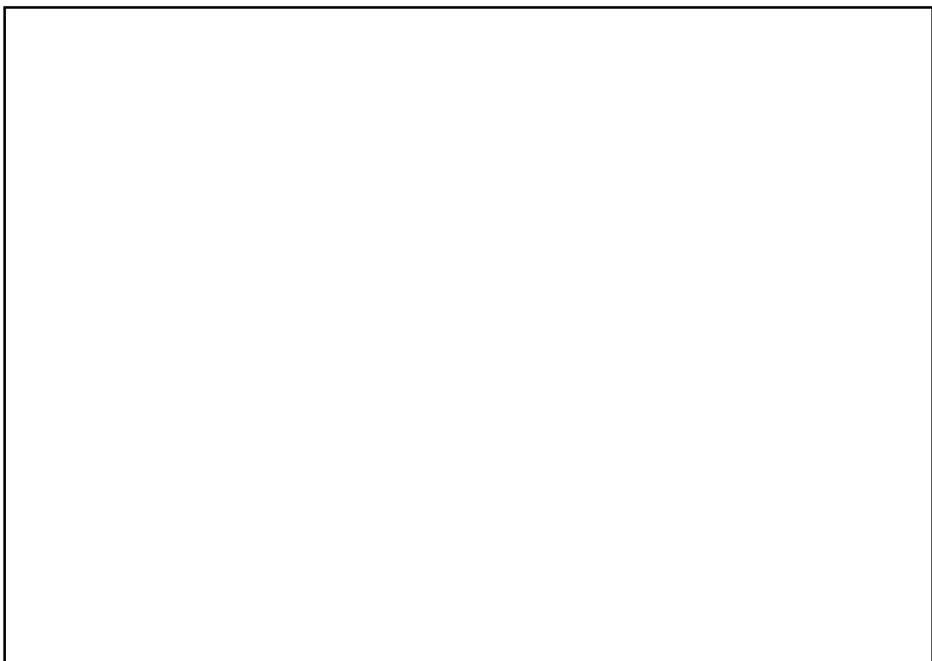
Borrower/Client Danny Cardoza
Property Address 31252 Peckham Rd
City Wilder County Canyon State ID Zip Code 83676
Lender LoanDepot, LLC



shop _____



interior shop _____



COMPARABLES PHOTOGRAPH ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza				
Property Address	31252 Peckham Rd				
City	Wilder	County	Canyon	State	ID
Zip Code	83676				
Lender	LoanDepot, LLC				



Comparable Sale 1

26362 Riverview Rd
Wilder ID 83676
 Date of Sale: s08/19;c07/19
 Sale Price: 227,500
 Sq. Ft.: 1,198
 \$ / Sq. Ft.: 189.90



Comparable Sale 2

5695 Market Rd
Marsing ID 83639
 Date of Sale: s07/19;c05/19
 Sale Price: 240,000
 Sq. Ft.: 1,612
 \$ / Sq. Ft.: 148.88



Comparable Sale 3

22778 Upper Pleasant Ridge Rd
Caldwell ID 83607
 Date of Sale: s07/19;c07/19
 Sale Price: 253,962
 Sq. Ft.: 1,440
 \$ / Sq. Ft.: 176.36

COMPARABLES PHOTOGRAPH ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza				
Property Address	31252 Peckham Rd				
City	Wilder	County	Canyon	State	ID
Zip Code	83676				
Lender	LoanDepot, LLC				



Comparable Sale 4

4612 Market Rd
 Homedale ID 83628
 Date of Sale: s12/18;c11/18
 Sale Price: 284,900
 Sq. Ft.: 1,684
 \$ / Sq. Ft.: 169.18



Comparable Sale 5

26197 Reed Ln
 Wilder ID 83676
 Date of Sale: s05/19;c04/19
 Sale Price: 254,000
 Sq. Ft.: 1,454
 \$ / Sq. Ft.: 174.69



Comparable Sale 6

4059 Pioneer Rd
 Homedale ID 83628
 Date of Sale: Active
 Sale Price: 220,000
 Sq. Ft.: 1,084
 \$ / Sq. Ft.: 202.95

COMPARABLES PHOTOGRAPH ADDENDUM

File # 684006

Borrower/Client	Danny Cardoza				
Property Address	31252 Peckham Rd				
City	Wilder	County	Canyon	State	ID
Zip Code	83676				
Lender	LoanDepot, LLC				



Comparable Sale 7

5634 Van Rd
 Marsing ID 83639
 Date of Sale: Active
 Sale Price: 365,000
 Sq. Ft.: 1,648
 \$ / Sq. Ft.: 221.48



Comparable Sale 8

 Date of Sale: _____
 Sale Price: _____
 Sq. Ft.: _____
 \$ / Sq. Ft.: _____



Comparable Sale 9

 Date of Sale: _____
 Sale Price: _____
 Sq. Ft.: _____
 \$ / Sq. Ft.: _____

LOCATION MAP ADDENDUM

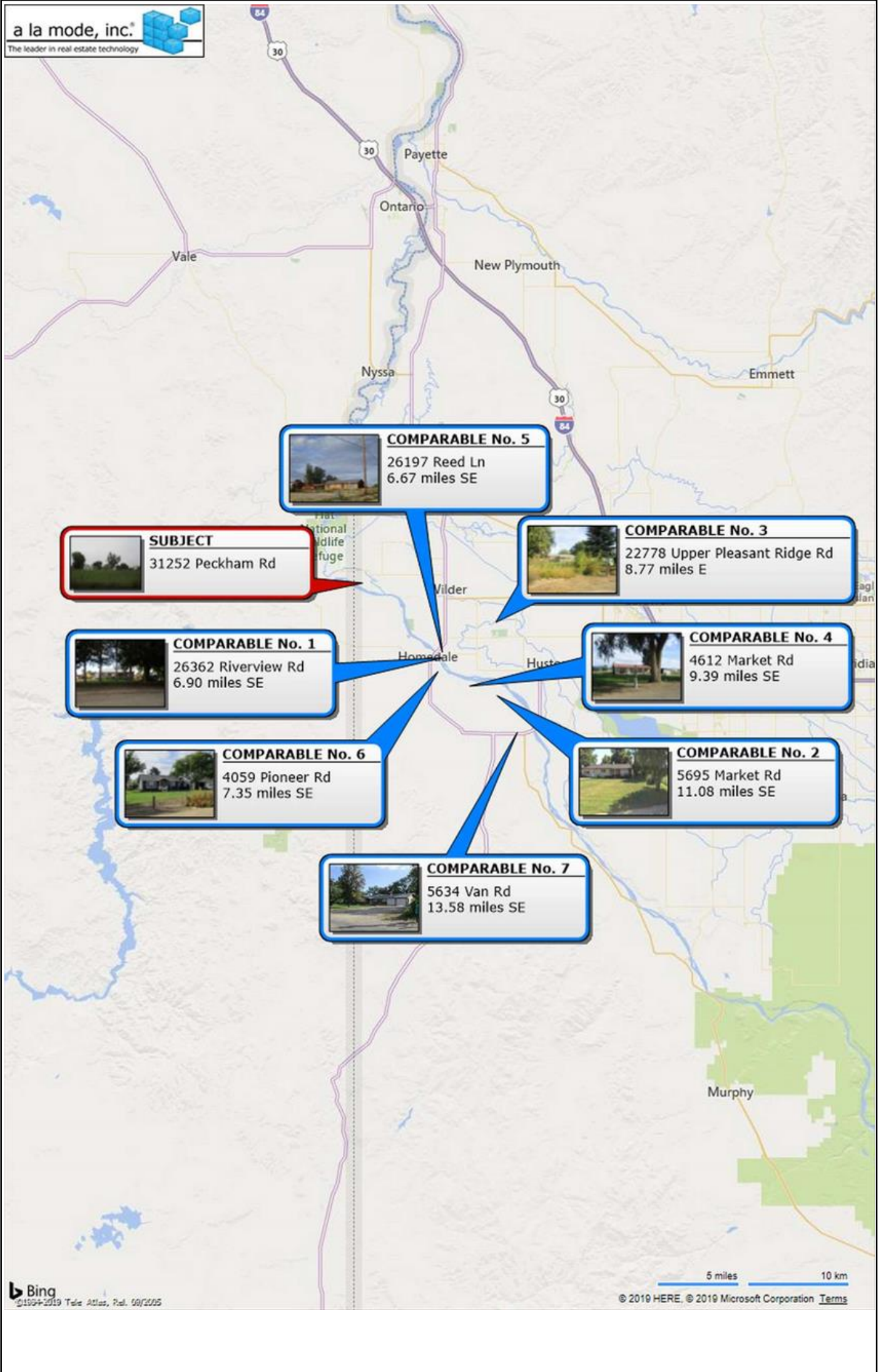
File # 684006

Borrower/Client Danny Cardoza

Property Address 31252 Peckham Rd

City Wilder County Canyon State ID Zip Code 83676

Lender LoanDepot, LLC



SKETCH ADDENDUM

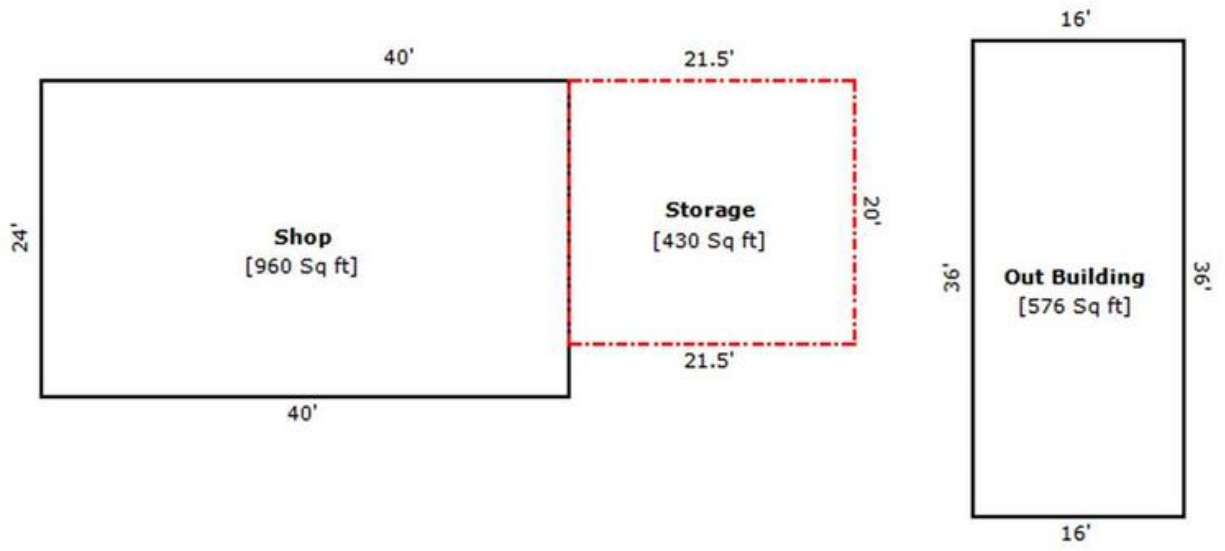
File # 684006

Borrower/Client Danny Cardoza

Property Address 31252 Peckham Rd

City Wilder County Canyon State ID Zip Code 83676

Lender LoanDepot, LLC



TOTAL Sketch by a la mode, inc.

Area Calculations Summary

Non-living Area		
Storage	430 Sq ft	20 × 21.5 = 430
Out Building	576 Sq ft	36 × 16 = 576
Shop	960 Sq ft	40 × 24 = 960

SKETCH ADDENDUM

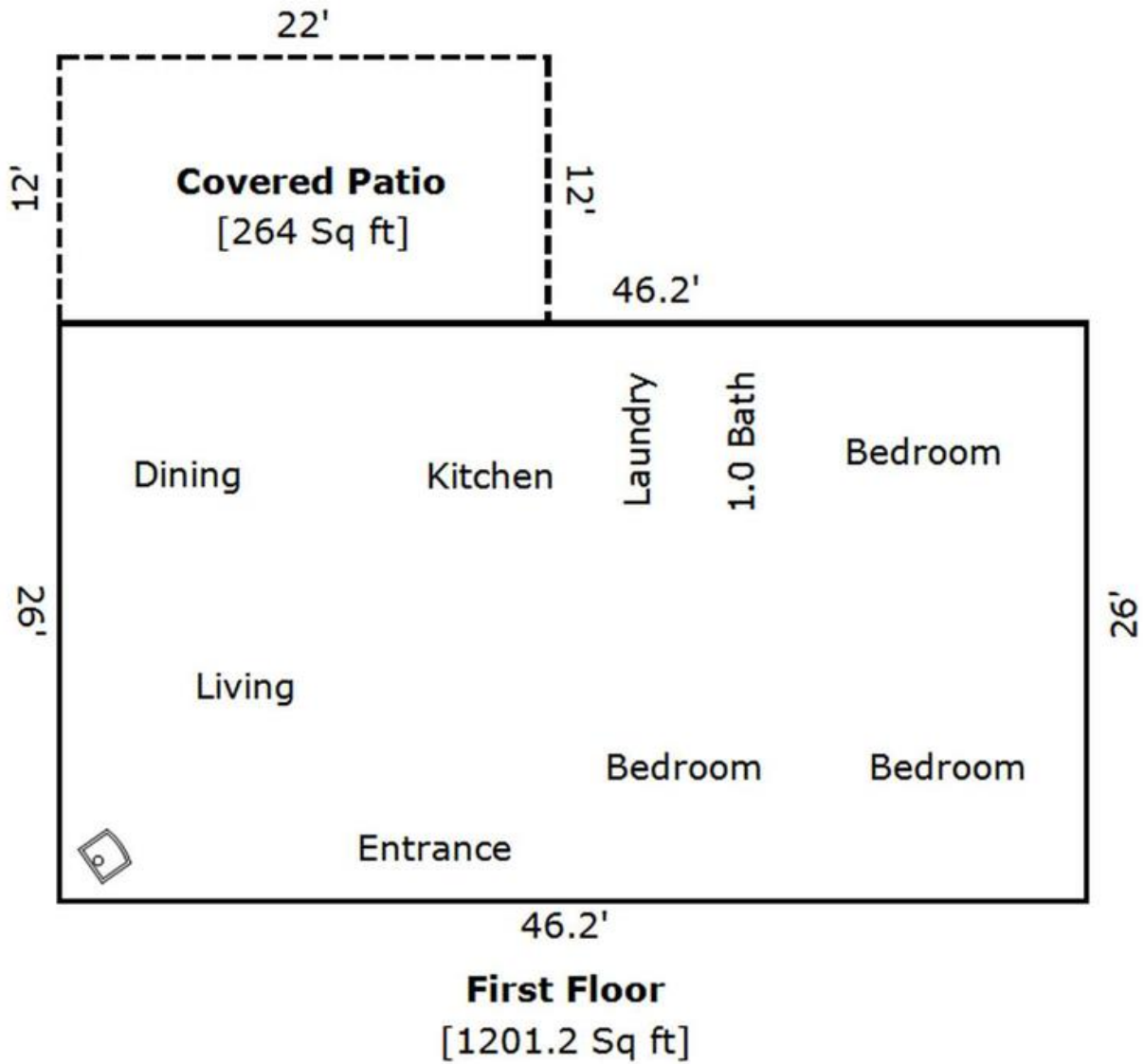
File # 684006

Borrower/Client Danny Cardoza

Property Address 31252 Peckham Rd

City Wilder County Canyon State ID Zip Code 83676

Lender LoanDepot, LLC

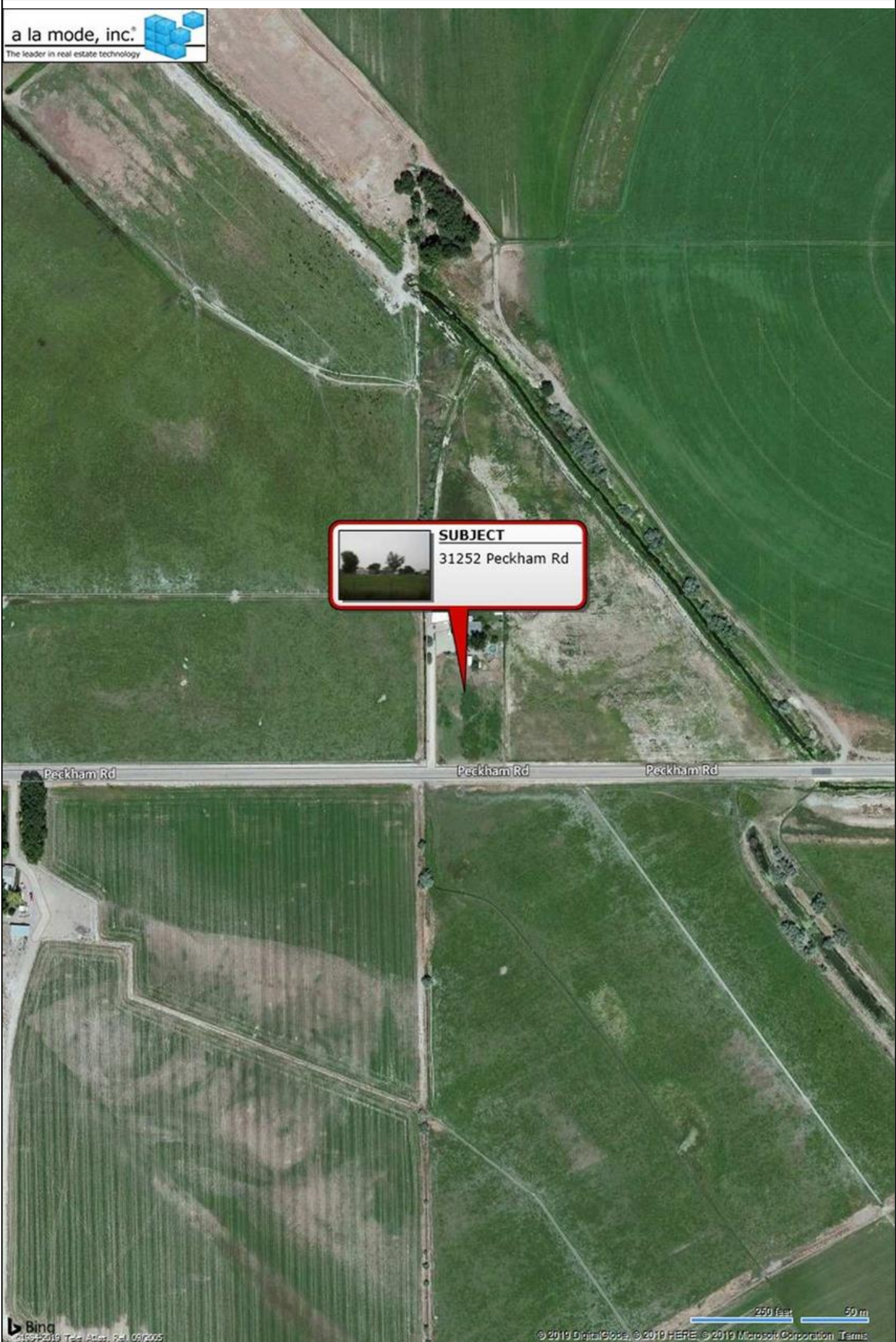


TOTAL Sketch by a la mode, Inc.

Area Calculations Summary

Living Area		Calculation Details
First Floor	1201.2 Sq ft	26 × 46.2 = 1201.2
Total Living Area (Rounded):	1201 Sq ft	
Non-living Area		
Covered Patio	264 Sq ft	22 × 12 = 264

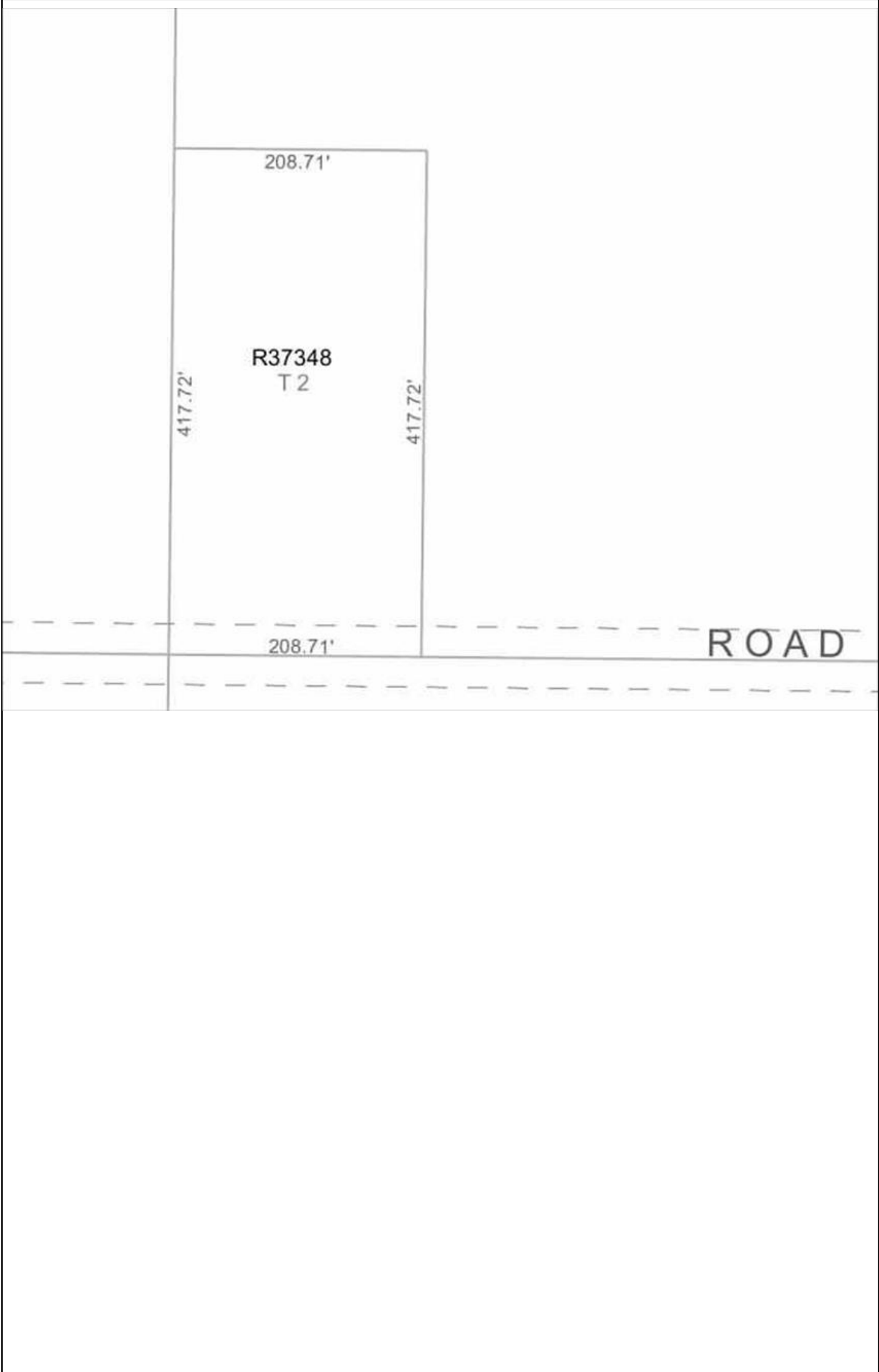
Borrower/Client	<u>Danny Cardoza</u>						
Property Address	<u>31252 Peckham Rd</u>						
City	<u>Wilder</u>	County	<u>Canyon</u>	State	<u>ID</u>	Zip Code	<u>83676</u>
Lender	<u>LoanDepot, LLC</u>						



Plat Map

File # 684006

Borrower/Client	<u>Danny Cardoza</u>						
Property Address	<u>31252 Peckham Rd</u>						
City	<u>Wilder</u>	County	<u>Canyon</u>	State	<u>ID</u>	Zip Code	<u>83676</u>
Lender	<u>LoanDepot, LLC</u>						



Borrower/Client Danny Cardoza
 Property Address 31252 Peckham Rd
 City Wilder County Canyon State ID Zip Code 83676
 Lender LoanDepot, LLC

Full Report

Master

Parcel Number	04N06W142100	Account Number	R373480000
Owner Name	FOUTS STEVEN R	Property Address	31252 PECKHAM RD
Code Area	0530000	City	WILDER
Mailing Address	31252 PECKHAM RD	Zip	83676
Mailing City	WILDER	Last Sale Price	\$130,000.00
Mailing State	ID	Last Sale Date	12/30/2012
Mailing Zip	83676	Subdivision	

Legal Information

Section	14	Township	4N
Range	6W	Quarter	NE
Sub Number		Subdivision	

Legal

14-4N-6W NE
 TAX 2 IN SENE

Property Values/Taxes

Improvement Value	\$133,400.00	Tax Year	2018
Land Value	\$39,040.00	Tax Amount	\$1,315.90
Total Value	\$172,440.00		

Value	Description
\$7,040.00	12 RURAL RES TRACT
\$32,000.00	12H RURAL RES
\$400.00	32 NON-RES IMP ON 1-12,15
\$500.00	32 NON-RES IMP ON 1-12,15
\$800.00	32 NON-RES IMP ON 1-12,15
\$5,800.00	32 NON-RES IMP ON 1-12,15
\$13,300.00	32 NON-RES IMP ON 1-12,15
\$101,600.00	34H RES IMP ON 12
\$11,000.00	34H RES IMP ON 12

Property Characteristics

Acreage	2.001	Units	1
Total Area	1196	Central Air	CENTRAL AIR
Total Use Area	1196	Quality	2+
Bsmt SqFt		Exterior Walls	HARDBOARD
Bsmt Fin Area		Roof Material	COMP SH TO 235#
Total Porch	322	Porch Count	1
Total Deck Size		Year Built	1971
Cpt Area		Deck Count	
Det Cpt Area		Pool Size	
Bsmt Gar Area		Cpt Stalls	
Det Gar Area	355	Eff Year Built	1971
Gar Area		Masonry FP	
Upper Area		Bsmt Gar Stalls	
Upper Use Area		Bsmt Walkout	
Attic Base Area		Number Beds	3
Attic Fin Area		Gar Stalls	
Bsmt Rec Area		Metal FP	
Lower SqFt		Bath 2 Fix	
Lower Use Area		Bath 3 Fix	1
Footprint Area	1196	Bath 4 Fix	
Floor1 Use Area	1196	Bath 5 Fix	
Floor2 Area		Total Fixtures	6
Floor2 Use Area		Bldg Cond	NORMAL FOR AGE
Acreage	2.001	Units	
Total Area		Central Air	
Total Use Area		Quality	
Bsmt SqFt		Exterior Walls	
Bsmt Fin Area		Roof Material	
Total Porch		Porch Count	
Total Deck Size		Year Built	
Cpt Area		Deck Count	
Det Cpt Area		Pool Size	

2019 09 067

AI Ready PDF Generated on 10/07/2019 3:04:28 PM

Certificate ID #: 684006

Certificate Date: 09/23/2019

Certificate of Appraiser Independence

Subject Property: 31252 PECKHAM RD Wilder ID 83676

Certificate Date: 09/23/2019

United States Appraisals, an entity with no vested interest in the outcome of this real estate transaction, certifies that through its technology platform and policies and procedures, the appraisal report represented was delivered in compliance with the APPRAISER INDEPENDENCE LAWS.

Key Process Points:

1. All appraisals are subject to a secondary review which could result in corrections to the document or value modifications.
2. All pre-qualification valuations were performed via AVM or independently without knowledge of, or access to, the appraiser.
3. The lender named on the appraisal report submitted the appraisal request form via our secure appraisal management platform which does not contain estimated value, loan amount, or target values.
4. Appraiser selection, both automated and manual, was performed in compliance with the appraiser independence requirement.
5. All orders, except where explicitly documented, are arms length transactions where the lender is unaware of the appraiser's identity until the final copy of the appraisal report is delivered. The appraiser is only provided the client name and address to facilitate appraisal completion, and is never provided the loan officer, processor, or any other originating personnel contact information.
6. The system prevents knowledge of, and communications with, the appraiser, and documents all lender communications to promote compliance.
7. All FHA appraisals have been placed in accordance with the requirements of the U.S. Department of Housing and Urban Development's HUD Mortgagee Letter 2009-28.





INVOICE

Date: Sep 23, 2019
 Invoice #: 684006
 Loan #: 400376326
 Tracking ID:

United States Appraisals
 8500 W 110th St Suite 105
 Overland Park, KS 66210
 Phone: 866-562-0123
 Fax: 913-951-2698
 Email: orders@unitedstatesappraisals.com
 AMC License #: AMC-4478

TO: Loan Depot
 26642 Towne Centre Dr
 Foothill Ranch, CA 92610

JOB	PAYMENT TERMS	DUE DATE
Invoice for USA File #: 684006 Borrower: Danny Cardoza Property: 31252 PECKHAM RD, Wilder, ID 83676	Net 30 Days	10/23/2019

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL	PAYMENT DATE
1	1004/MC - Single Family	\$500.00	\$500.00	
1	Rush Fee	\$100.00	\$100.00	
			Total	\$600.00
			Payments	\$0.00
			Balance Due	\$600.00

Make all checks payable to United States Appraisals
 Thank you for your business!

EXHIBIT Y - 040

Review Worksheet

31252 Peckham Rd, Wilder, ID 83676

Scores

2.5

Collateral Underwriter

1

LCA Overvaluation Risk

231

Appraisal Score

Review Summary

31252 PECKHAM RD, WILDER, ID 83676

Loan Number	400376326	Doc ID	20190906-4949-1
Property Address	31252 Peckham Rd, Wilder, ID 83676	Borrower Name	Danny Cardoza
Lender Name	LoanDepot, LLC	Lender Address	26642 Towne Centre Drive
Service Provider Name	AMC US Appraisals	Service Provider Address	,
Service Provider License Number	99999USAPP	Service Provider Company	US Appraisals
Appraised Value	\$270,000.00	Effective Date	9/18/2019
Reviewer	Monish Pandya	Review Date	9/23/2019
License Number		Date Of Review Signature	9/23/2019
Review Type	Tier 3	Review Status	Final Review
Review Decision	Approved As-Is	Reason	Other (See Comments)
Reviewed By	Monish Pandya	Escalated Reviewer Name	

Review Items

Disposition	Description	Internal Comments	External Comments	Clear
Site				
GAAR® Compliance FNC-C-S-057-01 Non-Issue	Utilities: Gas: OTHER box is checked			<input type="checkbox"/>
GAAR® Compliance FNC-C-S-066-01 Non-Issue	Utilities: Water: OTHER box is checked			<input type="checkbox"/>
GAAR® Compliance FNC-C-S-072-01 Non-Issue	Site: Utilities: Sanitary Sewer: The OTHER box is checked			<input type="checkbox"/>
GAAR® Compliance FNC-C-S-075-02 Non-Issue	Site: Utilities: Sanitary Sewer: The description field contains term(s): "PRIVATE;SEPTIC"			<input type="checkbox"/>
Eligibility				
Eligibility CUSTOM-Cost To Cure Non-Issue	"Cost to Cure should not exceed \$1000.00. -Exception - Cost to cure exceeding \$1000 with relates to unpermitted use of Garage ONLY; if the appraiser states garage completed in ""workmanlike manner"" & ""no health or safety"" - PASS with observation"			<input type="checkbox"/>
Eligibility CUSTOM-Farm or Commercial Use Non-Issue	"There is NO evidence of agricultural/farm use or commercial/mixed use in the report or photos. (Review the report in its entirety, not just zoning). If so, ask UW TL if in question"			<input type="checkbox"/>
Eligibility CUSTOM-HOA Dues Non-Issue	The appraisal report does NOT include any HOA dues or special assessments (add the condition with details for U/W review and "Pass" the question)			<input type="checkbox"/>
Eligibility CUSTOM-Inconsistent Prop Info Non-Issue	Match Bedroom and Bathroom count between subject property comp grid, photographs, and Property Sketch (photos of all bedrooms are not required, so do not fail for missing bedroom photos. If there are more bedroom photos than bedrooms listed on the grid/sketch, add the condition for the appraiser to address the inconsistency).			<input type="checkbox"/>
Eligibility CUSTOM-Landlocked Non-Issue	The appraiser has not indicated that the property is landlocked (comments or plat map) Condition ID will be replaced by - PTD/UW/non-viewable/non-uploadable: subject property is land locked UTR.			<input type="checkbox"/>
Eligibility CUSTOM-Legal Description Non-Issue	There are no significant differences between the legal description in the Appraisal and the Title Report/Property Profile. Appraisals will often use summary/abbreviations - if the Appraisal matches details (lot, tract, sub division) it is acceptable. Lengthy legal descriptions may be included in an addendum) Note - this is confirming that the property			<input type="checkbox"/>

EXHIBIT Y - 041

<p>Eligibility CUSTOM-Lender Name Non-Issue</p>	<p>appraised is the same as the property identified in title - If unsure, check the APN with title. Property Profile, or Tax Cert (if available). If information is consistent, no condition is needed and if not add condition.</p> <p>"Lender/Client" Name in the appraisal is loanDepot (AMC may show as Client) Wholesale Only - (For NDC - Appraisal should not reflect LDW and should be on ""Broker Company"" name. For Transferred Appraisal - Appraisal should not reflect loanDepot and it is NON-NDC - See Transferred Appraisal Section below)"</p>	<input type="checkbox"/>	
<p>Eligibility CUSTOM-Loan Information Non-Issue</p>	<p>All applicable information in the Product Modeler or Loan Summary screen matches the appraisal - includes Borrower Name (require one borrower name, full first name or middle initial not required); Property Address (Number, Street, City, County, State, Zip - street direction/ can be abbreviated -ie E = East; St = street), Appraisal occupancy errors.</p>	<input type="checkbox"/>	
<p>Eligibility CUSTOM-Missing detectors or WH straps Non-Issue</p>	<p>"There is NO adverse commentary or other indications that the smoke detectors, water heater straps, and/or CO detectors are missing. (You can infer the property meets state regulations in the absence of adverse commentary) and/or the appraisal does not have a photo of unstrapped water heater in a state where they are required. If the appraiser specifically says the subject property does not have any of these items, Escalate"</p>	<input type="checkbox"/>	
<p>Eligibility CUSTOM-Multiple Parcels Non-Issue</p>	<p>The appraisal only list a single parcel in the legal description and includes only one APN (Escalate if there are multiple parcels/APNs listed in the appraisal). Condition ID will be replaced by - PTD/UW/non-viewable/non-uploadable – appraisal indicates multiple parcels, additional review required, verify on title report.</p>	<input type="checkbox"/>	
<p>Eligibility CUSTOM-Ordinances Non-Issue</p>	<p>Appraisal specifically addresses carbon monoxide detector, smoke detector, and water heater seismic straps - 1) are any/all of these items required by local or state ordinances, 2) if required, are they there, and 3) if there, a photo has been provided. If the appraiser has not met these requirements, add condition with specific details of what is missing.</p>	<input type="checkbox"/>	
<p>Eligibility CUSTOM-Ownership Non-Issue</p>	<p>Compare Appraisal Report and Empower - For a refi, our borrower name in Empower matches Owner of Public record on appraisal. For purchase - the owner of public record in the appraisal matches the owner per Title. Only one borrower/owner name is required, middle initial is not required.</p>	<input type="checkbox"/>	
<p>Eligibility CUSTOM-Ownership Title Underwriter Condition</p>	<p>The owner of public record in the appraisal matches Title - only one borrower name is required, middle initial is not required Note - If title commitment/prelim is missing in file; match borrower/seller name with Tax Cert (if available) or Property Profile. Add condition if you cannot confirm or it does not match.</p>	<p>Condition ID 10873 - The owner of public record in the Appraisal is Steven Fouts. The vested owner in the Title Report is Nicola Stephens. UTR and confirm ownership meets program requirements.</p>	<input type="checkbox"/>
<p>Eligibility CUSTOM-Parcel or Title UTR Non-Issue</p>	<p>The appraisal only list a single parcel in the legal description and includes only one APN. UTR and compare to title if there are multiple parcels/APNs listed in the appraisal.</p>	<input type="checkbox"/>	
<p>Eligibility CUSTOM-Photos and Addendums Non-Issue</p>	<p>The appraisal includes all required photos, addendums, and attachments. Required Photos All - Exterior - front, back, street; Interior - kitchen, all bathrooms, main living area, basement, any physical deterioration; recent updates, restoration, remodeling, and renovation. Subject one with accessory unit (ADU) must include and identify photos of interior of ADU. Any Subject to items. Front view of all comps. Addendums to include building sketch with dimensions, street map showing subject and comps, any additional appraisal commentary Any missing requirements must have a condition added to for the missing item(s)</p>	<input type="checkbox"/>	
<p>Eligibility CUSTOM-Physical Deficiencies Non-Issue</p>	<p>There are no physical deficiencies or adverse conditions listed in the appraisal or identified by the reviewer in photos (possible health, safety, or soundness issues including unfilled pools or uncovered pools missing required pool fencing, exposed wiring, missing handrails, mold, exit doors on upper floors without decks/landings), no checkboxes in Foundation section indicate -Evidence of Infestation, Dampness, or Settlement - and no safety items or concerns are noted at the bottom of page 1 or addendums - possible word searches include cost to</p>	<input type="checkbox"/>	

<p>Eligibility CUSTOM-PUD Non-Issue</p>	<p>cure, hazard, safety, unpermitted, adverse, repair, or leak. Use common sense - if you think there is an issue, add the condition for the UTR</p> <p>The PUD box is checked on the appraisal. Indicate if the subject is reported to be Attached or Detached on Page 1. Check the PUD Information section in appraisal on page 3 of 6 and review photos to confirm. If developer or builder not in control = E PUD; If the developer/builder is in control of the HOA = F PUD.</p>	<input type="checkbox"/>
<p>Eligibility CUSTOM-Roof Issue Non-Issue</p>	<p>The appraisal was completed As Is and there are no indications in the appraisal of issues with the roof that require inspection or repair.</p>	<input type="checkbox"/>
<p>Eligibility CUSTOM-Shared Well/Septic Non-Issue</p>	<p>The appraisal indicates that property does not utilize a shared well or septic.</p>	<input type="checkbox"/>
<p>Eligibility CUSTOM-Solar not mentioned Non-Issue</p>	<p>There are NO solar panels listed or noted in the appraisal but there appear to be solar panels/equipment in the photos. (Check the improvement section, the comp grid for the subject, addendums)</p>	<input type="checkbox"/>
<p>Eligibility CUSTOM-Solar Reported Non-Issue</p>	<p>There are solar panels listed in the appraisal, on the comp grid for the subject, or in the photos - Condition ID will be replaced by - PTD/UW/non-viewable/non-uploadable: Solar panels identified on appraisal. UTR for additional solar panel requirements.</p>	<input type="checkbox"/>
<p>Eligibility CUSTOM-SSR Issues Non-Issue</p>	<p>The SSRs in the file show "successful" and the appraised value is the same as in the appraisal.</p>	<input type="checkbox"/>
<p>Eligibility CUSTOM-Type and Occupancy Non-Issue</p>	<p>All applicable information in the Product Modeler or Loan Summary screen matches the appraisal - Property Type, Occupancy, Purchase/Refi, Sales Price (if purchase); Property types - SFR/PUD Condo, 2-4 unit (if appraiser says PUD but has no HOA fees, and Empower says SFR, add details to condition for UTR)</p>	<input type="checkbox"/>
<p>Eligibility CUSTOM-Unpermitted Additions Non-Issue</p>	<p>There are no un-permitted rooms/additions that the appraiser reports; 1 - were not completed in a workmanlike manner, 2 - that change the number of dwelling units, or 3 - negatively impact the subject property/marketability. -Exception: Please note building sketch does not fall in this category, okay to support value/clear condition if building sketch needs to be corrected/updated</p>	<input type="checkbox"/>
<p>Eligibility CUSTOM-USPS Address Non-Issue</p>	<p>The property address matches USPS. (Review USPS and assess the address variance. Minor differences? Was the correct property appraised? If the subject is a condo (form 1073), a unit number should be provided. If there is no number reported, a "-" must be listed in the unit number field. This confirms that a unit number is not applicable.)</p>	<input type="checkbox"/>

External Comments

Comments sent to Appraiser via AppraisalPort

Internal Comments

Internal Comments, certifications, limiting conditions as needed

Certification and Statement of Limiting Conditions

PURPOSE: The purpose of this appraisal review is to verify the accuracy of the factual data and conclusions contained in the appraisal report under review and to determine the reasonableness of the value opinion. The intended use of this report is for quality assurance for the lender/client and may be used as part of a state licensing or regulatory board referral.

SCOPE OF WORK: In order to make a determination as to the reasonableness of the value opinion, the review appraiser has, researched all appropriate data available and verified the data in the appraisal report (when available) using all data sources he or she believes are reliable, and assumes the property condition reported in the original appraisal is accurate unless he or she has evidence to the contrary.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeable and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

CERTIFICATION AND STATEMENT OF LIMITING CONDITIONS:

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no (or the specified) present or prospective interest in the property that is the subject of the work under review and no (or the specified) personal interest with respect to the parties involved.

I have performed no (or the specified) services, as an appraiser or in any other capacity, regarding the property that is the subject of the work under review within the three year period immediately preceding acceptance of this assignment.

I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review or from its use.

My compensation for completing this assignment is not contingent upon the development or reporting of predetermined assignment results or assignment results that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.

My analyses, opinions, and conclusions were developed and this review report was prepared in conformity with the Uniform Standards of Professional Appraisal Practice.

I have not, unless otherwise noted, made a personal inspection of the subject of the work under review. No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the person signing this certification (If there are exceptions, the name of each individual(s) providing appraisal review, or appraisal consulting assistance must be stated.)

Contingent and Limiting Conditions

The certification of the Reviewer appearing in the review report is subject to the following conditions and to such other specific and limiting conditions as are set forth by the Reviewer in the review report.

1. The Reviewer assumes no responsibility for matters of a legal nature affecting the property which is the subject of this review or the title thereto, nor does the Reviewer render any opinions as to the title, which is assumed to be good and marketable.
2. The Reviewer is not required to give testimony or appear in court because of having made the review, unless arrangements have been previously made therefore.
3. The Reviewer assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The Reviewer assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.
4. Information, estimates, and opinions furnished to the Reviewer, and contained in the review report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished the Reviewer can be assumed by the Reviewer.
5. Disclosure of the contents of the report is governed by the Uniform Standards of Professional Appraisal Practice and the Bylaws and Regulations of the professional appraisal organizations with which the Reviewer is affiliated.
6. Neither all, nor any part of the content of the review report, or copy thereof (including the conclusions of the review, the identity of the Reviewer, professional designations, reference to any professional appraisal organizations, or the firm with which the Reviewer is connected), shall be used for any purposes by anyone but the client specified in the review report, its successors and assigns, professional appraisal organizations, any state or federally approved financial institution, any department, agency, or instrumentality of the United States or any state or the District of Columbia, without the previous written consent and approval of the Reviewer.
7. No change of any item in the review report shall be made by anyone other than the Reviewer and the Reviewer shall have no responsibility for any such unauthorized change.

Reviewer: Monish Pandya

Created On: 2019-09-23 3:37:24 PM - PT

Appraisal Independence Compliance Letter

Loan Number: 400376326

Doc ID: 20190906-4949-1

THIS APPRAISAL FOR: 31252 PECKHAM RD Wilder ID 83676

WAS PROCURED USING FNC'S COLLATERAL MANAGEMENT SYSTEM.

FNC is committed to helping our clients comply with their **Appraisal Independence** obligations, whether arising from the independence requirements in the Interagency Appraisal and Evaluation Guidelines, the Truth in Lending Interim Final Regulations or the Appraisal Independence Requirements of Fannie Mae and Freddie Mac. FNC systems alone cannot ensure compliance, however, when they are operated as designed and used in conjunction with the lender's documented policies and procedures, FNC systems will enable the client to operate in an appraisal independence-compliant manner.

Appraiser Independence

- Licensing and Certification
 - Business rules and processes can identify when appraisers are not properly licensed or certified for the assignment based on their current profile
- Improper Influence
 - System safeguards can assure the appraiser only receives sale price and sales contract. No other values are communicated to the appraiser.

Borrower Receipt of Appraisal

FNC systems allow lenders to deliver their approved documents (including appraisals) from the platform via e-mail or other interfaces.

Appraiser Engagement

- Lender
 - FNC systems automate and manage all appraisal ordering processing. Loan production staff does not have direct access to ordering, appraiser selection, and management of the assignment or payment processing. FNC platforms have controls in place to limit access to those authorized by client policy.
- Broker
 - For institutions with wholesale lending operations, FNC systems enable brokers to initiate and pay for appraisals systematically, however the process isolates the broker from the appraiser selection, management of the assignment, and payment processing for the appraiser.

Prevention of Improper Influences on Appraisers

FNC systems assign appraisal and review assignments to fee appraisers, staff appraisers, or appraisal management companies (AMCs) based on the lender's business model and processes, which allows lenders to assure the independence of its assignments.

Certificate ID #: 684006

Certificate Date: 09/23/2019

Certificate of Appraiser Independence

Subject Property: 31252 PECKHAM RD Wilder ID 83676

Certificate Date: 09/23/2019

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4. Appraiser selection, both automated and manual, was performed in compliance with the appraiser independence requirement.
5. All orders, except where explicitly documented, are arms length transactions where the lender is unaware of the appraiser's identity until the final copy of the appraisal report is delivered. The appraiser is only provided the client name and address to facilitate appraisal completion, and is never provided the loan officer, processor, or any other originating personnel contact information.
6. The system prevents knowledge of, and communications with, the appraiser, and documents all lender communications to promote compliance.
7. All FHA appraisals have been placed in accordance with the requirements of the U.S. Department of Housing and Urban Development's HUD Mortgagee Letter 2009-28.





UCDP Submission Summary Report (SSR)			
Doc File ID	1101447464	Report Date/Time	09/26/2019 12:12:23
Document File Status (FRE)	Successful	Seller/Service Number	156827
Lender Name	LoanDepot.Com-Xome Valuation Services LLC	Lender Loan Number	400376326

Appraisal 1								
Original Submitted Date/Time	09/23/2019 16:11:47	Document Status	Successful					
Number of Resubmissions	1	Form Type	FNM 1004/FRE 70					
Last Submission Date/Time	09/26/2019 12:11:13	Appraised Value	\$270000					
Subject Address	31252 Peckham Rd, Wilder, ID 83676	Appraisal Effective Date	2019-09-18					
		Supervisory Appraiser						
Appraiser	Daniel Perry ID / CRA-1919	Borrower Name	Danny Cardoza					
Comps	Comp Address		Adjusted Sale Price					
Comp1	26362 Riverview Rd, Wilder, ID 83676		\$264600					
Comp2	5695 Market Rd, Marsing, ID 83639		\$257600					
Comp3	22778 Upper Pleasant Ridge Rd, Caldwell, ID 83607		\$277062					
Comp4	4612 Market Rd, Homedale, ID 83628		\$280910					
Comp5	26197 Reed Ln, Wilder, ID 83676		\$261340					
Comp6	4059 Pioneer Rd, Homedale, ID 83628		\$269700					
Comp7	5634 Van Rd, Marsing, ID 83639		\$342000					
UCDP Hard Stops								
Message ID	Form Section	Form Field Name	Property Affected	Full Message Description	Severity	Override Request Reason	Override Decision Reason	Override Decision Date/Time
No findings returned								

Freddie Mac Proprietary Hard Stops								
FRE000	N/A	N/A	N/A	Collateral R&W Relief Eligible	Warning	Automated override request	Override automatically approved	09/26/2019 12:11:27
FRE800	N/A	N/A	N/A	Freddie Mac Findings (one or more warnings)	Warning	Automated override request	Override automatically approved	09/26/2019 12:11:27
UAD Compliance Findings								
No findings returned								
Freddie Mac Proprietary Edit Findings								
FRE4000	N/A	N/A	N/A	This appraisal is eligible for collateral representation and warranty relief, pending an assessment of the loan.	Warning	N/A	N/A	N/A
FRE4020	N/A	N/A	N/A	LCA Risk is assessed at 1 indicating a Very Low risk of overvaluation.	Warning	N/A	N/A	N/A

Certificate ID #: 684006

Certificate Date: 09/23/2019

Certificate of Appraiser Independence

Subject Property: 31252 PECKHAM RD Wilder ID 83676

Certificate Date: 09/23/2019

United States Appraisals, an entity with no vested interest in the outcome of this real estate transaction, certifies that through its technology platform and policies and procedures, the appraisal report represented was delivered in compliance with the APPRAISER INDEPENDENCE LAWS.

Key Process Points:

1. All appraisals are subject to a secondary review which could result in corrections to the document or value modifications.
2. All pre-qualification valuations were performed via AVM or independently without knowledge of, or access to, the appraiser.
3. The lender named on the appraisal report submitted the appraisal request form via our secure appraisal management platform which does not contain estimated value, loan amount, or target values.
4. Appraiser selection, both automated and manual, was performed in compliance with the appraiser independence requirement.
5. All orders, except where explicitly documented, are arms length transactions where the lender is unaware of the appraiser's identity until the final copy of the appraisal report is delivered. The appraiser is only provided the client name and address to facilitate appraisal form completion, and is never provided the loan officer, processor, or any other originating personnel contact information.
6. The system prevents knowledge of, and communications with, the appraiser, and documents all lender communications to promote compliance.
7. All FHA appraisals have been placed in accordance with the requirements of the U.S. Department of Housing and Urban Development's HUD Mortgagee Letter 2009-28.



36863000 0

27774 PECKHAM RD WI ID

512

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
36863000 0
Parent Parcel Number

Property Address
→ 27774 PECKHAM RD WI ID

Neighborhood
300000 Rural /Sub-divisions

Property Class
512 512 - Rural residential tracts

TAXING DISTRICT INFORMATION

Jurisdiction 14
Area 001
District 025-00

OWNERSHIP

27774 PECKHAM RD
WILDER, ID 83676

16-4N-5W SW

TAX 5 IN SWSW

Tax ID 04N05W166000

TRANSFER OF OWNERSHIP

Date

05/12/2010	HAMMONS FAMILY TRUST	SO	Doc #: 2010021873
07/17/2009	HAMMONS RUTH E	SO	Doc #: 2009036526

RESIDENTIAL

VALUATION RECORD

Assessment Year	01/01/2005	01/01/2007	01/01/2007	01/01/2008	01/01/2009	01/01/2010	Worksheet
Reason for Change	5Y Reap	5Y Reap	TREND ADJ	5Y Reap	5Y Reap	5Y Reap	
VALUATION	I 50000	50000	67500	102800	102800	69460	61460
Market Value	B 49700	49700	67100	61200	51400	42600	42600
	T 99700	99700	134600	164000	154200	112060	104060

Site Description

Topography:

Public Utilities:

Street or Road:
Paved

Neighborhood:
Static

Zoning:

Legal Acres:
6.9100

Land Type	Rating	Measured Acreage	Table	Prod. Factor	Base Rate	Adjusted Rate	Extended Value	Influence Factor	Value
1 26K-SCHEDULE	<None>	1.0000		-or-	1.00	26000.00	26000.00		SV 26000
2 EXCESS LAND	EX6K	5.9100		-or-	1.00	6000.00	6000.00	35460	35460

LAND DATA AND CALCULATIONS

RY08: REAP 2008

TRTS:

PROPERTY IS ACROSS THE ROAD FROM A FEED LOT
Acre adjust 7-09, DT



Supplemental Cards

MEASURED ACREAGE 6.9100

Supplemental Cards

TRUE TAX VALUE 61460

Supplemental Cards
TOTAL LAND VALUE

61460

30943000 U

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
36943000 0
Parent Parcel Number

Property Address
28023 PECKHAM RD 20832
Neighborhood
300000 Rural /Sub-divisions
Property Class
512 512 - Rural residential tracts

TAXING DISTRICT INFORMATION

Jurisdiction 14
Area 001
District 025-00

Site Description

Topography:

Public Utilities:

Street or Road:

Paved

Neighborhood:

Static

Zoning:

Legal Acres: 1 22K-SCHEDULE
1.1600 2 EXCESS LAND

OWNERSHIP

28077 PECKHAM RD
WILDER, ID 83676

20-4N-5W NE

28023 PECKHAM RD

Tax ID 04N05W200100

TRANSFER OF OWNERSHIP

Date

Printed 02/18/2011 Card No. 1 of 1

51

RESIDENTIAL

VALUATION RECORD

Assessment Year	01/01/2007	01/01/2007	01/01/2008	01/01/2008	01/01/2009	01/01/2010	Worksheet
Reason for Change	5Y Reap	TREND ADJ	5Y Reap	ASSR CHG	5Y Reap	5Y Reap	
VALUATION	I 21000	28350	47600	11600	11600	17280	12280
Market Value	B 27600	37300	38300	20600	16500	11400	11400
	T 48600	65650	85900	32200	28100	28680	23680

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	Acres		-or-	Rate	Rate	Value	Factor	
-or-	-or-	Effective	Depth					
Actual	Effective	Depth	-or-					
Frontage	Frontage	Square	Feet					
1 EX10K	1.0000		1.00	22000.00	22000.00			
2 EX8K	0.1600		1.00	8000.00	8000.00	22000 0	-50%	SV 11000
						1280		1280

RY08: REAP 2008
TRTS: Traits/Notes
RESIDENCE SETS ACROSS FROM A FEED LOT
THIS PARCEL DOES NOT HAVE A WELL WATER COMES
FROM ACCOUNT R36942000 0

Supplemental Cards

MEASURED ACREAGE 1.1600

Supplemental Cards

TRUE TAX VALUE 12280

Supplemental Cards
TOTAL LAND VALUE

12280

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
36949000 0
Parent Parcel Number

Property Address
20885 FISH RD WI ID

Neighborhood
300000 Rural /Sub-divisions

Property Class
512 512 - Rural residential tracts

TAXING DISTRICT INFORMATION

Jurisdiction 14
Area 001
District 025-00

OWNERSHIP

20885 FISH RD
WILDER, ID 83676

20-4N-5W NE
T75752

Tax ID 04N05W200460

TRANSFER OF OWNERSHIP

Date

TAX 2 IN NENE T71919

Printed 02/24/2011 Card No. 1 of 2

RESIDENTIAL

VALUATION RECORD

Assessment Year	01/01/2007	01/01/2007	01/01/2008	01/01/2008	01/01/2009	01/01/2010	Worksheet
Reason for Change	5Y Reap	TREND ADJ	5Y Reap	ASSR CHG	5Y Reap	5Y Reap	
VALUATION	L 51500	69530	110000	100000	100000	82630	75830
Market Value	B 78000	105300	135400	113500	106200	77000	77000
	T 129500	174830	245400	213500	206200	159630	152830

Site Description

Topography:

Public Utilities:

Street or Road:
Paved

Neighborhood:
Static

Zoning:

Legal Acres:
4.8900

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	Acres		-or-	Rate	Rate	Value	Factor	
-or-	-or-	Effective	Depth Factor					
Actual	Effective	Depth	-or-					
Frontage	Frontage	Depth	Square Feet					
1 36K-SCHEDULE	1.0000		1.00	36000.00	36000.00	36000 0	-15%	30600
2 EXCESS LAND	3.8900		1.00	7000.00	7000.00	27230		27230
3 Extra Rural Homesite				6000.00	6000.00	6000		6000
4 Extra Rural Homesite				6000.00	6000.00	12000		12000

BE08: BOS/STA ADJ 2008
MOBL: 71919000 0, 75752000 0
ULT: 4 2 Houses & 2 MH's.
RY08: REAP 2008
FRTS:
PARCEL SETS ACROSS FROM A FEED LOT
THERE IS ONE WELL AND 3 SEPTIC TANKS FOR FOUR HOMES.
acre adjust 7-09, DT.

Supplemental Cards

MEASURED ACREAGE 4.8900

Supplemental Cards

TRUE TAX VALUE 75830

Supplemental Cards
TOTAL LAND VALUE

75830

16953000 0

20880 FISH RD WI ID

512

ADMINISTRATIVE INFORMATION

OWNERSHIP

Tax ID 04N05W201800

Printed 02/16/2011 Card No. 1 of 2

PARCEL NUMBER
36953000 0
Parent Parcel Number

20880 FISH RD
WILDER, ID 83676

TRANSFER OF OWNERSHIP

Date

Property Address
20880 FISH RD WI ID

Neighborhood
300000 Rural /Sub-divisions

Property Class
512 512 - Rural residential tracts

TAKING DISTRICT INFORMATION

Jurisdiction 14
Area 001
District 025-00

20-4N-5W NE TAX 6-A IN SENE

RESIDENTIAL

VALIDATION RECORD

Assessment Year	01/01/2007	01/01/2008	01/01/2008	01/01/2009	01/01/2009	01/01/2010	Worksheet
Reason for Change	TREND ADJ	5Y Reap	ASSE CHG	5Y Reap	5Y Reap	5Y Reap	
VALUATION	L 57380	112500	92500	92500	80500	54650	46150
Market Value	B 151300	133100	120400	109700	109700	83900	83900
	T 208680	245600	212900	202200	190200	138350	130050

Site Description

Topography:

Public Utilities:

Street or Road:
Paved

Neighborhood:
Static

Zoning: 1 44K SCHEDULE
Legal Acres: 2 EXCESS LAND
2.2500

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor							
Soil ID	Acres		-or-	Base	Adjusted	Extended	Influence			
-or-	-or-	Effective	Depth Factor	Rate	Rate	Value	Factor			Value
Actual	Effective	Depth	-or-							
Frontage	Frontage	Depth	Square Feet							
	1.0000		1.00	44000.00	44000.00	44000.00	-15%	SV		37400
EX7K	1.2500		1.00	7000.00	7000.00	8750				8750

BECS: BOE/BTA ADJ 2008

RY08: REAP 2008

TRTS: Traits/Notes

THIS PARCEL HAS A GREAT VIEW BUT IT ALSO SETS ←

← NEXT DOOR TO A FEED LOT

INTERIOR INSPECTION 07/07/2008

Supplemental Cards

MEASURED ACREAGE

2.2500

Supplemental Cards

TRUE TAX VALUE

46150

Supplemental Cards

TOTAL LAND VALUE

46150

36942000 0

28077 PECKHAM RD WI ID

512

ADMINISTRATIVE INFORMATION

OWNERSHIP

Tax ID 04N05W200210

Printed 02/16/2011 Card No. 1 of 2

PARCEL NUMBER
36942000 0

Parent Parcel Number

Property Address
28077 PECKHAM RD WI ID

Neighborhood
300000 Rural /Sub-divisions

Property Class
512 512 - Rural residential tracts

TAXING DISTRICT INFORMATION

Jurisdiction 14

Area 001

District 025-00

28077 PECKHAM RD
WILDER, ID 83676

20-4N-5W NE
T70055

TAX 7-A IN NENE

TRANSFER OF OWNERSHIP

Date

RESIDENTIAL

VALUATION RECORD

Assessment Year	01/01/2007	01/01/2007	01/01/2008	01/01/2008	01/01/2009	01/01/2010	Worksheet
Reason for Change							
	5Y Reap	TREND ADJ	5Y Reap	ASSR CHG	5Y Reap	5Y Reap	
VALUATION	L 22500	30380	54000	48000	48000	38000	28000
Market Value	B 69300	93600	125400	118800	104100	79300	79300
	T 91800	123980	179400	166800	152100	117300	107300

Site Description

Topography:

Public Utilities:

Street or Road:
Paved

Neighborhood:
Static

Zoning:

Legal Acres: 1.0000
1.0000

LAND DATA AND CALCULATIONS

Rating Soil ID -or- Actual Frontage	Measured Acreage -or- Effective Frontage	Table Effective Depth	Prod. Factor -or- Depth Factor -or- Square Feet	Base Rate	Adjusted Rate	Extended Value	Influence Factor	Value
	1.0000		1.00	22000.00	22000.00	22000		SV 22000
	2 Extra Rural Homesite			6000.00	6000.00	6000		6000

KORL: 70055000 0
Y08: REAP 2008
RTS: Traits/Notes
WE MOBILE HOME ON THIS ACCOUNT IS USING THE
SAME SEPTIC TANK AND WELL AS THE MAIN HOUSE

Supplemental Cards
MEASURED ACREAGE 1.0000

Supplemental Cards
TRUE TAX VALUE 28000

Supplemental Cards
TOTAL LAND VALUE 29000

ACCOUNT:
 SECTION
 TOWNSHIP & RANGE
 APPRAISER
 APPRSL DATE
 SCHEDULE
 EXCESS AC VALUE
 VACANCY ADJUST
 MH/2ND HOME/LUMP SUM
 SPECIAL ADJUST

R36943
 20
 4N5W
 MKB
 MARCH 6, 2000
 \$16,000
 \$5,000
 100%
 \$0
 15%

APPRAISAL YEAR **1998**
 NOTES OR COMMENTS
 ADJ DUE TO FEED LOT

ACREAGE OR SITE	ACREAGE OR SITE	COST/ACRE	TOTAL COST
1ST ACRE OR SITE	1.00	\$16,000	\$16,000
EXCESS ACREAGE	0.16	\$800	\$800
WASTE	0.00		
TOTAL ACREAGE	1.16		
		TOTAL	\$16,800

LAND VALUE BEFORE ADJUSTMENTS		\$16,800
SPECIAL ADJUST		\$2,520
LAND VALUE AFTER ADJUSTMENTS	15%	\$14,280
LUMPSUM ADJUSTMENTS (2ND HOME, M.H. OR SPECIAL SITUATIONS)		\$0
TOTAL VALUE		\$14,300

* This was when Co. knew feedlot operator was operating unlawfully w/ no permit! Co. records prove this.

APPLICATION-Subsurface Sewage Disposal



Southwest District Health
Environmental Health Services

Receipt No.	14504	Date:	11/20/07	Document #	
Site Fee	\$110	Permit Fee:	\$90	2-24434	
<i>(Official Use Only)</i>					

A site application is not an approval or a permit to install a septic system. Permit approval depends on the following: site evaluation approval, maximum daily sewage flow, house size and location, well location, surface water locations, changes to native soil (road cuts, grading, benching), distance to neighboring structures (wells, buildings, drainfields), proposed land use, soil quality, etc. Permits to construct a septic system are not granted until all such issues are addressed and / or submitted in writing as part of the plot plan application AND found to be consistent with current regulations. A zoning certificate, tax assessment notice, property profile, or other documentation from the county providing parcel number and parcel size is to be submitted as part of this application.

(Commercial Applicants Only) A detailed letter of intent and the Non-Domestic Waste Water Application must be submitted outlining the following: number of employees, type of operation, water usage to include patronage, and wastewater characterization.

(Incomplete Applications Will Be Returned) Parcel #: 37348000 0 Acres: 2

Property Address (If Available): 31251 North 1st Rd City: Walden

Legal Description: Township 4N Range 6W Section 14 County Clatsop

Subdivision: _____ Lot _____ Block _____

Directions (Nearest Crossroad): North 1st Rd, Walden, Oregon 97147

Applicants Name: George Saylor Date: 11-20-07

Mailing Address: 31251 North 1st Rd Phone #: 503-325-1111

City: Walden State: OR Zip Code: 97147

Applicant is: Landowner Contractor Installer Other _____

Owners Name: George Saylor

Mailing Address: 31251 North 1st Rd Phone #: 503-325-1111

City: Walden State: OR Zip Code: 97147

Type of Septic Installation: New Enlargement Replacement Tank Only

Proposed Usage: Commercial Individual Central Large Soil Absorption
(3 to 9 dwellings) (2,500 gal/day or 10 or more dwellings)

Is there an existing structure on this parcel? Yes No

Number of Bedrooms: (Residential Only) 3

Proposed Average and Peak Daily Flows: (Commercial Only) Average _____ Peak _____

Property is located in: City Impact Zone County

Zoning Certificate, Tax Assessment Notice, or other documentation submitted? Yes No (please provide)

Is the proximity of the structure to city sewer or central wastewater collection system 200 feet or less? Yes No

Water supply: Private Well Shared Well Public Water System

Comments: _____



Southwest District Health
 Environmental Health Services
 920 Main Street, Caldwell, Idaho 83605
 Phone: 208.455.5400 Fax: 208.455.5405

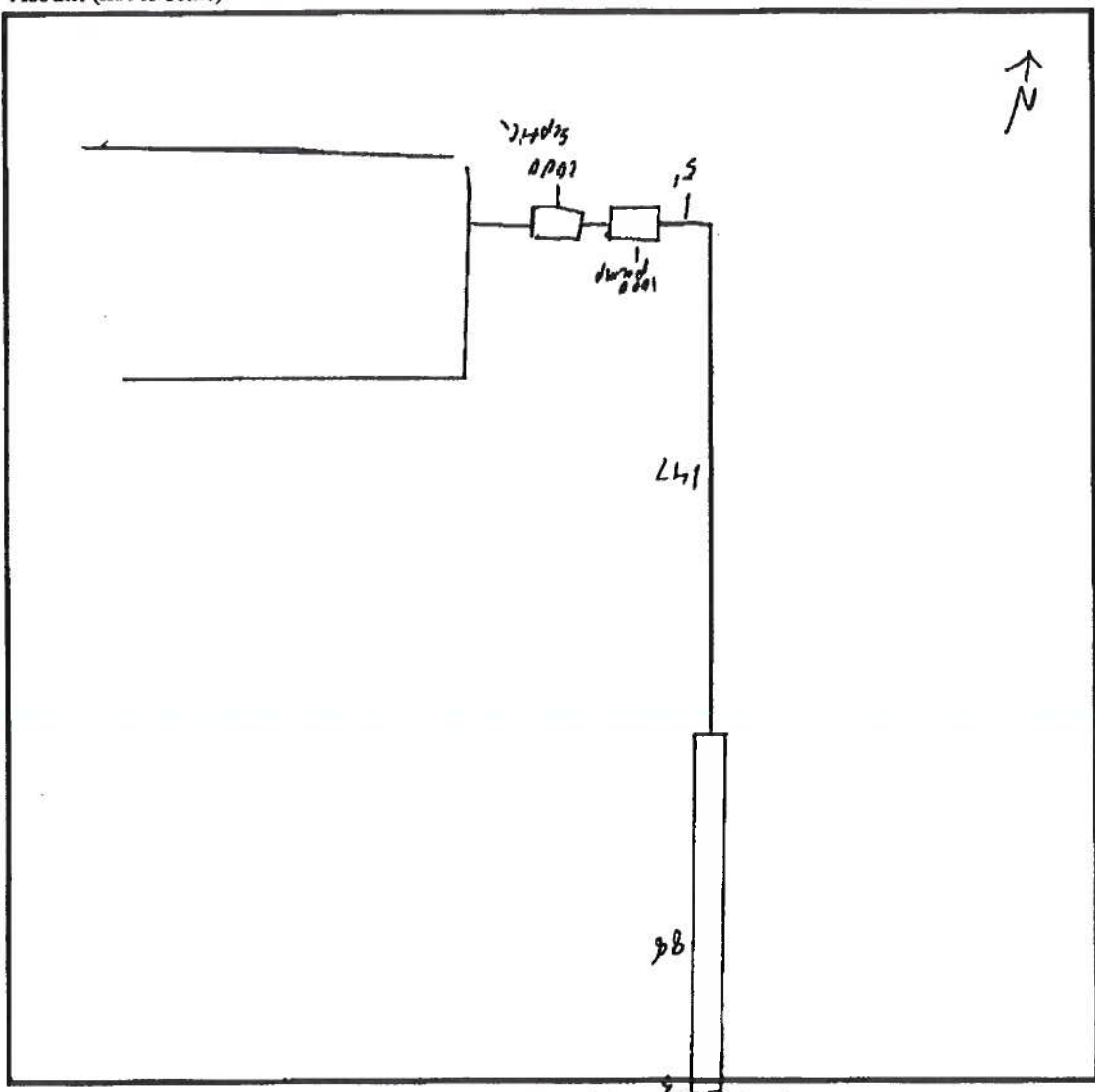
Receipt No.: 14507
 Site Fee: \$710

Date: 11/20/07
 Permit Fee: \$90

Document # T2-24434
 Parcel # 37348000 0

Owners Name: George Pombo
 Property Address: 31252 Peckham Rd - Wilder
 Legal Description: Township 4N Range 6W Section 14
 Subdivision: Lot Block Size: 2 (acres)

Asbuilt (not to scale)



System Type: G
 Septic Tank (Gallons): Existing
 Septic Tank Mfg.: 1000
 Standpipe: NA
 Manhole Depth (Inches): 12
 Dimensions Width (Ft): 3
 Dimensions Length (Ft): 54
 Absorption Area (Sq. Ft.): 264act 917 eff
 Gravel (Yards): NA
 Sand (Yards): NA
 Depth to Pipe (Inches): 12
 Depth Under Pipe (Inches): NA
 Well Installed: Yes No
 Distance to Well (Ft): >100'

Permit Application is attached hereto and is incorporated by reference herein.
 Upon approval, a copy of this final/asbuilt may need to be provided to the local zoning authority to obtain occupancy.

Installer: Ken Pace Number: 1165 Notes/Conditions of Approval:

Ken Pace
 EHS Final Inspection Signature [Signature]
 Date 11/21/07
 EHS Code 16-10

Needs pump alarm prior to approval.
Pump inspected on 12/21/07

DATE	11/27/07	12/21/07		
TRAVEL	30	30		
INSPECT	30	15		
EHS	16.	30		

PERMIT-Subsurface Sewage Disposal



Southwest District Health
 Environmental Health Services
 920 Main Street, Caldwell, Idaho 83605
 Phone: 208.455.5400 Fax: 208.455.5405

Receipt No.: 14507 Date: 11/20/07
 Site Fee: 2110 Permit Fee: 890

Document # T2-24434
 Parcel # 37348000 0

Owners Name: George Pombo
 Property Address: 31252 Peckham Rd - Wilder
 Legal Description: Township 4N Range 6W Section 14
 Subdivision: _____ Lot _____ Block _____ Size: 2 (acres)

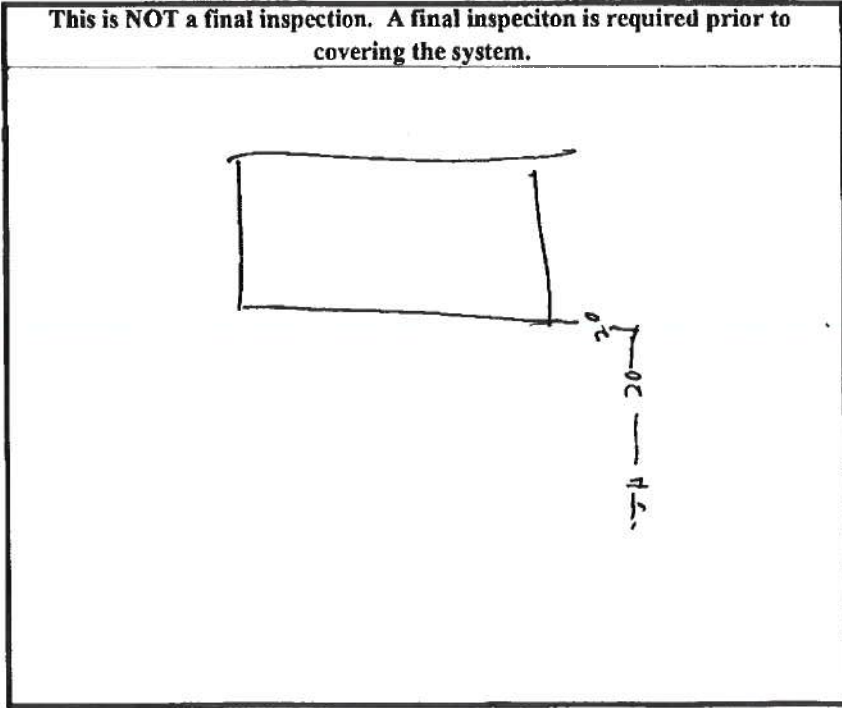
Test Hole #1	Test Hole #2	Test Hole #3
<p>0-2.5' - 01 very Fine sand 2.5-6' 01 Sand w/rock</p>		

New System Enlargement
 Replacement Tank Only
 Site Evaluation Request
 # of Bedrooms: 3
 Design Flow: 250
 Min. Septic Tank Gal: Eighting
 Dwelling Type: S
 Soil Texture: B1
 Min. Effective Area: 417

Notes/Conditions of Approval:

install system and deeper than 2' to
bottom of system. must remain
200' from road to the north

EHS Approved Location:



Drainfield(s) must be located within fifty (50) feet of the referenced test hole. If soils change or an alternative location is desired, additional test hole(s) will be required.

Upon approval, a copy of this permit will need to be provided to the local zoning authority to obtain a building permit.

Permit Application is attached hereto and is incorporated by reference herein.

Chris R. Jeweller
 EHS Permit Issued Signature

EHS Code	DATE	TRAVEL	INSPECT	EHS	Date
	<u>11/27/07</u>	<u>30</u>	<u>30</u>	<u>16</u>	

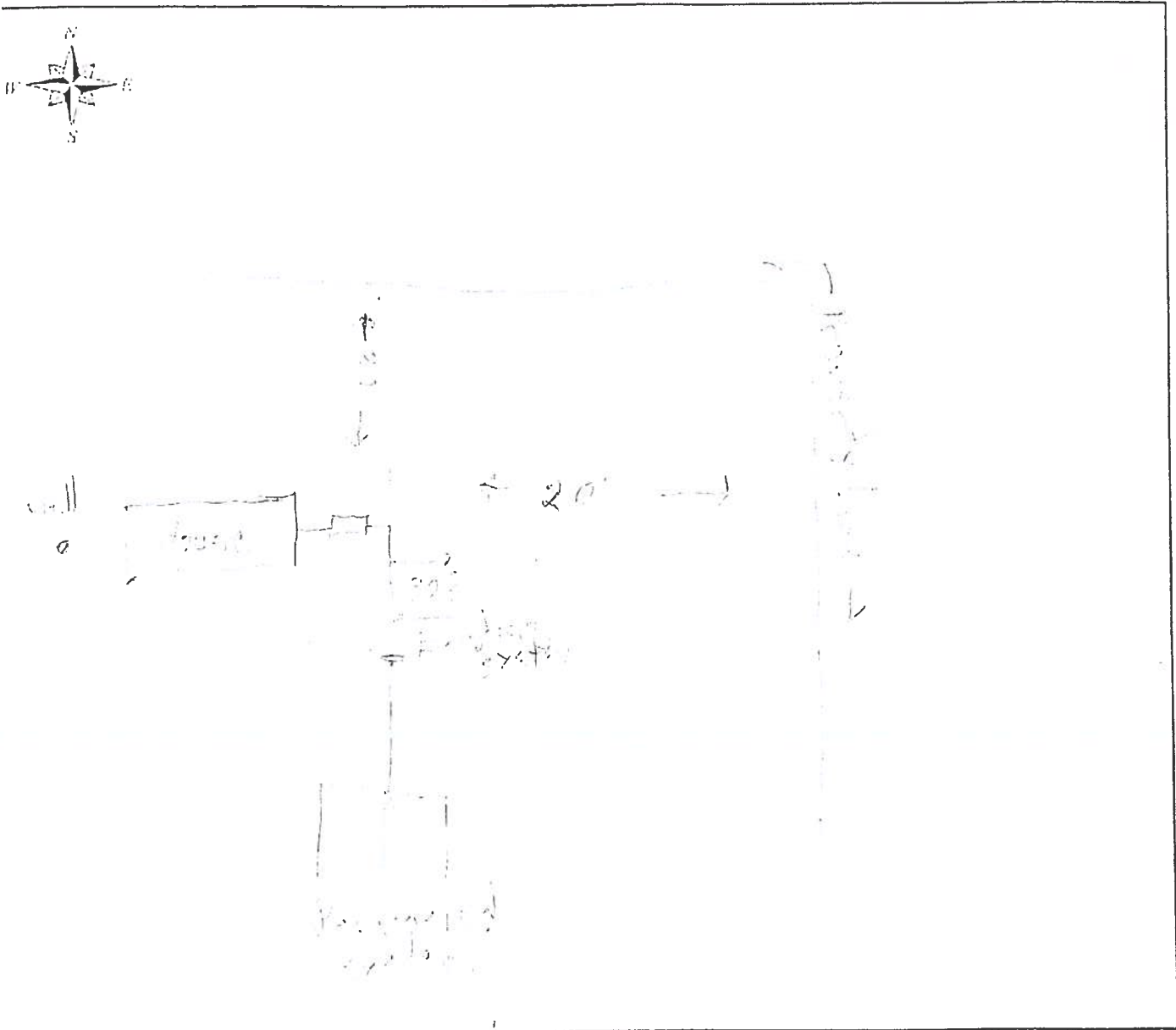
Permit Expiration: This permit will expire 12 months from the permit issuance date unless renewed. Two renewals are allowed.

Replacement Systems Only: Original system failed per IDAPA 58.01.03.003.13.b/c. The replacement system meets the Intent of the Regulation per IDAPA 58.01.03.004.01. To alleviate immediate potential public health concerns caused by a failed system, the allowance specified in the Conditions of Approval or Remarks section are hereby granted; however, these allowances can cause the subsurface sewage disposal system to be a Non-Conforming system. Non-Conforming systems do not meet current code and will not be allowed future voluntary additions or alterations unless current permitting requirements are met

Conforming System Non-Conforming System

ease draw an aerial view of the property showing the outline of buildings, property lines, well location(s), water
 es, location of septic tank and drainfields, location of drainfield replacement area, ditches and streams, easements
 d right of ways, drive-way and parking area, cut banks, and location of street or road. Indicate dimensions and
 paration distances of each from septic tank and drainfield (see attached example).

PLOT PLAN



SIGNATURE: Alanna Smith DATE: 11-20-07

By my signature above, I certify that all answers and statements on this application are true and complete to the best of my knowledge. I understand that should evaluation disclose untruthful or misleading answers, my application may be rejected or my permit canceled. I accept the responsibility to notify Southwest District Health of any changes to the above information if performed prior to completion of the permitted system. I hereby authorize Southwest District Health to have access to this property for the purpose of conducting a site-evaluation.

Southwest District Health, Environmental Health Services

0 Main Street Idwell, ID 83665 5-5400 5-5405 (fax)	1008 East Locust Emmett, ID 83617 365-6371 365-4729 (fax)	1155 Third Ave. North Payette, ID 83651 642-9321 642-5098 (fax)	46 West Court Weiser, ID 83686 549-2370 549-2371 (fax)	824 South Diamond Nampa, ID 83686 465-8402 442-2809 (fax)
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Debbie Root

From: dixie bellefeuille <dixibelfy@gmail.com>
Sent: Thursday, April 4, 2024 5:46 PM
To: Debbie Root
Subject: [External] Case # CU2022-0036-APL

This is regarding the appeal from Danny & Debra Cardoza on zoning of the stockyard.

We purchased our property 20 years ago in October which is directly across the street from the proposed increased stockyard at the end of Peckham Road and Stateline. What appealed to us was the open space & adjacent to the Snake River & sitting outside. The clear fresh air was very appealing and especially good for our health. One thing we that discouraged us driving from the town of Wilder to our house on Peckham Rd was the Stench from the existing stockyard just about a mile west out of town on Peckham Road. We were so glad we didn't live near there. One of our homes is approximately 100 feet from the proposed stockyard and our other home is approximately 200 feet away.

** At the present there is about 1,000 head of cattle in their existing stockyard which creates a stench as soon as you go outdoors and can't imagine an increase of cattle to 3,700! 1,000 head is plenty! We have nothing against livestock as we too have owned cattle, horses and sheep & goats. it is the quantity of the increase of the stockyard and how close it is to our homes & affect to the environment & pollutants it will create.

**The increase in stock will tremendously increase severe lung function for us and our family. Our grandson has asthma and has to use an inhaler when needed and this might cause a severe health risk for him. The air quality may cause a higher prevalence of wheezing and difficulty in breathing . Exposure to the air pollutants may affect airway as fine dust & amonias exist.

** There will be an increase of Botflies causing severe health risks to surrounding homes with pets. The cattle Botfly, Hypoderma bovis, also commonly called the heel fly in cattle attaching eggs to the heel hair on the cattle's feet. The fly can also attach to a human as well causing a health risk. There is already an increase in flies where you have to keep your doors closed at all times.

**Cattle waste will flow into the existing adjoining creek and canal that drains into the Snake River affecting an environmental risk to the fish and also affecting any recreational use. The river will become polluted with cattle feces.

** The stench will be so extreme it will affect our everyday life inside and outside the home.

** Property values will drop tremendously for any current or future generation resale.

** The air pollutants include (endotoxin, microbial products as well as ammonia, hydrogen sulfide and a variety of volatile organic compounds

We can go on and on regarding how damaging the increase of the stockyard will severely affect our health and everyday living & quality of life. . We agree with appealing and support tDan and Debora Cardoza.

We hope this appeal is taken seriously. Take a drive down and open your windows as you drive by and not just look at the paperwork. You will be unpleasantly surprised.

Thank you!

Ron and Dixie Bellefeuille

Debbie Root

From: Dee Dee Alderson <deedee_alderson@yahoo.com>
Sent: Monday, March 11, 2024 10:15 AM
To: Debbie Root; BOCC; Zach Brooks; Canyon County Zoning Info; Brad Holton; Leslie Jansen Van Beek
Subject: [External] CUP 2022-0036 APL Letter Against AK Feeders Proposed CAFO

CUP 2022-0036 APL Letter Against AK Feeders Proposed CAFO

March 11th, 2024

Dee Dee Alderson
22440 State Line Road
Parma, ID
83660
208-741-2145

This letter is to once again disagree with the proposed CAFO on State Line Road, AK Feeders (DeBenedetti). The CAFO currently has direct run cattle off going into the Snake River. The CAFO pollutes the local Idaho aquifer. **The proposed area has been deemed by the Site Team as High Risk.** If you only know these three facts, and nothing else, you can not allow this to go forward.

2020 Canyon County Comprehensive Plan Goals and Policies
Page 44
"C: Water
Goals

1: Water is an essential and limited natural resource. Groundwater and surface

water should be preserved and protected.

Policies

1: Encourage the protection of groundwater and surface water quality.

2: Recognize the importance of surface water and groundwater resources of the

county in accordance with the Article XV, Selection 3, of the Idaho Constitution.

3: Require industrial waste or hazardous materials to be stored or located in a

manner that will ensure they will not enter surface water or groundwater system."

The Snake River and aquifer are not being protected due to the current direct runoff to the Snake River from around and under the CAFO property, and the high risk soil base that is sandy loam. The property is approximately 110 feet from the designate Snake River flood zone. Chapter 7 of Findings of Facts: Paragraph 1 "...high water table; however the property is not in a mapped flood hazard area..." The property is approximately 100 feet from the designate Snake River flood zone. (<https://idwr.idaho.gov/floods/map/>)

Please reconsider allowing AK Feeders to increase the number of cow calf pairs that are allowed on the property. I understand that Idaho is an agricultural state, but please put them back to the previous number of head of under 1000. Our drinking water is too important, and the water table is too high there, as can be seen from the runoff into the Snake River.

Thank you,
Dee Dee Alderson

Debbie Root

From: Shari Hastings <ssiebrecht@live.com>
Sent: Monday, April 8, 2024 2:59 PM
To: Debbie Root
Subject: [External] Case #CU2022-0036-APL

Have a flyer on the CAFO for the Cardoza's 80 acre parcel to expand their cattle herd to 3700 head.

After approval of the Peckham CAFO expansion there will be even more traffic on Peckham which will further erode the pavement which needs repairs as it is now. This will reduce the quality of life for the neighboring residents, unable to use their outdoor space. We (neighbors of Peckham CAFO expanded lot property) are currently in litigation with the Peckham CAFO expansion which is now at the Idaho Supreme Court for consideration to remove the conditional permit for increasing the 600 allowed head of cattle to 1200 head that has already been proven in court that it reduces the outdoor use of the neighboring residents due to smell, flies, dust and more truck traffic on the surrounding streets.

This also may affect the quality of ground water in the area if it has not already.

I hope the appeal is denied and I hope this email can be used since the deadline to respond was April 7, 2024 but if it fell on a weekend it would be accepted the next business day before 5 pm.

Thank you,
Shari Hastings
26748 Stewart Ln.
Wilder, ID 83676

Debbie Root

From: Dee Hawe <deeandral@gmail.com>
Sent: Friday, April 5, 2024 1:56 PM
To: Debbie Root
Subject: [External] Case No.CU 2022-0036-APL

Commissioners:
Brad Holton
Zack Brooks
Leslie Van Beek

The following are some concerns we have regarding AK Feeders application for a C.A.F.O. in Wilder, Idaho:

First, I would like to say we have had years of watching cows grazing on an open field across from our house.

We certainly do not look forward to seeing an additional 3,700 cattle confined to a feed lot directly across the road from our front yard standing in their own excrement. We are both in our late 80s and certainly do not agree with how the valley will be changed from when we bought our property almost 30 years ago.

We will not be able to enjoy our outdoors with our children, grandchildren and great grandchildren when the dust from the dry scraping fills the air, the flies and the smells we are already getting from the 999 head brought in the past year. If it changes to an additional 3,700, everything will be four times greater.

Noise

Increased Traffic/congestion/insufficient road width

Aquifer pollution

Three water system drains negatively impacted (all 3 on the Wilder Irrigation District maps)

(Arena Lake drain, Case drain, Allen drain) and there is a drain on the corner of Peckham and State Line

which drains directly into the Snake River.

Dust pollution in our valley

Property values

Peace/tranquility in our valley

Waste water run off (inevitably into the Snake River)

Well water - how many wells will be needed to water an additional 3,700 head?

Current residential wells being contaminated as the waste water gets into the ground

Inaccessibility for large cattle and feed trucks on and off Peckham Road and Stateline Road, which is a very

narrow road with a ditch on the east side with no fence or barricades.

Is this California corporation authorized to do business in Idaho?

How many tons of cow manure will be created from an additional 3,700 head of cattle and what happens to it?

4 million gallons of urine annually goes into the ground and eventually into the aquifer or drains.

Adverse effects on the aquifer from medications and growth hormones from urine.

An additional 3,700 cattle on 80 acres seems preposterous.

How do they keep the cows out of the open ditches that drain into the Snake River

Road repair from heavy truck traffic.

We are in agreement with the Notice of Appeal of the decision by the Planning and Zoning Commission to approve this CAFO for AK Feeders.

We do not want a CAFO in our front yard!!

Raleigh and Dee Hawe

31453 Peckham Road

Wilder, Idaho

Phone (208) 482-7182

email deeandral@gmail.com.

Debbie Root

From: Susan Isaak <isaakrn@gmail.com>
Sent: Monday, April 15, 2024 12:57 PM
To: Debbie Root
Cc: BOCC
Subject: [External] Re: AK Feeders' APPEAL CU2022-0036-APL (NEW DATE: MAY 30, 2024)

I received your email of the date change for the Cardoza's appeal case for CUP2022-0036 APL.

This was, as I was told, that one of the Commissioners couldn't attend that day so there wouldn't be a quorum present. I thought you were the person who scheduled these appeal cases with the BOCC. We had been waiting for this date of April 25th for a couple months. The Cardozas were pressed to submit all the reports, letters of opinion/signatures by the April 5th deadline. It was disappointing that this change was announced the day after the Cardoza's submitted their final documents and other information for this record. According to your email on April 9th to me, you stated the comment

period WILL NOT be reopened. Debra Cardoza forwarded to me your email to her on April 10th. You stated that "Any exhibits that either appellant or original applicant desires to provide at the hearing will be at the Board's discretion to accept into the record or not." On your property owner notification letter you sent out, it states, "Public comments are very important in evaluating this case. You are invited to provide written testimony by May 12TH 2024. 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 be placed in the hearing packet. Emails/electronic submissions must be received on or before the deadline.

Hardcopy/mailed submissions must be postmarked by the deadline. If it is a large document that can't easily be read into the record, the hearing body will determine if they will accept the document as a late exhibit." THIS IS CONFUSING when you say the comment period WILL NOT be reopened. So to me it looks like AK Feeders or the Cardozas can continue to submit information past the April 5TH deadline, with the new deadline of May 12, 2024. Please explain to me what this means. It needs clarification. When information is submitted for the Cardozas case, we dont want AK Feeders given more time to investigate the Cardozas' topics/ findings for rebuttal. It seems information is not kept secure for the sake of both parties. I want Canyon County to be fair in their opinions or information to not be one-sided regarding the approval of this case.

Respectfully,

Susan Isaak

On Apr 9, 2024, at 10:29 AM, Debbie Root <Debbie.Root@canyoncounty.id.gov> wrote:

Susan,

Thank you for providing written testimony for the AK Feeders' Appeal Case—please see below:

The Board of County Commissioners, due to schedule conflicts, has determined that the hearing date for CU2022-0036-APL must be rescheduled.

The new hearing date will be May 30, 2024 at 1:30 pm. The comment period **WILL NOT** be reopened.

DSD will re-notice property owners and agencies of the new hearing date and time.

Respectfully,

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

Development Services Department (DSD)
NEW public office hours
Effective Jan. 3, 2023
Monday, Tuesday, Thursday and Friday
8am – 5pm
Wednesday
1pm – 5pm
****We will not be closed during lunch hour ****

Debbie Root

From: Michael Jones <michaelscottjones@gmail.com>
Sent: Monday, March 25, 2024 12:06 PM
To: Debbie Root
Cc: Hannah R
Subject: [External] CU2022-0036-APL Appeal

Hello -

I had wanted to oppose this development at the earlier hearing but wasn't able to get there in person. The area in question is not suitable for a feedlot and the decision to allow it should be reversed. We are an agricultural family, with about 40 pair located about a mile north. We strongly oppose a feedlot in this area. My wife and I would like the reviewers to consider:

- 1.) Environmental impacts - This location is too close to the snake river with a year round creek that would pick up run off and deliver it straight to the river. The Snake is already too polluted, it doesn't need another pollution source.
- 2.) Disease - Operations like this are focused less on a healthy herd and more on the bottom line. Being about a mile from this proposed location, i'm concerned about how their bad decisions for animal health might impact the quality of our herd. When they bring in disease and take out my herd, this, combined with item 3 will be the nail in the coffin for our operation. Maybe that's their goal anyway.
- 3.) Big agricultural operations like this combined with housing development continue to push the small farmers/rancher operations out. We are getting concerned about the availability of farm ground, specifically areas suitable to raise feed for more sustainable operations. Feedlots are better suited for desert ground away from water sources that can't be used to grow feed.
- 4.) Societal benefits - Feedlots raise terrible beef in a largely unsustainable manner. Are we really trying to give approval to an outfit so that McDonalds can get a few more hamburgers out while cutting out the small farmers that are doing their best to keep a better product available for consumers?

Your consideration is appreciated

Debbie Root

From: lisajorg <lisajorg@frontier.com>
Sent: Monday, April 8, 2024 4:46 PM
To: Debbie Root
Subject: [External] Fw: Case #CU2022-0036-APL

Subject: Case #CU2022-0036-APL

Have a flyer on the CAFO for the Cardoza's 80 acre parcel to expand their cattle herd to 3700 head.

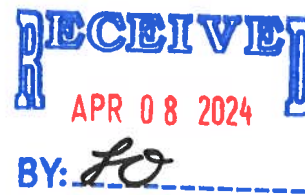
After approval of the Peckham CAFO expansion there will be even more traffic on Peckham which will further erode the pavement which needs repairs as it is now. This will reduce the quality of life for the neighboring residents, unable to use their outdoor space. We (neighbors of Peckham CAFO expanded lot property) are currently in litigation with the Peckham CAFO expansion which is now at the Idaho Supreme Court for consideration to remove the conditional permit for increasing the 600 allowed head of cattle to 1200 head that has already been proven in court that it reduces the outdoor use of the neighboring residents due to smell, flies, dust and more truck traffic on the surrounding streets.

This also may affect the quality of ground water in the area if it has not already.

I hope the appeal is denied and I hope this email can be used since the deadline to respond was April 7, 2024 but if it fell on a weekend it would be accepted the next business day before 5 pm.

Thank you,
Lisa and Mike Jorgensen
26750 Desert Hills Drive
Wilder, ID 83676

Case No. CU2022-0036 *ADL*
AK Feeders



To Whom it May Concern:

For the past 100 years The Marston Family has lived in Arena Valley on Red Top Road since buying half a homestead to build a future. Charles and Amelia Marston lived in a tent and hauled water from the Snake River for years before their home was built and their well was hand dug on the property. Charlie raised sheep on the farm by digging a series canals to water the property. Charlie and Amelia raised their son Dudley, who when married lived in a home across the road raising his 2 children Marie and William. Bill took over the property in the 1980's when Dudley passed away. In 2005 we (Derek & Christina) bought the family farm and built a home on with the plan of raising our family. We have raised our 3 children here teaching them to trap gophers, moving the water, spraying the weeds, and the importance of community. My children were raised going to the Arena Valley Hall for the Annual Potluck and Auction with their Great Grandma Mary and Great Grandpa Bill meeting all their neighbors who still came back years after moving away. The Marston Family has been in Arena Valley for 100 years and we are against AK Feeders turning our community into a CAFO.

Cons of AK Feeders CAFO:

We live in a high Nitrate Zone, and have a high water table being right next to the Snake River.

Multiple drain ditches run through the area, AK Feeders have been unsuccessful at keeping their cattle out of them already. All drain ditches go to the Snake River and the CAFO site is feet from the river

Trucking in and out of CAFO have 2 options Red Top Road or Peckham Road, both have extremely tight correction curves, one being blind half of the year from hop fields (Red Top Road) Harvest semis make Red Top Road dangerous during harvest the CAFO would be year round.

AK Feeders hours of operation are 24 hours a day, not seasonal during harvest but everyday.

In the past year we have already seen changes in the operation. The odors are already strong enough we can't open our windows, the flies have increased, and the sound of bellowing animals is daily in the mornings. This is not what I have lived by for almost 20 years.

AK Feeders is a new business in Idaho only registering in the last year. This is not an expansion of an existing CAFO but a business wanting to bring in a CAFO to our community.

Property value of our home will decrease.

We could write a list a mile long of why this not wanted in our community. Water, roads, and our quality of life are my biggest concerns. I did not build my home next to a feedlot that operates 24 hours a day, that risks my domestic well being unusable do to health concerns because of nitrogen contamination, and my front yard no longer a place for my children to play. We are just 1 of this community who have been here multiple generations. We are all pro agriculture because it's our history, but a CAFO doesn't belong in this location. Please see this community's concerns for our families future generations.

Derek & Christina Marston

A handwritten signature in black ink that reads "Christina Marston".

CU 2022-0036 APL

Understanding Concentrated Animal Feeding Operations and Their Impact on Communities



ENVIRONMENTAL HEALTH

Understanding Concentrated Animal Feeding Operations and Their Impact on Communities

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Foreword

The National Association of Local Boards of Health (NALBOH) is pleased to provide *Understanding Concentrated Animal Feeding Operations and Their Impact on Communities* to assist local boards of health who have concerns about concentrated animal feeding operations (CAFOs) or large industrial animal farms in their communities. The Environmental Health Services Branch of the Centers for Disease Control and Prevention (CDC), National Center for Environmental Health (NCEH) encouraged the development of this product and provided technical oversight and financial support. This publication was supported by Cooperative Agreement Number 5U38HM000512. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the CDC.

The mission of NALBOH is to strengthen boards of health, enabling them to promote and protect the health of their communities, through education, technical assistance, and advocacy. Boards of health are responsible for fulfilling three public health core functions: assessment, policy development, and assurance. For a health agency, this includes overseeing and ensuring that there are sufficient resources, effective policies and procedures, partnerships with other organizations and agencies, and regular evaluation of an agency's services.

NALBOH is confident that *Understanding Concentrated Animal Feeding Operations and Their Impact on Communities* will help local board of health members understand their role in developing ways to mitigate potential problems associated with CAFOs. We trust that the information provided in this guide will enable board of health members to develop and sustain monitoring programs, investigate developing policy related to CAFOs, and create partnerships with other local and state agencies and officials to improve the health and well-being of communities everywhere.

A special thanks to Jeffrey Neistadt (NALBOH's Director – Education and Training), NALBOH's Environmental Health subcommittee, and any local board of health members and health department staff who were contacted during the development of this document for their contributions and support.

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Introduction

Livestock farming has undergone a significant transformation in the past few decades. Production has shifted from smaller, family-owned farms to large farms that often have corporate contracts. Most meat and dairy products now are produced on large farms with single species buildings or open-air pens (MacDonald & McBride, 2009). Modern farms have also become much more efficient. Since 1960, milk production has doubled, meat production has tripled, and egg production has quadrupled (Pew Commission on Industrial Animal Farm Production, 2009). Improvements to animal breeding, mechanical innovations, and the introduction of specially formulated feeds and animal pharmaceuticals have all increased the efficiency and productivity of animal agriculture. It also takes much less time to raise a fully grown animal. For example, in 1920, a chicken took approximately 16 weeks to reach 2.2 lbs., whereas now they can reach 5 lbs. in 7 weeks (Pew, 2009).

New technologies have allowed farmers to reduce costs, which mean bigger profits on less land and capital. The current agricultural system rewards larger farms with lower costs, which results in greater profit and more incentive to increase farm size.

AFO vs. CAFO

A CAFO is a specific type of large-scale industrial agricultural facility that raises animals, usually at high-density, for the consumption of meat, eggs, or milk. To be considered a CAFO, a farm must first be categorized as an animal feeding operation (AFO). An AFO is a lot or facility where animals are kept confined and fed or maintained for 45 or more days per year, and crops, vegetation, or forage growth are not sustained over a normal growing period (Environmental Protection Agency [EPA], 2009). CAFOs are classified by the type and number of animals they contain, and the way they discharge waste into the water supply. CAFOs are AFOs that contain at least a certain number of animals, or have a number of animals that fall within a range and have waste materials that come into contact with the water supply. This contact can either be through a pipe that carries manure or wastewater to surface water, or by animal contact with surface water that runs through their confined area. (See Appendix A)

History

AFOs were first identified as potential pollutants in the 1972 Clean Water Act. Section 502 identified “feedlots” as “point sources” for pollution along with other industries, such as fertilizer manufacturing. Consequently, a permit program entitled the National Pollutant Discharge Elimination System (NPDES) was created which set effluent limitation guidelines and standards (ELGs) for CAFOs. CAFOs have since been regulated by NPDES or a state equivalent since the mid-1970s. The definitions of what was considered an AFO or CAFO were created by the EPA for the NPDES process in 1976. These regulations remained in effect for more than 25 years, but increases and changes to farm size and production methods required an update to the permit system.

The regulations guiding CAFO permits and operations were revised in 2003. New inclusions in the 2003 regulations were that all CAFOs had to apply for a NPDES permit even if they only discharged in the event of a large storm. Large poultry operations were included in the regulations, regardless of their waste disposal system, and all CAFOs that held a NPDES permit were required to develop and implement a nutrient management plan. These plans had CAFOs identify ways to treat or process waste in a way that maintained nutrient levels at the appropriate amount.

The 2003 CAFO rule was subsequently challenged in court. A Second Circuit Court of Appeals decision required alteration to the CAFO permitting system. In *Water Keeper et al. vs. the EPA*, the court directed the EPA to remove the requirement for all CAFOs to apply for NPDES. Instead, the court required that nutrient management plans be submitted with the permit application, reviewed by officials and the public, and the terms of the plan be incorporated into the permit.

As a result of this court decision, the CAFO rule was again updated. The current final CAFO rule, which was revised in 2008, requires that only CAFOs which discharge or propose to discharge waste apply for permits. The EPA has also provided clarification in the discussion surrounding the rule on how CAFOs should assess whether they discharge or propose to discharge. There is also the opportunity to receive a no discharge certification for CAFOs that do not discharge or propose to discharge. This certification demonstrates that the CAFO is not required to acquire a permit. And while CAFOs were required to create nutrient management plans under the 2003 rule, these plans were now included with permit applications, and had a built-in time period for public review and comment.

Benefits of CAFOs

When properly managed, located, and monitored, CAFOs can provide a low-cost source of meat, milk, and eggs, due to efficient feeding and housing of animals, increased facility size, and animal specialization. When CAFOs are proposed in a local area, it is usually argued that they will enhance the local economy and increase employment. The effects of using local materials, feed, and livestock are argued to ripple throughout the economy, and increased tax expenditures will lead to increase funds for schools and infrastructure.

Environmental Health Effects

The most pressing public health issue associated with CAFOs stems from the amount of manure they produce. CAFO manure contains a variety of potential contaminants. It can contain plant nutrients such as nitrogen and phosphorus, pathogens such as *E. coli*, growth hormones, antibiotics, chemicals used as additives to the manure or to clean equipment, animal blood, silage leachate from corn feed, or copper sulfate used in footbaths for cows.

Depending on the type and number of animals in the farm, manure production can range between 2,800 tons and 1.6 million tons a year (Government Accountability Office [GAO], 2008). Large farms can produce more waste than some U.S. cities—a feeding operation with 800,000 pigs could produce over 1.6 million tons of waste a year. That amount is one and a half times more than the annual sanitary waste produced by the city of Philadelphia, Pennsylvania (GAO, 2008). Annually, it is estimated that livestock animals in the U.S. produce each year somewhere between 3 and 20 times more manure than people in the U.S. produce, or as much as 1.2–1.37 billion tons of waste (EPA, 2005). Though sewage treatment plants are required for human waste, no such treatment facility exists for livestock waste.

While manure is valuable to the farming industry, in quantities this large it becomes problematic. Many farms no longer grow their own feed, so they cannot use all the manure they produce as fertilizer. CAFOs must find a way to manage the amount of manure produced by their animals. Ground application of untreated manure is one of the most common disposal methods due to its low cost. It has limitations, however, such as the inability to apply manure while the ground is frozen. There are also limits as to how many nutrients from manure a land area can handle. Over application of livestock wastes can overload

soil with macronutrients like nitrogen and phosphorous and micronutrients that have been added to animal feed like heavy metals (Burkholder et al., 2007). Other manure management strategies include pumping liquefied manure onto spray fields, trucking it off-site, or storing it until it can be used or treated. Manure can be stored in deep pits under the buildings that hold animals, in clay or concrete pits, treatment lagoons, or holding ponds.

Animal feeding operations are developing in close proximity in some states, and fields where manure is applied have become clustered. When manure is applied too frequently or in too large a quantity to an area, nutrients overwhelm the absorptive capacity of the soil, and either run off or are leached into the groundwater. Storage units can break or become faulty, or rainwater can cause holding lagoons to overflow. While CAFOs are required to have permits that limit the levels of manure discharge, handling the large amounts of manure inevitably causes accidental releases which have the ability to potentially impact humans.

The increased clustering and growth of CAFOs has led to growing environmental problems in many communities. The excess production of manure and problems with storage or manure management can affect ground and surface water quality. Emissions from degrading manure and livestock digestive processes produce air pollutants that often affect ambient air quality in communities surrounding CAFOs. CAFOs can also be the source of greenhouse gases, which contribute to global climate change.

All of the environmental problems with CAFOs have direct impact on human health and welfare for communities that contain large industrial farms. As the following sections demonstrate, human health can suffer because of contaminated air and degraded water quality, or from diseases spread from farms. Quality of life can suffer because of odors or insect vectors surrounding farms, and property values can drop, affecting the financial stability of a community. One study found that 82.8% of those living near and 89.5% of those living far from CAFOs believed that their property values decreased, and 92.2% of those living near and 78.9% of those living far from CAFOs believed the odor from manure was a problem. The study found that real estate values had not dropped and odor infestations were not validated by local governmental staff in the areas. However, the concerns show that CAFOs remain contentious in communities (Schmalzried and Fallon, 2007). CAFOs are an excellent example of how environmental problems can directly impact human and community well-being.

Groundwater

Groundwater can be contaminated by CAFOs through runoff from land application of manure, leaching from manure that has been improperly spread on land, or through leaks or breaks in storage or containment units. The EPA's 2000 National Water Quality Inventory found that 29 states specifically identified animal feeding operations, not just concentrated animal feeding operations, as contributing to water quality impairment (Congressional Research Service, 2008). A study of private water wells in Idaho detected levels of veterinary antibiotics, as well as elevated levels of nitrates (Batt, Snow, & Alga, 2006). Groundwater is a major source of drinking water in the United States. The EPA estimates that 53% of the population relies on groundwater for drinking water, often at much higher rates in rural areas (EPA, 2004). Unlike surface water, groundwater contamination sources are more difficult to monitor. The extent and source of contamination are often harder to pinpoint in groundwater than surface water contamination. Regular testing of household water wells for total and fecal coliform bacteria is a crucial element in monitoring groundwater quality, and can be the first step in discovering contamination issues related to CAFO discharge. Groundwater contamination can also affect surface water (Spellman &

Whiting, 2007). Contaminated groundwater can move laterally and eventually enter surface water, such as rivers or streams.

When groundwater is contaminated by pathogenic organisms, a serious threat to drinking water can occur. Pathogens survive longer in groundwater than surface water due to lower temperatures and protection from the sun. Even if the contamination appears to be a single episode, viruses could become attached to sediment near groundwater and continue to leach slowly into groundwater. One pollution event by a CAFO could become a lingering source of viral contamination for groundwater (EPA, 2005).

Groundwater can still be at risk for contamination after a CAFO has closed and its lagoons are empty. When given increased air exposure, ammonia in soil transforms into nitrates. Nitrates are highly mobile in soil, and will reach groundwater quicker than ammonia. It can be dangerous to ignore contaminated soil. The amount of pollution found in groundwater after contamination depends on the proximity of the aquifer to the CAFO, the size of the CAFO, whether storage units or pits are lined, the type of subsoil, and the depth of the groundwater.

If a CAFO has contaminated a water system, community members should be concerned about nitrates and nitrate poisoning. Elevated nitrates in drinking water can be especially harmful to infants, leading to blue baby syndrome and possible death. Nitrates oxidize iron in hemoglobin in red blood cells to methemoglobin. Most people convert methemoglobin back to hemoglobin fairly quickly, but infants do not convert back as fast. This hinders the ability of the infant's blood to carry oxygen, leading to a blue or purple appearance in affected infants. However, infants are not the only ones who can be affected by excess nitrates in water. Low blood oxygen in adults can lead to birth defects, miscarriages, and poor general health. Nitrates have also been speculated to be linked to higher rates of stomach and esophageal cancer (Bowman, Mueller, & Smith, 2000). In general, private water wells are at higher risk of nitrate contamination than public water supplies.

Surface Water

The agriculture sector, including CAFOs, is the leading contributor of pollutants to lakes, rivers, and reservoirs. It has been found that states with high concentrations of CAFOs experience on average 20 to 30 serious water quality problems per year as a result of manure management problems (EPA, 2001). This pollution can be caused by surface discharges or other types of discharges. Surface discharges can be caused by heavy storms or floods that cause storage lagoons to overflow, running off into nearby bodies of water. Pollutants can also travel over land or through surface drainage systems to nearby bodies of water, be discharged through manmade ditches or flushing systems found in CAFOs, or come into contact with surface water that passes directly through the farming area. Soil erosion can contribute to water pollution, as some pollutants can bond to eroded soil and travel to watersheds (EPA, 2001). Other types of discharges occur when pollutants travel to surface water through other mediums, such as groundwater or air.

Contamination in surface water can cause nitrates and other nutrients to build up. Ammonia is often found in surface waters surrounding CAFOs. Ammonia causes oxygen depletion from water, which itself can kill aquatic life. Ammonia also converts into nitrates, which can cause nutrient overloads in surface waters (EPA, 1998). Excessive nutrient concentrations, such as nitrogen or phosphorus, can lead to eutrophication and make water inhabitable to fish or indigenous aquatic life (Sierra Club Michigan Chapter, n.d.). Nutrient over-enrichment causes algal blooms, or a rapid increase of algae growth in an aquatic environment (Science Daily, n.d.). Algal blooms can cause a spiral of environmental problems to an aquatic system. Large groups of algae can block sunlight from underwater plant life, which are

habitats for much aquatic life. When algae growth increases in surface water, it can also dominate other resources and cause plants to die. The dead plants provide fuel for bacteria to grow and increased bacteria use more of the water's oxygen supply. Oxygen depletion once again causes indigenous aquatic life to die. Some algal blooms can contain toxic algae and other microorganisms, including *Pfiesteria*, which has caused large fish kills in North Carolina, Maryland, and the Chesapeake Bay area (Spellman & Whiting, 2007). Eutrophication can cause serious problems in surface waters and disrupt the ecological balance.

Water tests have also uncovered hormones in surface waters around CAFOs (Burkholder et al., 2007). Studies show that these hormones alter the reproductive habits of aquatic species living in these waters, including a significant decrease in the fertility of female fish. CAFO runoff can also lead to the presence of fecal bacteria or pathogens in surface water. One study showed that protozoa such as *Cryptosporidium parvum* and *Giardia* were found in over 80% of surface water sites tested (Spellman & Whiting, 2007). Fecal bacteria pollution in water from manure land application is also responsible for many beach closures and shellfish restrictions.

Air Quality

In addition to polluting ground and surface water, CAFOs also contribute to the reduction of air quality in areas surrounding industrial farms. Animal feeding operations produce several types of air emissions, including gaseous and particulate substances, and CAFOs produce even more emissions due to their size. The primary cause of gaseous emissions is the decomposition of animal manure, while particulate substances are caused by the movement of animals. The type, amount, and rate of emissions created depends on what state the manure is in (solid, slurry, or liquid), and how it is treated or contained after it is excreted. Sometimes manure is "stabilized" in anaerobic lagoons, which reduces volatile solids and controls odor before land application.

The most typical pollutants found in air surrounding CAFOs are ammonia, hydrogen sulfide, methane, and particulate matter, all of which have varying human health risks. Table 1 on page 6 provides information on these pollutants.

Most manure produced by CAFOs is applied to land eventually and this land application can result in air emissions (Merkel, 2002). The primary cause of emission through land application is the volatilization of ammonia when the manure is applied to land. However, nitrous oxide is also created when nitrogen that has been applied to land undergoes nitrification and denitrification. Emissions caused by land application occur in two phases: one immediately following land application and one that occurs later and over a longer period as substances in the soil break down. Land application is not the only way CAFOs can emit harmful air emissions—ventilation systems in CAFO buildings can also release dangerous contaminants. A study by Iowa State University, which was a result of a lawsuit settlement between the Sierra Club and Tyson Chicken, found that two chicken houses in western Kentucky emitted over 10 tons of ammonia in the year they were monitored (Burns et al., 2007).

Most studies that examine the health effects of CAFO air emissions focus on farm workers, however some have studied the effect on area schools and children. While all community members are at risk from lowered air quality, children take in 20-50% more air than adults, making them more susceptible to lung disease and health effects (Kleinman, 2000). Researchers in North Carolina found that the closer children live to a CAFO, the greater the risk of asthma symptoms (Barrett, 2006). Of the 226 schools that were included in the study, 26% stated that there were noticeable odors from CAFOs outdoors, while 8% stated

Table 1 Typical pollutants found in air surrounding CAFOs.

CAFO Emissions	Source	Traits	Health Risks
Ammonia	Formed when microbes decompose undigested organic nitrogen compounds in manure	Colorless, sharp pungent odor	Respiratory irritant, chemical burns to the respiratory tract, skin, and eyes, severe cough, chronic lung disease
Hydrogen Sulfide	Anaerobic bacterial decomposition of protein and other sulfur containing organic matter	Odor of rotten eggs	Inflammation of the moist membranes of eye and respiratory tract, olfactory neuron loss, death
Methane	Microbial degradation of organic matter under anaerobic conditions	Colorless, odorless, highly flammable	No health risks. Is a greenhouse gas and contributes to climate change.
Particulate Matter	Feed, bedding materials, dry manure, unpaved soil surfaces, animal dander, poultry feathers	Comprised of fecal matter, feed materials, pollen, bacteria, fungi, skin cells, silicates	Chronic bronchitis, chronic respiratory symptoms, declines in lung function, organic dust toxic syndrome

they experience odors from CAFOs inside the schools. Schools that were closer to CAFOs were often attended by students of lower socioeconomic status (Mirabelli, Wing, Marshall, & Wilcosky, 2006).

There is consistent evidence suggesting that factory farms increase asthma in neighboring communities, as indicated by children having higher rates of asthma (Sigurdarson & Kline, 2006; Mirabelli et al., 2006). CAFOs emit particulate matter and suspended dust, which is linked to asthma and bronchitis. Smaller particles can actually be absorbed by the body and can have systemic effects, including cardiac arrest. If people are exposed to particulate matter over a long time, it can lead to decreased lung function (Michigan Department of Environmental Quality [MDEQ] Toxics Steering Group [TSG], 2006). CAFOs also emit ammonia, which is rapidly absorbed by the upper airways in the body. This can cause severe coughing and mucous build-up, and if severe enough, scarring of the airways. Particulate matter may lead to more severe health consequences for those exposed by their occupation. Farm workers can develop acute and chronic bronchitis, chronic obstructive airways disease, and interstitial lung disease. Repeated exposure to CAFO emissions can increase the likelihood of respiratory diseases. Occupational asthma, acute and chronic bronchitis, and organic dust toxic syndrome can be as high as 30% in factory farm workers

(Horrigan, Lawrence, & Walker, 2002). Other health effects of CAFO air emissions can be headaches, respiratory problems, eye irritation, nausea, weakness, and chest tightness.

There is evidence that CAFOs affect the ambient air quality of a community. There are three laws that potentially govern CAFO air emissions—the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as the Superfund Act), the Emergency Planning & Community Right to Know Act (EPCRA), and the Clean Air Act (CAA). However, the EPA passed a rule that exempts all CAFOs from reporting emissions under CERCLA. Only CAFOs that are classified as large are required to report any emission event of 100 pounds of ammonia or hydrogen sulfide or more during a 24-hour period locally or to the state under EPCRA (Michigan State University Extension, n.d.). The EPA has also instituted a voluntary Air Quality Compliance Agreement in which they will monitor some CAFO air emissions, and will not sue offenders but instead charge a small civil penalty. These changes have attracted criticism from environmental and community leaders who state that the EPA has yielded to influence from the livestock industry. The changes also leave ambiguity as to whether emission standards and air quality near CAFOs are being monitored.

Greenhouse Gas and Climate Change

Aside from the possibility of lowering air quality in the areas around them, CAFOs also emit greenhouse gases, and therefore contribute to climate change. Globally, livestock operations are responsible for approximately 18% of greenhouse gas production and over 7% of U.S. greenhouse gas emissions (Massey & Ulmer, 2008). While carbon dioxide is often considered the primary greenhouse gas of concern, manure emits methane and nitrous oxide which are 23 and 300 times more potent as greenhouse gases than carbon dioxide, respectively. The EPA attributes manure management as the fourth leading source of nitrous oxide emissions and the fifth leading source of methane emissions (EPA, 2009).

The type of manure storage system used contributes to the production of greenhouse gases. Many CAFOs store their excess manure in lagoons or pits, where they break down anaerobically (in the absence of oxygen), which exacerbates methane production. Manure that is applied to land or soil has more exposure to oxygen and therefore does not produce as much methane. Ruminant livestock, such as cows, sheep, or goats, also contribute to methane production through their digestive processes. These livestock have a special stomach called a rumen that allows them to digest tough grains or plants that would otherwise be unusable. It is during this process, called enteric fermentation, that methane is produced. The U.S. cattle industry is one of the primary methane producers. Livestock production and meat and dairy consumption has been increasing in the United States, so it can only be assumed that these greenhouse gas emissions will also rise and continue to contribute to climate change.

Odors

One of the most common complaints associated with CAFOs are the odors produced. The odors that CAFOs emit are a complex mixture of ammonia, hydrogen sulfide, and carbon dioxide, as well as volatile and semi-volatile organic compounds (Heederik et al., 2007). **These odors are worse than smells formerly associated with smaller livestock farms.** The anaerobic reaction that occurs when manure is stored in pits or lagoons for long amounts of time is the primary cause of the smells. Odors from waste are carried away from farm areas on dust and other air particles. Depending on things like weather conditions and farming techniques, **CAFO odors can be smelled from as much as 5 or 6 miles away,** although 3 miles is a more common distance (State Environmental Resource Center, 2004).

Because CAFOs typically produce malodors, many communities want to monitor emissions and odors. Quantifying odor from industrial farming can be challenging because it is a mixture of free and particle-bound compounds, which can make it hard to identify what specifically is causing the odor. Collecting data on specific gases, such as hydrogen sulfide, can be used as a proxy for odor levels.

CAFO odors can cause severe lifestyle changes for individuals in the surrounding communities and can alter many daily activities. When odors are severe, people may choose to keep their windows closed, even in high temperatures when there is no air conditioning. People also may choose to not let their children play outside and may even keep them home from school. Mental health deterioration and an increased sensitization to smells can also result from living in close proximity to odors from CAFOs. Odor can cause negative mood states, such as tension, depression, or anger, and possibly neuropsychiatric abnormalities, such as impaired balance or memory. People who live close to factory farms can develop CAFO-related post traumatic stress disorder, including anxiety about declining quality of life (Donham et al., 2007).

Ten states use direct regulations to control odors emitted by CAFOs. They prohibit odor emissions greater than a set standard. States with direct regulations use scentometers, which measure how many times an odor has to be doused with clean air before the smell is undetectable. An additional 34 states have indirect methods to reduce CAFO odors. These include: setbacks, which specify how far CAFO structures have to be from other buildings; permits, which are the most typical way of regulating CAFOs; public comment or involvement periods; and operator or manure placement training.

Insect Vectors

CAFOs and their waste can be breeding grounds for insect vectors. Houseflies, stable flies, and mosquitoes are the most common insects associated with CAFOs. Houseflies breed in manure, while stable and other flies breed in decaying organic material, such as livestock bedding. Mosquitoes breed in standing water, and water on the edges of manure lagoons can cause mosquito infestations to rise. Flies can change from eggs to adults in only 10 days, which means that substances in which flies breed need to be cleaned up regularly.

Flies are typically considered only nuisances, although insects can agitate livestock and decrease animal health. The John Hopkins Bloomberg School of Public Health found evidence that houseflies near poultry operations may contribute to the dispersion of drug-resistant bacteria (Center for Livable Future, 2009). Since flies are attracted to and eat human food, there is a potential for spreading bacteria or pathogens to humans, including microbes that can cause dysentery and diarrhea (Bowman et al., 2000). Mosquitoes spread zoonotic diseases, such as West Nile virus, St. Louis encephalitis, and equine encephalitis.

Residences closest to the feeding operations experience a much higher fly population than average homes. To lower the rates of insects and any accompanying disease threats, standing water should be cleaned or emptied weekly, and manure or decaying organic matter should be removed twice weekly (Purdue Extension, 2007). For more specific insect vector information, please refer to NALBOH's vector guide (*Vector Control Strategies for Local Boards of Health*).

Pathogens

Pathogens are parasites, bacterium, or viruses that are capable of causing disease or infection in animals or humans. The major source of pathogens from CAFOs is in animal manure. There are over 150 pathogens in manure that could impact human health. Many of these pathogens are concerning because

they can cause severe diarrhea. Healthy people who are exposed to pathogens can generally recover quickly, but those who have weakened immune systems are at increased risk for severe illness or death. Those at higher risk include infants or young children, pregnant women, the elderly, and those who are immunosuppressed, HIV positive, or have had chemotherapy. This risk group now roughly compromises 20% of the U.S. population.

Table 2 Select pathogens found in animal manure.

Pathogen	Disease	Symptoms
<i>Bacillus anthracis</i>	Anthrax	Skin sores, headache, fever, chills, nausea, vomiting
<i>Escherichia coli</i>	Colibacillosis, Coliform mastitis-metris	Diarrhea, abdominal gas
<i>Leptospira pomona</i>	Leptospirosis	Abdominal pain, muscle pain, vomiting, fever
<i>Listeria monocytogenes</i>	Listeriosis	Fever, fatigue, nausea, vomiting, diarrhea
<i>Salmonella</i> species	Salmonellosis	Abdominal pain, diarrhea, nausea, chills, fever, headache
<i>Clostridium tetani</i>	Tetanus	Violent muscle spasms, lockjaw, difficulty breathing
<i>Histoplasma capsulatum</i>	Histoplasmosis	Fever, chills, muscle ache, cough rash, joint pain and stiffness
<i>Microsporium</i> and <i>Trichophyton</i>	Ringworm	Itching, rash
<i>Giardia lamblia</i>	Giardiasis	Diarrhea, abdominal pain, abdominal gas, nausea, vomiting, fever
<i>Cryptosporidium</i> species	Cryptosporidiosis	Diarrhea, dehydration, weakness, abdominal cramping

Sources of infection from pathogens include fecal-oral transmission, inhalation, drinking water, or incidental water consumption during recreational water activities. The potential for transfer of pathogens among animals is higher in confinement, as there are more animals in a smaller amount of space. Healthy or asymptomatic animals may carry microbial agents that can infect humans, who can then spread that infection throughout a community, before the infection is discovered among animals.

When water is contaminated by pathogens, it can lead to widespread outbreaks of illness. Salmonellosis, cryptosporidiosis, and giardiasis can cause nausea, vomiting, fever, diarrhea, muscle pain, and death, among other symptoms. *E.coli* is another serious pathogen, and can be life-threatening for the young, elderly, and immunocompromised. It can cause bloody diarrhea and kidney failure. Since many CAFO use sub-therapeutic antibiotics with their animals, there is also the possibility that disease-resistant bacteria can emerge in areas surrounding CAFOs. Bacteria that cannot be treated by antibiotics can have very serious effects on human health, potentially even causing death (Pew Charitable Trusts, n.d.).

There is also the possibility of novel (or new) viruses developing. These viruses generate through mutation or recombinant events that can result in more efficient human-to-human transmission. There has been some speculation that the novel H1N1 virus outbreak in 2009 originated in swine CAFOs in Mexico. However, that claim has never been substantiated. CAFOs are not required to test for novel viruses, since they are not on the list of mandatory reportable illness to the World Organization for Animal Health.

Antibiotics

Antibiotics are commonly administered in animal feed in the United States. Antibiotics are included at low levels in animal feed to reduce the chance for infection and to eliminate the need for animals to expend energy fighting off bacteria, with the assumption that saved energy will be translated into growth. The main purposes of using non-therapeutic doses of antimicrobials in animal feed is so that animals will grow faster, produce more meat, and avoid illnesses. Supporters of antibiotic use say that it allows animals to digest their food more efficiently, get the most benefit from it, and grow into strong and healthy animals.

The trend of using antibiotics in feed has increased with the greater numbers of animals held in confinement. The more animals that are kept in close quarters, the more likely it is that infection or bacteria can spread among the animals. Seventy percent of all antibiotics and related drugs used in the U.S. each year are given to beef cattle, hogs, and chickens as feed additives. Nearly half of the antibiotics used are nearly identical to ones given to humans (Kaufman, 2000).

There is strong evidence that the use of antibiotics in animal feed is contributing to an increase in antibiotic-resistant microbes and causing antibiotics to be less effective for humans (Kaufman, 2000). Resistant strains of pathogenic bacteria in animals, which can be transferred to humans through the handling or eating of meat, have increased recently. This is a serious threat to human health because fewer options exist to help people overcome disease when infected with antibiotic-resistant pathogens. The antibiotics often are not fully metabolized by animals, and can be present in their manure. If manure pollutes a water supply, antibiotics can also leech into groundwater or surface water.

Because of this concern for human health, there is a growing movement to eliminate the non-therapeutic use of antibiotics with animals. In 2001, the American Medical Association approved a resolution to ban all low-level use of antibiotics. The USDA has developed guidelines to limit low-level use, and some major meat buyers (such as McDonald's) have stopped using meat that was given antibiotics that are also used for humans. The World Health Organization is also widely opposed to the use of antibiotics, calling for a cease of their low-level use in 2003. Some U.S. legislators are seeking to ban the routine use of antibiotics with livestock, and there has been legislation proposed to solidify a ban. The Preservation of Antibiotics for Medical Treatment Act (PAMTA), which was introduced in 2009, has the support of over 350 health,

consumer, and environmental groups (H.R. 1549/S. 619). The act, if passed, would ban seven classes of antibiotics important to human health from being used in animals, and would restrict other antibiotics to therapeutic and some preventive uses.

Other Effects – Property Values

Most landowners fear that when CAFOs move into their community their property values will drop significantly. There is evidence that CAFOs do affect property values. The reasons for this are many: the fear of loss of amenities, the risk of air or water pollution, and the increased possibility of nuisances related to odors or insects. CAFOs are typically viewed as a negative externality that can't be solved or cured. There may be stigma that is attached to living by a CAFO.

The most certain fact regarding CAFOs and property values are that the closer a property is to a CAFO, the more likely it will be that the value of the property will drop. The exact impact of CAFOs fluctuates depending on location and local specifics. Studies have found differing results of rates of property value decrease. One study shows that property value declines can range from a decrease of 6.6% within a 3-mile radius of a CAFO to an 88% decrease within 1/10 of a mile from a CAFO (Dakota Rural Action, 2006). Another study found that property value decreases are negligible beyond 2 miles away from a CAFO (Purdue Extension, 2008). A third study found that negative effects are largest for properties that are downwind and closest to livestock (Herriges, Secchi, & Babcock, 2005). The size and type of the feeding operation can affect property value as well. Decreases in property values can also cause property tax rates to drop, which can place stress on local government budgets.

Considerations for Boards of Health

Right-to-Farm Laws

With all of the potential environmental and public health effects from CAFOs, community members and health officials often resort to taking legal action against these industrial animal farms. However, there are some protections for farms in place that can make lawsuits hard to navigate. Right-to-farm laws were created to address conflicts between farmers and non-farming neighbors. They seek to override common laws of nuisance, **which forbid people to use their property in ways that are harmful to others**, and protect farmers from unreasonable controls on farming.

All 50 states have some form of right-to-farm laws, but most only offer legal protections to farms if they meet certain specifications. Generally, **they must be in compliance with all environmental regulations, be properly run, and be present in a region first before suburban developments**, often a year before the plaintiff moves to that area. These right-to-farm laws were originally created in the late 1970s and early 1980s to protect family farms from suburban sprawl, at a time when large industrial farms were not the norm. As industrial farms grew in size and number, the agribusiness industry lobbied for and achieved the passage of stricter laws in the 1990s, many of which are now being challenged in court by homeowners and small family farmers. Opponents to these laws argue that they deprive them of their use of property and therefore violate the Fifth Amendment to the Constitution.

Some state courts have overturned their strict right-to-farm laws, such as Iowa, Michigan, Minnesota, and Kansas. Others such as Vermont have rewritten their laws. Vermont's updated right-to-farm bill

protects established farm practices as long as there is not a substantial adverse effect on health, safety, or welfare.

Boards of health need to be aware of what legal protection their state offers farms. Right-to-farm laws can hinder nuisance complaints brought about by community members. State laws can prevent local government or health officials from regulating industrial farms.

Board of Health Involvement with CAFOs

Boards of health are responsible for fulfilling the three public health core functions: assessment, policy development, and assurance. Boards of health can fulfill these functions through addressing problems stemming from CAFOs in their communities. Specific public health services that can be tackled regarding CAFOs include monitoring health status, investigating health problems, developing policies, enforcing regulations, informing and educating people about CAFOs, and mobilizing community partnerships to spread awareness about environmental health issues related to CAFOs.

Assessment: Board of health members should ensure that there is an effective method in place for collecting and tracking public complaints about CAFOs and large animal farms. Since environmental health specialists at local health departments are often responsible for investigating complaints, the board of health must take measures to ensure that they are properly trained and educated about CAFOs. It is possible that the board of health may be responsible or choose to do some investigations itself. Schmalzried and Fallon (2008) advocate that local health districts adopt a proactive approach for addressing public concerns about CAFOs, stating that health districts can offer some services that may help ease public frustration with CAFOs. A fly trapping program can establish a baseline for the average number of flies present prior to the start-up of CAFOs or large animal farms, which can then establish if a fly nuisance exists in the area. Testing for water quality and quantity can provide evidence if CAFOs are suspected of affecting private water supplies. Boards of health can also monitor exposure incidences that occur in emergency rooms to determine if migrant or farm workers are developing any adverse health conditions as a result of their work environments. Establishing these programs benefit both members of the community and provide information to future animal farm operators, and local boards of health should recommend them if they've been receiving complaints about CAFOs.

Policy Development: Boards of health in many states can adopt health-based regulations about CAFOs, however, they may be met with some resistance. Humbolt County, Iowa, adopted four health-based ordinances concerning CAFOs that became models for regulations in other states, but the Iowa Supreme Court ruled the ordinances were irreconcilable with state laws. Boards of health that choose to regulate CAFOs can also be subject to pressure from outside forces, including possible lawsuits or withdrawal of funding. Boards of health should also consider working with other local officials to institute regulations on CAFOs, such as zoning ordinances.

Assurance: Boards of health can execute the assurance function by advocating for or educating about better environmental practices with CAFOs. Board members may receive complaints from the public about CAFOs, and boards can hold public meetings to receive complaints and hear public testimony about farms. If boards of health are not capable of regulating industrial farms in their communities, they can still try to collaborate with other local agencies that have jurisdiction. Board of health members can educate other local agencies and public officials about CAFOs and spread awareness about the environmental and health hazards. They can request a public hearing with the permitting agency of the

CAFO to express their concerns about the potential health effects. They can also work with agricultural and farm representatives to teach better environmental practices and pollution reduction techniques.

In many states, boards of health are empowered to adopt more stringent rules than the state law if it is necessary to protect public health. Board of health members should examine their state laws before they take any action regarding CAFOs to determine the most appropriate course of action. Any process should include an investigative period to gather evidence, public hearings, and a time for public review of draft policies.

Board of Health Case Studies

Tewksbury Board of Health, Massachusetts

Locals have complained about Krochmal Farms, a pig farm, for many years, but complaints have increased recently. The addition of a hog finishing facility to the farm coincided with the time that community member complaints grew. Most complaints are centered on the odor coming from the farm. The complaints were originally just logged when phone calls were received; however, the health department added a data tracking system as the number of complaints increased. After a complaint is received, the sanitarian or health director does a site visit to investigate.

The health director in Tewksbury filed an order of prohibition against the farm, which is allowed under Massachusetts law 111, section 143, for anything that threatens public health. The order of prohibition was appealed and the matter was taken to the board of health for a grievance hearing. The board of health hearing included months of testimony about the pig farm. The board of health is also doing a site assignment, which determines if a location is appropriate for treating, storing, or disposing of waste, including agricultural waste. The site assignment process includes both the Department of Environmental Protection (DEP) and the local board of health. The board of health holds a public hearing process, while the DEP reviews the site assignment application. The board of health grants the site assignment only if it is concurrently approved by the DEP.

The health director in Tewksbury points out that the only laws the board of health is able to regulate the farm under are nuisance laws. There have been efforts by the community to do a home rule petition to address the air quality and pest management complaints. The home rule petition is currently working its way through the Massachusetts state house. The status of the petition is unknown.

The board of health has tried to work directly with the pig farm to manage complaints. The farm contains manure composting facilities and the health district has requested advance notice to warn the community before manure is treated or applied to the soil. The farm has adopted a new manure management system. This system uses Rapp technology to control odors and reduce ammonia and hydrogen sulfide levels. However, questions still remain as to whether this addition will fully solve the odor issue. Typically, systems using Rapp technology include an oil cap that floats on manure holding pools and helps seal odors inside. These techniques have been researched and proven to reduce odors. However, the Tewksbury farm did not install the oil cap, and it is unknown whether the exclusion of the cap will hinder the technology's ability to reduce odors.

The complaints about the farm primarily concern the odor that emanates from the farm. The complaints do include mention of health side effects, including nausea and burning eyes. The health director has also heard concerns about potential environmental effects from the pig manure. Community members are

worried the manure runoff is entering and contaminating Sutton Brook, since there has been flooding in that area. There has been no confirmation of this occurring. The board of health is aware that the farm has a nutrient management plan, but they are not allowed to request and find out what is incorporated in that plan.

The Tewksbury piggery is technically not classified as a CAFO, though it is believed to be the largest pig farm in the commonwealth of Massachusetts. The area around it has become densely populated and the community members state that they just want to live peacefully with the farm. The board of health has submitted multiple grant applications to study the health effects associated with the farm. After the site assignment process is complete, the board of health will decide how it will regulate the farm. At the beginning of 2010, the board of health was still working on drafting regulations for the pig farms.

Wood County Board of Health, Ohio

Wood County, Ohio, contains two existing large dairy farms, both of which were proposed in 2001 to be expanded to over 1500 cows each. It is also the site for three other proposed dairy farms. There is a large community effort that supports restricting the operation and expansion of these farms, mainly represented by the community group Wood County Citizens Opposed to Factory Farms. The Wood County Board of Health became involved in investigating these dairy farms through this community group and other local officials. The Trustees of Liberty Township requested assistance from the Wood County Board of Health in supporting a moratorium on factory farm operations until local regulations were in effect. The trustees believed that manure runoff from the farms could contaminate local waterways, lower the ground water table, increase the presence of insect vectors, and devalue local properties.

The Wood County Health Director, in cooperation with the board of health, contacted nearby counties to determine what actions they had taken against farms in their communities. While the health director and board of health investigated action in the form of a nuisance regulation against the farms, they were advised that nuisance lawsuits filed against farms in Ohio were held to a tough standard, and they would be forced to demonstrate with scientific proof that the farms have a substantial adverse effect on health. They found that no other board of health in Ohio had opted to regulate farming operations and relied on the enforcement of existing state laws.

The board of health held a public forum to hear public opinion regarding the industrial farms. Ultimately, the Wood County Board of Health took actions other than regulations to help protect the health and environment of its community. They helped community members protect the safety of their water wells by offering free and low cost water well testing and inspections. They tested area ditch and water ways for fecal coliform bacteria, phosphorous, and nitrates to monitor the impact of farm runoff. They also purchased fly traps to monitor and count fly types to determine if the farms have caused an increase in insect vectors. Board of health members also met with state officials from the Ohio EPA in an effort to facilitate cooperation regarding the factory farms. While the Wood County Board of Health and Health Department chose not to institute any local regulations, they continue to monitor the situation and respond to community complaints.

Cerro Gordo County Board of Health, Iowa

Officials in Cerro Gordo County, Iowa, began looking into regulating animal feeding operations after the number of hog farms in Iowa started to grow. Floods in North Carolina and new regulations in Colorado meant that many hog farms began relocating to Iowa. Many citizens had concerns over the effects of

CAFOs, and the Iowa State Association of Counties wanted to review air quality issues. Officials in Cerro Gordo County originally began working on a regulation that required inspections and was based on public health concerns, since farms were already exempt from any regulations related to zoning. However, Iowa state senators soon introduced legislation that passed and prevented any animal feeding operations from being regulated from a public health angle as well.

As Iowans were now prevented from regulating animal feeding operations in terms of zoning or public health, officials in Cerro Gordo County decided to place a moratorium on the construction of new animal feeding operations in that county. They wanted to temporarily stop the growth of animal feeding operations until they could get better science about their effects. Cerro Gordo County Ordinance #40, the "Animal Confinement Moratorium Ordinance," went into effect on May 14, 2002. Since the moratorium did not address public health or zoning, officials were able to get around the rules and still have a way to temporarily control animal feeding operation growth in their county. The ordinance placed "a 1-year moratorium on any new construction, expansion, or activity occurring on land used for the production, care, feeding, or housing of animals." The ordinance also afforded "local public health officials adequate time to appropriately assess health and environmental concerns that may be related to confined animal feeding operations and concentration of animals; establish objective measurable standards of enforcement; exercise the Board of Health's responsibility to protect and improve the health of the public; refrain from impacting farm operators unfairly; and provide penalties for violations of the provisions hereof pursuant to Chapter 137, Code of Iowa" (Cerro Gordo County, 2002).

The moratorium was first adopted by the Cerro Gordo County Board of Health. It was then presented to the county board of supervisors by the health director on behalf of the board of health. Before the board of health adopted the moratorium, they held an investigative meeting in which representatives from the Iowa Farm Bureau and other industry spokespeople exchanged opinions on the issue of animal feeding operations. The moratorium was created through a collaboration between local and county officials—health department staff, the board of health, and the board of supervisors. The moratorium did not receive any help or backing from state officials, who were concerned about the political nature of the ordinance. However it did receive backing from a *Globe Gazette* editorial.

The moratorium was immediately met with resistance from state officials. The Cerro Gordo County Board of Supervisors was contacted by a local legislator, and the Iowa Farm Bureau stated they would challenge the county budget. The Iowa Farm Bureau threatened to take the county to court. There were concerns over the cost of a court trial, which was estimated to be as high as \$60,000. The county attorney doubted the legality of the moratorium and ultimately recommended removing it. The moratorium was in effect until June of 2005, when it was repealed by the county board of supervisors.

Since the moratorium was repealed there have been a few hog farms built in Cerro Gordo County, but the decline in pork prices has prevented any large growth of hog farms. Health officials believe that if the county had not implemented the animal confinement moratorium, there would have been many more farms built in their county, since many hog farms were built in counties south of Cerro Gordo County. There is now a process for siting new animal confinement operations in Iowa that uses a Master Matrix scoring system. The Cerro Gordo County Board of Supervisors tracks the Master Matrix system, but so far no animal feeding operations in Iowa who have applied using this system have been denied the right to build.

Conclusion

Concentrated animal feeding operations or large industrial animal farms can cause a myriad of environmental and public health problems. While they can be maintained and operated properly, it is important to ensure that they are routinely monitored to avoid harm to the surrounding community. While states have differing abilities to regulate CAFOs, there are still actions that boards of health can and should take. These actions can be as complex as passing ordinances or regulations directed at CAFOs or can be simply increasing water and air quality testing in the areas surrounding CAFOs. Since CAFOs have such an impact locally, boards of health are an appropriate means for action. Boards of health should take an active role with CAFOs, including collaboration with other state and local agencies, to mitigate the impact that CAFOs or large industrial farms have on the public health of their communities.

Appendix A: Regulatory Definitions of Large CAFOs, Medium CAFOs, and Small CAFOs

Animal Sector	Size Thresholds (number of animals)		
	Large CAFOs	Medium CAFOs ¹	Small CAFOs ²
Cattle or cow/calf pairs	1,000 or more	300-999	Less than 300
Mature dairy cattle	700 or more	200-699	Less than 200
Veal calves	1,000 or more	300-999	Less than 300
Swine (over 55 pounds)	2,500 or more	750-2,500	Less than 750
Swine (under 55 pounds)	10,000 or more	3,000-9,999	Less than 3,000
Horses	500 or more	150-499	Less than 150
Sheep or lambs	10,000 or more	3,000-9,999	Less than 3,000
Turkeys	55,000 or more	16,500-54,999	Less than 16,500
Laying hens or broilers ³	30,000 or more	9,000-29,999	Less than 9,000
Chickens other than laying hens ⁴	125,000 or more	37,500-124,999	Less than 37,500
Laying hens ⁴	82,000 or more	25,000-81,999	Less than 25,000
Ducks ⁴	30,000 or more	10,000-29,999	Less than 10,000
Ducks ³	5,000 or more	1,500-4,999	Less than 1,500

Data: Environmental Protection Agency

- ¹ Must also meet one of two "method of discharge" criteria to be defined as a CAFO or must be designated.
- ² Never a CAFO by regulatory definition, but may be designated as a CAFO on a case-by-case basis.
- ³ Liquid manure handling system
- ⁴ Other than a liquid manure handling system

Appendix B: Additional Resources

American Public Health Association. *Precautionary moratorium on new concentrated animal feed operations*. <http://www.apha.org/advocacy/policy/policysearch/default.htm?id=1243>

Center for a Livable Future. <http://www.livablefutureblog.com/>

Environmental Health Sciences Research Center. *Iowa concentrated animal feeding operation air quality study*. <http://www.public-health.uiowa.edu/ehsrc/CAFOstudy.htm>

Environmental Protection Agency. *Animal feeding operations*. http://cfpub.epa.gov/npdes/home.cfm?program_id=7

Food and Water Watch. <http://www.foodandwaterwatch.org/>

Impacts of CAFOs on Rural Communities. http://web.missouri.edu/ikerdj/papers/Indiana%20--%20CAFOs%20%20Communities.htm#_ftn1

Land Stewardship Project. <http://www.landstewardshipproject.org/index.html>

Midwest Environmental Advocates. <http://www.midwestadvocates.org/>

National Agriculture Law Center. *Animal feeding operations reading room*.
<http://www.nationalaglawcenter.org/readingrooms/afos>

National Association of Local Boards of Health. *Vector control strategies for local boards of health*.
<http://www.nalboh.org/publications.htm>

Pew Charitable Trusts. *Human health and industrial farming*. <http://www.saveantibiotics.org/index.html>

Pew Commission on Industrial Animal Farm Production. <http://www.ncifap.org/>

Purdue Extension. *Concentrated animal feeding operations*. <http://www.ansc.purdue.edu/CAFO/>

State Environmental Resource Center. <http://serconline.org>

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SCANYON COUNTY
SHERIFF

Kieran Donahue
Sheriff

Douglas S. Hart
Chief Deputy

February 6, 2024

Christina Marston
31396 Red Top Rd.
Wilder, ID 83676
ckmarstonclothing@gmail.com

Christina Marston


How we handled your request	
Request date. We received your request on: January 24, 2024	
Request content. Your full request is attached. We understood you to be asking for: Traffic incidents at Red Top Road or Peckham Road for the past 10-15 years	
Legal review.	<input checked="" type="checkbox"/> The Civil Division of the Canyon County Prosecuting Attorney's Office reviewed your request and the legal authority for redactions and denials in our response, if any, on 2/5/24 <input type="checkbox"/> We had the opportunity and chose not to consult a county attorney.
<input type="checkbox"/> Compilation. Because the records you requested pertained to a pending case, we did not compile responsive media records.	
CCSO provided the Canyon County Prosecutor's Office with: 14 pages	
of potentially responsive information for review, some of which may have been removed or redacted as noted below.	
<input type="checkbox"/> Discovery response from the Prosecutor's office. As a courtesy, we have directly routed your request to the Canyon County Deputy Prosecuting Attorney assigned to your case to process as a discovery request in accordance with the requirements of Idaho Criminal Rule 16.	
Why you received unredacted information	
<input type="checkbox"/> Government entity. Although the information you requested may typically be exempt from disclosure, as a government entity, you are subject to the same or similar legal obligations as our office regarding the dissemination of these records.	
<input type="checkbox"/> Court order. You need the requested records in order to comply with a court order (e.g., domestic violence evaluator, mental health evaluator, pre-sentence investigator).	
<input type="checkbox"/> Involved party. You have provided satisfactory information that you are requesting records about yourself or about an involved party for whom you are either an insurer, legal representative, parent (of a minor), or other authorized agent. Idaho Code ("I.C.") §§ 74-113, 74-105(1), and 74-124(2) for records involving a motor vehicle collision; I.C. § 74-113 only for all other record types.	
<input checked="" type="checkbox"/> Other. No redactions necessary.	
Why information was redacted or omitted – (Section 1 of 2)	
<input type="checkbox"/> No responsive records. No responsive records were found within the parameters of your request.	<input type="checkbox"/> Private information. For investigatory records, I.C. §§ 74-104(1), 74-105(1), 74-124(1)(c). For all other records, I.C. § 74-106(4)(h).
<input type="checkbox"/> No date range specified. Your request did not provide a date range. I.C. § 74-102(4).	<input type="checkbox"/> Pending investigation or case. I.C. §§ 74-105(1), 74-124(1).

Public Safety, Teamwork, Community

Why information was redacted or omitted – (Section 2 of 2)	
<input type="checkbox"/> Social security number. I.C. § 74-106(4)(g), 74-104(1); 42 U.S.C. 405(c)(2)(C)(viii)(I).	<input type="checkbox"/> Motor vehicle information, and/or driver records. I.C. §§ 74-106(15), 49-203.
<input type="checkbox"/> Juvenile information. I.C. §§ 16-1626, 74-104(2); Idaho Court Administrative Rule 32(g)(9); Idaho Juvenile Rule 53.	<input type="checkbox"/> National criminal history database information. I.C. §§ 74-105(12), 74-104(1); 28 U.S.C. § 534(f)(1).
<input type="checkbox"/> Medical records. I.C. §§ 74-106(6), 74-106(13).	<input type="checkbox"/> Jail inmate records by current inmate. I.C. § 74-113(3)(e).
<input type="checkbox"/> Medical records (as a provider). I.C. §§ 74-106(6), 74-106(13), 74-104(1); 42 U.S.C. § 1320d-6; 45 C.F.R. § 164.502.	<input type="checkbox"/> Attorney-client communication or attorney work-product. I.C. § 74-104(1); Idaho Rule of Professional Conduct 1.6; Idaho Rules of Civil Procedure 26(b)(1), (5); and Idaho Criminal Rule 16(g).
<input type="checkbox"/> Psychiatric records. I.C. §§ 66-348, 74-106(13), 74-105(1), and 74-124(1)(c).	
<input type="checkbox"/> Critical infrastructure. I.C. § 74-105(4)(b).	<input type="checkbox"/> Destroyed record. See county records retention requirements in I.C. § 31-871.
<input type="checkbox"/> Other.	<input type="checkbox"/> Additional grounds for the denial and/or redactions of your request may exist, and are not waived by our office.
How you MAY be able to obtain additional information	
<input type="checkbox"/> Proof of identity or release. Provide our office with (a) a copy of government-issued photo identification (b) information proving your relationship to an individual in the requested records, or (c) a notarized release of information or power of attorney for such individual.	
<input type="checkbox"/> Subpoena. Provide our office with a subpoena issued in a criminal case or a civil case.	
<input type="checkbox"/> Discovery request. Submit a request for discovery to the handling prosecuting attorney's office.	
<input type="checkbox"/> Court order. If you need the requested information because you are preparing a report pursuant to a court order (e.g., evaluation), provide us with a copy of the order.	
<input checked="" type="checkbox"/> iCourt. Visit the iCourt Portal online at https://mycourts.idaho.gov .	
<input type="checkbox"/> Victim services. If you are a victim, speak with a victim-witness coordinator or restitution coordinator with the Canyon County Sheriff's Office, (208) 455-5970, or the Canyon County Prosecuting Attorney's Office, (208) 454-7391.	
<input type="checkbox"/> Court. Contact Canyon County Court Records, cdclerk@canyoncounty.id.gov , (208) 454-7495.	
<input type="checkbox"/> Resubmission. Resubmit your request once the case is adjudicated.	
<input type="checkbox"/> Other government entity. Contact the government entity listed below, as it may have some or all of the requested information:	

If you believe that you have been improperly denied the information you requested, you may contact our office or you have the right to institute proceedings in the district court of this county within 180 days from the date of the mailing of this letter to attempt to compel disclosure of that information.

Sincerely,

 5937
 CCSO Records Section

☒ KK/srh

attachment

Subject's date of birth:

Records requested:

Narrative report

Description of requested information:

I'm looking for major traffic accidents that took place on Red Top Road or Peckham Road west of Highway 95 to the Stateline in the last 10-15 years. I know of one that a teenager died, 7-2017 on Red Top. I believe there was another that a child was struck by a driver while getting her mail and ended up passing away from injuries. Any help or guidance on finding out this information would be greatly appreciated.

Signature

A handwritten signature in black ink, appearing to be 'C. White'.

Date

01/24/2024

Record List - Total:11

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-43050	PD Accident	Peckham Rd & Arena Valley Rd	CCS	20:51:23 11/27/23	INA	
C20-30144	PD Accident	Peckham Rd & Arena Valley Rd	CCS	13:09:34 10/23/20	CCA	
C20-29548	PI Accident	Peckham Rd & Arena Valley Rd	CCS	13:20:22 10/18/20	CCJ	
C20-15669	PD Accident	Peckham Rd & Arena Valley Rd	CCS	20:11:49 06/04/20	INA	
C20-01252	PI Accident	Peckham Rd & Arena Valley Rd	CCS	07:15:41 01/11/20	INA	
C19-11296	PD Accident	Peckham Rd & Arena Valley Rd	CCS	15:10:39 04/10/19	INA	
C18-12242	PI Accident	Peckham Rd & Arena Valley Rd	CCS	20:04:23 05/25/18	INA	
C16-25968	PI Accident	Arena Valley Rd & Peckham Rd	CCS	12:09:55 12/03/16	INA	
16PP-2833	TraffcAccid-D/L	Arena Valley Rd & Peckham Rd	PPD	12:09:55 12/03/16		
C15-14755	PD Accident	Peckham Rd & Arena Valley Rd	CCS	05:58:28 07/06/15	INA	
C14-25940	PD Accident	Arena Valley Rd & Peckham Rd	CCS	07:10:08 10/14/14	CCA	

Record List - Total:1

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-10704	PD Accident	Arena Valley Rd & Red Top Rd	CCS	18:09:00 03/30/23	CCA	

Record List - Total:4

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C19-25405	PD Accident	Batt Corner Rd & Peckham Rd	CCS	13:28:55 08/05/19	CCA	
C19-13843	PI Accident	Peckham Rd & Batt Corner Rd	CCS	06:24:08 05/02/19	CCA	
C19-01788	1050	Peckham Rd & Batt Corner Rd	CCS	13:30:06 01/17/19	SER	
19-WP0180	1050	Peckham Rd & Batt Corner Rd	WPD	13:30:06 01/17/19		

Record List - Total:6

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C20-28382	PD Accident	Batt Corner Rd & Red Top Rd	CCS	18:05:29 10/06/20	CCA	
C19-00009	1050	Batt Corner Rd & Red Top Rd; n of	CCS	01:16:28 01/01/19	SER	
C18-05138	PD Accident	Red Top Rd & Batt Corner Rd	CCS	07:36:46 03/13/18	CCA	
18-WP0452	PI Accident	Red Top Rd & Batt Corner Rd	WPD	07:36:46 03/13/18		
C16-19856	Hit and Run	Red Top Rd & Batt Corner Rd	CCS	09:38:31 09/15/16	INF	
C13-15167	DUI	Red Top Rd & Batt Corner Rd	CCS	03:25:39 06/23/13	CCA	

Record List - Total:6

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-26084	PI Accident	Peckham Rd & Case Ln	CCS	22:11:27 07/20/23	INF	
C20-26461	PI Accident	Peckham Rd & Case Ln	CCS	19:22:11 09/17/20	INA	
C19-42683	Hit and Run	Peckham Rd & Case Ln	CCS	12:50:13 12/30/19	INA	
C19-20831	DUI	Case Ln & Peckham Rd	CCS	23:53:25 06/29/19	PNA	
C18-27227	Hit and Run	Peckham Rd & Case Ln	CCS	00:54:12 10/02/18	INF	
C11-15641	PD Accident	Peckham Rd & Case Ln	CCS	10:39:59 08/13/11	INA	

Record List - Total:1

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C24-00022	PD Accident	Red Top Rd & Case Ln	CCS	04:45:31 01/01/24	INA	

Record List - Total:19

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-27387	PD Accident	Fargo Rd & Peckham Rd; BTWN STEWART	CCS	04:54:44 07/31/23	INF	
C23-25673	PI Accident	Fargo Rd & Peckham Rd	CCS	05:54:57 07/18/23	CCA	
19-WP3614	Hit and Run	Fargo Rd & Peckham Rd	WPD	15:54:36 12/19/19	SER	
C19-31540	Hit and Run	Fargo Rd & Peckham Rd	CCS	12:00:15 09/25/19	SER	
C17-16300	PI Accident	Peckham Rd & Fargo Rd	CCS	15:39:42 08/05/17	INA	
17PP-1601	PI Accident	Peckham Rd & Fargo Rd; area of ; c2	PPD	15:39:42 08/05/17		
C17-04601	PI Accident	Fargo Rd & Peckham Rd	CCS	14:26:47 03/06/17	CCA	
17-WP0324	PI Accident	Fargo Rd & Peckham Rd	WPD	14:26:47 03/06/17		
16PP-2472	TrafficAccid-B/L	Fargo Rd & Peckham Rd	PPD	19:06:16 10/09/16	SER	
C16-19919	PD Accident	Peckham Rd & Fargo Rd	CCS	20:06:31 09/15/16	CCA	
C16-00337	Slide Off	Fargo Rd & Peckham Rd; n of	CCS	09:24:11 01/06/16	SER	
C15-12095	PD Accident	Fargo Rd & Peckham Rd	CCS	14:36:57 06/07/15	CCA	
15-WP0604	1050	Fargo Rd & Peckham Rd	WPD	17:21:15 04/17/15	RTF	
C15-07944	PD Accident	Peckham Rd & Fargo Rd	CCS	17:21:15 04/17/15	CCA	
15PP-0874	1050	Fargo Rd & Peckham Rd	PPD	17:21:15 04/17/15		
C14-23344	Hit and Run	Peckham Rd & Fargo Rd	CCS	21:00:49 09/14/14	SER	
13-WP1430	PD Accident	Peckham Rd & Fargo Rd	WPD	08:52:07 10/23/13	CJA	
C13-26150	PD Accident	Peckham Rd & Fargo Rd	CCS	08:52:07 10/23/13	CCJ	
C13-17526	PD Accident	Peckham Rd & Fargo Rd;occured sunday	CCS	13:32:05 07/16/13	SER	

Record List - Total:10

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-18675	PD Accident	Red Top Rd & Fargo Rd	CCS	23:38:14 05/28/23	INA	
C22-37570	PD Accident	Fargo Rd & Red Top Rd	CCS	15:45:08 12/26/22	CCA	
C22-15107	PD Accident	Red Top Rd & Fargo Rd	CCS	21:10:56 05/24/22	CCA	
C22-14563	PD Accident	Red Top Rd & Fargo Rd	CCS	21:28:56 05/18/22	CCA	
C22-08026	PD Accident	Red Top Rd & Fargo Rd	CCS	17:46:26 03/18/22	CCA	
C19-35762	PD Accident	Fargo Rd & Red Top Rd	CCS	21:56:21 10/31/19	INA	
C13-30250	PI Accident	Red Top Rd & Fargo Rd	CCS	16:48:36 12/13/13	CCA	
C12-24811	PI Accident	Fargo Rd & Red Top Rd	CCS	08:24:00 10/17/12	CCA	
12-WP1358	1050	Fargo Rd & Red Top Rd	WPD	08:24:00 10/17/12		
C12-21042	PI Accident	Fargo Rd & Red Top Rd	CCS	16:49:26 09/07/12	INA	

Record List - Total:1

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C21-37659	PD Accident	Red Top Rd & Monte Rd	CCS	06:01:11 12/03/21	INF	

Record List - Total:9

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C21-10780	Hit and Run	Peckham Rd & Rodeo Ln	CCS	17:32:16 04/05/21	CCA	
C20-20370	Hit and Run PI	Peckham Rd & Rodeo Ln	CCS	14:44:28 07/20/20	INA	
C20-00543	PD Accident	Peckham Rd & Rodeo Ln	CCS	21:26:03 01/05/20	INA	
C17-19721	PD Accident	Peckham Rd & Rodeo Ln	CCS	01:16:43 09/17/17	CCA	
17-WP1395	PD Accident	Peckham Rd & Rodeo Ln	WPD	01:16:43 09/17/17		
C16-20021	PD Accident	Peckham Rd & Rodeo Ln	CCS	22:53:39 09/16/16	INA	
16-WP1427	PD Accident	Peckham Rd & Rodeo Ln; mt Jacksons Wilder	WPD	22:53:39 09/16/16		
C15-02354	PD Accident	Peckham Rd & Rodeo Ln; west of	CCS	14:22:27 02/03/15	SER	
15-WP0207	PD Accident	Peckham Rd & Rodeo Ln; west of	WPD	14:22:27 02/03/15		

Record List - Total:12

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C18-26043	Hit and Run	Rodeo Ln & Red Top Rd	CCS	09:41:50 09/21/18	CCA	
C17-21005	PD Accident	Rodeo Ln & Red Top Rd	CCS	17:19:16 10/04/17	CCJ	
17PP-2067	TraffcAccid-B/L	Rodeo Ln & Red Top Rd	PPD	17:19:16 10/04/17	RTF	
C17-11063	PD Accident	Red Top Rd & Rodeo Ln	CCS	10:50:40 06/01/17	CCA	
C16-21191	PD Accident	Red Top Rd & Rodeo Ln	CCS	12:15:16 10/01/16	INA	
C14-30862	PI Accident	Red Top Rd & Rodeo Ln	CCS	19:35:59 12/13/14	INA	
13-WP0273	PI Accident	Red Top Rd & Rodeo Ln	WPD	12:50:23 03/07/13	RTF	
C13-05511	PI Accident	Red Top Rd & Rodeo Ln	CCS	12:50:23 03/07/13	CCA	
C12-19769	PD Accident	Red Top Rd & Rodeo Ln	CCS	17:41:38 08/25/12	INA	
C12-12542	PD Accident	Rodeo Ln & Red Top Rd	CCS	21:24:30 06/08/12	CCA	
12-WP0712	1050	Rodeo Ln & Red Top Rd	WPD	21:24:30 06/08/12		
12PP-1001	1050	Rodeo Ln & Red Top Rd	PPD	21:24:30 06/08/12		

Record List - Total:4

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C22-32396	PD Accident	Roswell Rd & Peckham Rd	CCS	08:03:55 11/02/22	INF	
C22-29230	PI Accident	Peckham Rd & Roswell Rd	CCS	19:04:16 10/01/22	INF	
C22-19063	Hit and Run	Peckham Rd & Roswell Rd	CCS	02:15:29 07/03/22	INA	
C17-27033	PD Accident	Roswell Rd & Peckham Rd	CCS	13:18:41 12/28/17	CCA	

Record List - Total:6

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-17951	PD Accident	Red Top Rd & Roswell Rd	CCS	17:24:01 05/23/23	CCA	
22PP-5387	PI Accident	Red Top Rd & Roswell Rd	PPD	12:49:59 12/04/22	SER	
C22-35619	PI Accident	Red Top Rd & Roswell Rd	CCS	12:49:59 12/04/22	CCA	
C17-01601	Slide Off	Red Top Rd & Roswell Rd ; s of	CCS	06:28:23 01/22/17	SER	
14-WP1793	TrafficAccid-B/L	Red Top Rd & Roswell Rd;	WPD	19:35:59 12/13/14		
14PP-2464	TrafficAccid-B/L	Red Top Rd & Roswell Rd;	PPD	19:35:59 12/13/14		

Record List - Total:14

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C22-36279	PD Accident	Red Top Rd & State Line Rd	CCS	18:47:27 12/11/22	INF	
C21-32434	PD Accident	State Line Rd & Red Top Rd;E OF	CCS	07:14:09 10/12/21	SER	
C21-12902	PD Accident	State Line Rd & Red Top Rd	CCS	16:17:17 04/22/21	INA	
C18-24701	Hit and Run	State Line Rd & Red Top Rd	CCS	08:39:58 09/09/18	INA	
C17-03010	Hit and Run	Red Top Rd & State Line Rd	CCS	10:57:57 02/11/17	INA	
17-WP0012	PI Accident	State Line Rd & Red Top Rd	WPD	15:14:19 01/03/17	RTF	
C17-00157	PI Accident	State Line Rd & Red Top Rd	CCS	15:14:19 01/03/17	INA	
C16-19949	PD Accident	State Line Rd & Red Top Rd	CCS	09:36:15 09/16/16	INA	
C16-17402	PI Accident	State Line Rd & Red Top Rd	CCS	16:27:34 08/15/16	CCA	
C16-15084	PD Accident	Red Top Rd & State Line Rd	CCS	22:15:28 07/16/16	CCA	
15-WP0613	PD Accident	State Line Rd & Red Top Rd	WPD	02:16:07 04/18/15	INF	
C15-07984	PI Accident	State Line Rd & Red Top Rd	CCS	02:16:07 04/18/15	CCA	
C13-06906	Hit and Run	Red Top Rd & State Line Rd	CCS	02:21:52 03/23/13	INA	
C12-24350	PD Accident	State Line Rd & Red Top Rd	CCS	10:05:18 10/12/12	INA	

Record List - Total:1

Incident	Nature	Incident address	Agency	Reported	Disposition	Complainant
C23-10475	DUI	State Line Rd & Peckham Rd	CCS	21:45:57 03/28/23	CCA	

CU 2022-0036- APL



I followed this truck home to see how it would handle the curves/corners/narrow road. It handled it like all the Semis do.

CU-
2022-0036
APL



Truck on
corner of
Peckham to
State line rd

CU 2022-
6036 APL



Truck
on corner
of Peckham
to Stateline

CW 2022-
0036 AR



Random Truck
Driving on
Stateline over
Drain Ditch
Bridge

LU
2022-0036
APL



Random
Truck
Driving North
on Stateline
Road

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A PCA truck camera captured the road rage of a cattle truck driver on Interstate 84 east of Twin Falls Idaho. The truck pulled abruptly in front of PCA and then hit his brakes.

Road rage of cow hauler puts PCA driver in danger

A pair of PCA trucks were traveling on I-84 about five miles east of Twin Falls, Idaho last month when they encountered a road rage incident with a cattle truck.

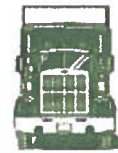
The PCA trucks were traveling several hundred feet apart in an area of freeway where the posted speed for trucks is 70 mph and 80 mph for autos. The lead PCA truck signaled to pass a slower moving truck in front of him after seeing the cattle truck in the passing lane behind the other PCA. What he couldn't tell was that the cattle truck was travelling at an estimated 100 miles per hour and had to slow down

"Not only did the cattle truck create a dangerous situation that could have led to an accident, he was committing an illegal act that could have led to a citation and serious consequences with his commercial driver's license."

as the PCA truck completed its pass.

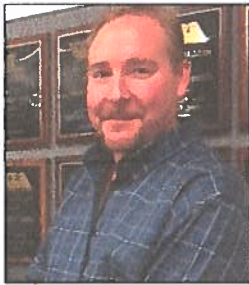
As the first photo shows, the cattle truck pulled dangerously in front of the PCA truck. Then he hit his brakes. Both were obvious acts of road rage. The PCA driver backed off eventually slowing to about 40 mph as the cattle truck attempted to escalate the incident. Meanwhile, the following PCA truck passed both trucks.

"Not only did the cattle truck create a dangerous situation that could have led to an accident," said Randy Bailey, BCT Manager of Driver Services and Safety, "He was committing an illegal act that could have led to a citation



AFR rises with four preventables

"We closed 2023 with an AFR (Accident Frequency Rate) of 2.09, way off target of our goal of 1.0," said Randy Bailey, Manager of Driver Services and Safety.



*Randy Bailey
Driver Services
and Safety*

While drivers of company trucks struggled in 2023, Owner-Operators were very close to meeting the driving safety goal.

During the year, Owners logged 7.02 million miles with nine preventable accidents. That gave them an AFR of 1.28 as a

driver group. They had no preventable accidents during the month of December with zero preventables.

Company Drivers travelled 13.1 million miles with 33 preventable accidents for an AFR of 2.52. In December, Company trucks travelled 963,590 miles with 4 preventables for a monthly AFR of 4.15.

During the 2022 year, drivers posted an AFR of 1.76 with 29 preventables. There were 20 preventables in 2021 and just 17 in 2020, the best year since BCT was created.

"Let's start 2024 focusing on defensive driving and being aware of our surroundings," Bailey said. "We have a lot of room for improvement."

ACCIDENT FREQUENCY

2023 12-Month AFR

		Preventable* AFR**
January	6	3.67
February	4	2.53
March	3	1.53
April	2	1.26
May	3	1.76
June	0	0.00
July	2	1.32
August	4	2.16
Sept.	4	2.40
October	5	2.80
Nov.	5	3.12
Dec.	4	2.78
Total	42	2.09

*Any accident in which our driver failed by defensive driving to do everything reasonable to prevent the accident.

** The number of preventable wrecks per million miles of travel.

New Drivers

Welcome to new and returning drivers who have joined the ranks of BCT, Inc. and Boise Trucking Operations during the past month.

Todd Roos of Vancouver, Washington December 4 as a returning Owner-Operator out of Vancouver.

Austin Rawn of Middleville, Michigan December 13 as a new Company Driver for Grand Rapids.

Darryl Taylor of Waco, Texas December 13 as a new Company Driver for Waco.

Guy Kouyian of Kennewick, Washington December 20 as a returning Company Driver for Wallula.

Steven Brownlee of Fort Worth, Texas December 22 as a new Staffmark Driver for Waco.



Earn extra cash!

Check out our Driver-to-Driver bonus program for current drivers who help us connect with future drivers. Page 11.

If you're an Owner-Operator who knows a driver who would be a good 'fit' for BCT ...

Call 1-800-544-5989, Opt. 5.



Road rage on I-84

(Continued from page 1)

and serious consequences with his commercial driver's license."

The manager of a Washington State program to reduce traffic fatalities and serious injuries feels like drivers can expect to see more of this dangerous aggressive driving behavior. He noted that the Washington Department of Licensing includes brake checking as one of the behaviors symptomatic of aggressive driving and road rage. The list also includes tailgating, the action that typically precedes a brake check. He adds, however, that there's no hard data on brake checking incidents.

Yes, brake checking is illegal. This is negligent driving, seen as road rage, and it increases the chances of being hit by the rear driver.



"Specific laws related to brake-checking have been enacted in many states and are on the drawing boards of others," Bailey said. He said that PCA and BCT have addressed the issue during safety meetings and video training on the top. In fact, "Road Rage" is the Protread safety training required of all drivers for the first quarter of 2024.

According to the National Highway Transportation Safety Administration, rear-end car acci-

dents present 29% of all car accidents, making them one of the most common vehicular incidents, often the result of careless drivers who pull in front of another driver and then hit their brakes.

Bailey said the best response to the aggressive driving is to back away from the situation, even pull over in a safe place where there are other drivers present if needed.

CU 2022-0036 APL

1-28-24-Kuna



Photo by Boise Fire Department

By: Cory Kwan

Posted at 9:25 PM, Jan 28, 2024 and last updated 6:54 PM, Jan 31, 2024

KUNA, ID — On Friday evening, the Boise Fire Department responded to a call where a cattle truck was overturned on E Kuna Mora Road. Crews were able to cut the driver free from the cab and extract the cows.

The driver has been taken to a local hospital. The Boise Fire Department sends their get-well wishes to the driver and the cows.

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Jam-packed Winter Wonderland Market returning to Marsing

The Snake River Country Market season may have ended, but coordinator Megan Poole has her eyes on a holiday event.

The Winter Wonderland Market is set for Saturday, Dec. 2 inside the Phipps-Watson Marsing American Legion Post 128 Community Center.

Vendors will be on hand from 10 a.m. to 4 p.m., selling hand-made crafts and artwork in time for holiday shopping.

Santa Claus will be there for photos with children, and Left-Handed Cookie Art will provide an opportunity for community members to decorate their own holiday cookies. Both the Santa photos and cookie decorating will be available for a donation.

The Marsing Chamber of Commerce serves as a co-host for the event.

At the Nov. 8 Marsing Chamber meeting, Poole said she had secured several A-frame signs at a discounted

rate from Colossal Prints in Kuna. Business owner Nicole Kellison knocked \$10 off the regular \$35 price of each sign, Poole said. Integra DeLamar has agreed to pick up the tab.

Chamber members decided the signs should be placed at the Snake River bridge and near the west entrance to town as well other strategic locations on Main Street to guide shoppers to the event.

Poole announced on Facebook that there are no more vendor spots available. She warned folks against dealing with anyone other than her because there appears to be an attempt to defraud vendors who are asked to pay fees to a third party.

Next week: A look at the recent Marsing Chamber of Commerce mixer, which included a new business ribbon cutting for the host café, The Eddy, and final details about the Chamber's Candy Land Parade plans.

Trucker allegedly high on meth arrested after crash near school

More charges after jail altercation

A parolee was arrested on a felony drug charge after an incident caused Rimrock Jr.-Sr. High School to go into lockdown briefly Thursday.

And he faces even more charges after being brought to Owyhee County Jail.

Michael Austin Crumrine Jr., 29, made an initial court appearance Friday facing a felony charge of methamphetamine possession.

According to the online courts repository, Crumrine also has been charged with misdemeanor driving under the influence.

The cattle truck he was driving left the roadway on Idaho highway 78 and came to rest in a borrow pit, Owyhee County Sheriff Larry Kendrick said.

After an early-morning incident at the Murphy jail, Crumrine was charged with battery on emergency personnel and attempted escape, too.

Kendrick said the man at-

tacked a deputy when his cell door was open and then tried to get away through the booking area.

No one was hurt in the incident, the sheriff said.

"The deputies got him under control and back in the cell," Kendrick told county commissioners during a Monday meeting with department heads.

Kendrick said Crumrine is on parole after serving prison time for a previous felony conviction in the county. He expected issuance of an agent's warrant Monday after press time for the parole violation.

The sheriff said authorities determined Crumrine was under the influence of meth and they also located an "8-ball" of the drug at the scene.

Kendrick said Crumrine was hauling cattle from a Vale, Ore., operation to Simplot Livestock in Grand View.



Michael Crumrine

Sheriff's deputies from Owyhee County and Elmore County were dispatched. OCSO deputies had been alerted to a cattle truck operator driving recklessly before the accident.

"We got a report of a cattle truck eastbound on 78 from Grand View," Kendrick said. "He was reckless driving and all over the road."

Kendrick said Rimrock was in lockdown briefly after Idaho State Police contacted Bruneau-Grand View School District when it was believed Crumrine had fled the scene. The man was never on the loose, though.

Elmore County units were called in because the closest OCSO deputy to provide backup to his colleague was heading to Mountain Home on a child protection case, Kendrick said.

"This was a total group effort between ISP, Elmore County and us," Kendrick said. "It was wonderful. Everybody was converging on the same spot because it worked out really good."

— JPB

✓ Clinic: Explosive demand brings trial run

From Page 1

assistant Jon Casto's availability is more challenging because he also has a large number of established patients. Desert Sage believes bringing in some additional providers (including some female providers to deliver women's wellness care) will help ease some of that burden.

Desert Sage has also expanded other services at the Grand View clinic in the past year, including physical therapy, internal medicine, and enhanced telemedicine options. The clinic also recently added a position in the Grand View clinic to help coordinate visits with specialists.

"When I started working in Grand View over seven years

ago, I was seeing five to seven patients a day, maybe eight on a busy day," Casto said. "So to see the increased demand for visits at this site is incredible."

The demand for visits has increased by more than 30 percent over the past several years.

"People in the community do not just use this location primarily for urgent care, as was the case when I first started, but people are now using the Grand View Clinic as a place for primary care, wellness exams and chronic care management," Casto said.

Casto sees the pilot program as a step in the right direction.

"I feel that with the changes we are making by expanding the

ways we are open and incorporating additional providers for women's health and internal medicine will help us better meet the needs of this community going forward," he said.

Desert Sage Health Centers provides patient-centered care to more than 8,000 patients at three locations — Grand View, Mountain Home, and Glens Ferry.

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5-22-23

https://www.bakercityherald.com/news/local/cattle-killed-in-truck-crash/article_bf1535a2-f8c0-11ed-bba0-83cc46d8bb62.html

Cattle killed in truck crash

Baker City Herald
May 22, 2023

An unknown number of cattle were killed or euthanized after a commercial truck hauling the animals in a trailer crashed on Interstate 84 near Weatherby on Friday afternoon, May 19.

According to an Oregon State Police report, the truck's driver, Jeremiah Albert Boone, 38, of Middleton, Idaho, was driving east on the freeway when he lost control on a curve. Both the truck and trailer overturned, ending up on top of the concrete center divider, partially blocking both eastbound and westbound lanes. The freeway was closed briefly, but one lane in each direction was open through most of the incident.

Multiple cows were killed in the crash, and others were euthanized at the scene, according to the OSP report. Surviving cattle were taken to a local ranch. The police report didn't list how many cattle died and how many survived.

Police cited Boone for failing to maintain his level of travel. He was taken by ambulance for evaluation at a hospital.

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CU 2022-0036 APL

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NEWS



People jump in to herd after vehicle carrying cattle crashes on Highway 78



Photo by: Doug Lock-Smith, Idaho News 6



By: **KIVI Staff**

Posted at 8:47 PM, May 31, 2021 and last updated 8:53 AM, Jun 01, 2021

A group of people came together to help get cattle back in their respective place after a vehicle carrying them crashed on Highway 78.

A semi-truck carrying cattle overturned near Murphy, Idaho around 3 p.m. Monday. The Owyhee County Sheriffs' Office said the driver lost control, crashed and blocked both lanes of the highway — all with cattle trapped inside.

Sam Zaragoza was the first on the scene and saw the event unfold:



"I actually live down the road and I see the truck tip over and then I came up the road to see if I could help out," Zaragoza said. "And when I got here is when I see the cows on the road and I tried to herd them to one side. It was sliding down the hill like a mudslide. I didn't really see it because of the dust cloud around it so I couldn't really tell what happened until I got here. The truck driver and two gentlemen standing up on that hill here. Nobody knew what to do."

Doug Lock-Smith

@DouglasRandel · [Follow](#)



Around 3 pm today... A semi-Truck carrying cattle crashes near Murphy, Idaho on Highway 77... Both lanes blocked. People came out to help. [@IdahoNews6](#)

Watch on X

6:09 PM · May 31, 2021



12



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Zaragoza had experience herding cattle and jumped in to help, along with several others.

"It was a stunned moment. You could feel it. For me, it feels natural. I've done this growing up. I've helped with cow herding. I've worked for Simplot for a bit. For me, it's easy to get the cows in a circle. Working with the different components the people here are actually helping out quite a bit. It's kind of awesome to see people come to together in a situation like this. I have seen other situations similar wear all you see is cowboys and nobody else. They're

just driving past. So, to see everyone pull together was pretty awesome to watch."

Because of the nature of the crash, some cattle could not be saved. The surviving herd was loaded on another truck and the crash is under investigation. The drive of the semi-truck was transported to the hospital.

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https://www.bigcountrynewsconnection.com/idaho/driver-uninjured-after-single-vehicle-rollover-on-greencreek-road-involving-semi-truck-hauling-cattle/article_c1a7fe8a-eb39-11eb-aff6-9773f6f4c963.html

Driver Uninjured After Single Vehicle Rollover on Greencreek Road Involving Semi Truck Hauling Cattle

Jul 22, 2021



Idaho County Sheriff's Office

COTTONWOOD, ID - On Thursday, July 22 at approximately 2:04pm, deputies with the Idaho County Sheriff's Office were dispatched to Greencreek Road & Rock Pit Road for a non-injury rollover accident involving a semi truck hauling cattle.

According to an incident report from Idaho County, the semi truck driver was traveling on the roadway before leaving the road and rolling onto its side.

The roadway is still partially blocked at this time. Travelers should use caution when driving in the area as there are cattle out on the roadway.

Frank's Rescue Towing has been called on scene and is working to remove the semi. The cause of the incident is under investigation.

Cu 2022-0036 APL

2-27-19

LOCAL

Cattle get loose on I-84 after semi truck crashes east of Boise

Law enforcement officers had to put down at least 8 cattle due to safety concerns for motorists.



Credit: Courtesy photo
A viewer took this photo of the crash scene on Interstate 84 around 8 a.m. Wednesday.

Author: John Masters
Published: 11:07 AM MST February 27, 2019
Updated: 11:20 AM MST February 27, 2019



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OTHER NEWS

BOISE, Idaho — A dangerous situation this morning on Interstate 84 after a semi-truck hauling a

Child dies. 2 people in hospital

trailer full of cattle crashed east of Boise.

after crash near Twin Falls

Idaho State Police spokesman Tim Marsano said the crash happened at 1:30 a.m. in the westbound lanes of I-84 at milepost 77. That's about 13 miles west of Mountain Home.

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The trailer, which was carrying 42 cows, ended up on its side. Dozens of livestock escaped and began wandering on the highway.

ISP troopers and Elmore County Sheriff's deputies responded to the scene.

Because it was dark out and the posted speed limit on the interstate is 80 mph, officers were concerned that cattle wandering on the roadway posed a danger to motorists. Marsano said law enforcement had to put down at least eight cattle.

A local rancher was contacted and took a couple dozen cows away from the scene.

The trailer was badly damaged and firefighters were called to the scene to help cut the roof of the trailer and free some of the cows.

The cause of the crash remains under investigation.

Marsano said the driver did not require medical attention.

Another crash in the eastbound lanes at milepost 77.8, also involving a semi-trailer, slowed traffic this morning.

All lanes in both directions were open again by 10 a.m.

CU 2022-0036 APL

12-10-19

LOCAL NEWS

Driver cited for reckless driving after cattle truck flips on its side

The crash in southern Blaine County killed more than a dozen



Credit: Blaine County Sheriff's Office

Author: **KTVB Staff**
Published: **5:08 PM MST December 10, 2019**
Updated: **6:18 PM MST December 10, 2019**



BLAINE COUNTY, Idaho — More than a dozen cattle died when a semi-truck hauling livestock crashed and flipped on a road in southern Blaine County Monday afternoon.

According to the Blaine County Sheriff's Office, deputies responded to a crash at the

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OTHER NEWS

Child dies. 2 people in hospital after crash near Twin Falls

intersection of U.S. Highway 20 and Gannett Road at 12:40 p.m.

Investigators say that 31-year-old Juan C. Deleon Alvarado of Idaho Falls was southbound on Gannett Road in a 2002 Kenworth semi-truck tractor with a TSI livestock trailer and failed to stop at the intersection with Highway 20.

Americans Are Freaking Out For These Ductless Air Conditioner Units

The truck skidded through the turn and tipped over.

RELATED: [Surveillance video shows shocking hit-and-run crash at Hayden gas station](#)

RELATED: [Kimberly police officer taken to hospital after crash on Highway 30](#)

Deleon Alvarado was wearing a seatbelt and was not injured in the crash.

Fifteen cattle died in the crash and two more cows were euthanized later due to injuries sustained in the crash.

The estimated value of the lost cattle is \$15,000.

Deleon Alvarado was cited for reckless driving.

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CU 2 022-0036 APL

https://www.idahopress.com/news/local/33-cattle-die-after-semi-truck-crash/article_9f25e324-3e0f-11e4-96ba-3b848af4ddf7.html

33 cattle die after semi-truck crash

Sep 17, 2014



Two people were injured and 33 cows died after a semi truck flipped onto its side Monday.
Courtesy KBOI-TV2

BOISE — Two men were injured and 33 cattle died or had to be euthanized following a crash east of Boise on Monday.

The incident happened just before 2:30 p.m. on Kuna-Mora Road about 2 miles east of Interstate 84.

According to the Ada County Sheriff's Office, a 60-year-old man driving a semi-truck hauling cattle went too fast around a curve, causing it to tip over.

The driver was able to get out of the truck, but a 57-year-old man had to be helped out of the vehicle by emergency crews.

Both men had what appeared to be non-life threatening injuries.

The truck was hauling 120 cattle on their way to a Texas feed lot when the crash happened. The surviving cattle were taken back to the Kuna-area ranch they came from.

CU2022-0036 APC



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UTAH

50 cattle are killed in Idaho truck accident

Published: Oct 6, 2008, at 4:43 p.m.



VIEW COMMENTS



SHARE

By Deseret News

MURPHY, Idaho (AP) — Law enforcement officials in Owyhee County say about 50 head of cattle are dead after a semi carrying more than 100 cattle crashed.

KTVB television in Boise reported that the crash happened Friday near Murphy's Hot Springs, not far from the Idaho-Nevada border.

Owyhee County Sheriff Gary Aman told the station that the driver was stopped on the edge of the road when it gave way, causing the truck to overturn and land in the East Fork of the Jarbidge River.

Aman says residents in the region tried to help save the cattle, but half the animals died.

Former House speaker takes revenge on members who took him out

https://www.idahopress.com/news/police-driver-in-cattle-truck-crash-at-fault/article_65c24c3f-db2e-546c-b09f-14f59ba4ba3c.html

Police: Driver in cattle truck crash at fault

Sharon Strauss
Jul 16, 2009

CANYON COUNTY - Idaho State Police investigators determined a cattle transport driver who crashed July 10 in Canyon County, killing 20 head of livestock from his load, was operating the vehicle unlawfully under a suspended driver's license.

Paul Edwards, 44, of Meridian, was driving for Weekes Trucking, Inc., of Letha, when he lost control of his rig just after 6 p.m. on US Highway 20 at milepost 11, three miles east of Parma. He was hauling 72 head of cattle.

The state police agency concluded their investigation and determined the crash was caused by careless or inattentive driving.

Edwards was cited for operating the vehicle while disqualified. He faces up to six months in jail or a \$1,000 fine if found guilty.

Edwards was under suspension at the time of the accident after receiving a guilty judgment in February for a misdemeanor DUI charge. According to Idaho State Police crash investigator Trooper Shawn Klitch, Edwards did possess a restricted driving permit that allowed driving under certain conditions, but did not permit him to operate a commercial truck or operate any vehicle for reasons other than traveling to and from victim panels, community service or alcohol treatment. It did not include a provision to drive for work.

Police will not take action against Weekes Trucking. ISP's commercial vehicle trooper determined there was not enough cause to cite the trucking company, officials said.

'ISP concluded that we did not have reasonable grounds to believe that the company knew he was disqualified. The owner reported that he believed that Edwards was eligible since he had a received a restricted permit. Many restricted permits do allow a work provision,' Klitch said.

The crash resulted in \$60,000 in damage to truck and trailer and a \$47,000 loss for the cattle. Two head of livestock are still missing. Attempts to reach Weekes Trucking this week were unsuccessful.

There were no witnesses to last Friday's crash, which resulted in a multi-agency response from ISP, Canyon County sheriff's deputies, Wilder and Parma police officers and EMS personnel.

Union Pacific Railroad halted five trains throughout the night as public safety officials cleared the crash site and rounded up loose cattle.

Edwards told police an oncoming vehicle came into his lane, but ISP officials have not located any witnesses to the actual crash.

"The physical evidence does not indicate another vehicle was in his lane," Klitch said.

Based on the investigation and serious nature of the injuries Edwards received, an additional citation of careless or inattentive driving was not warranted, according to ISP officials.

Edwards received multiple serious injuries including a broken jaw, broken eye socket, three cracked vertebrae and head injuries. He was treated at West Valley Medical Center and released.

In addition to the February DUI conviction, Edwards has a history of driving violations dating back to 2003, including guilty judgments for overweight loads, exceeding allowable gross loads and operating a vehicle with undeployed suspension axle.



The advertisement banner features the Squarespace logo on the left. In the center, there is a preview of a website layout with three articles: "EMBRACE YOUR YOGA JOURNEY", "RISING BIRROUT", and "BUDDING EXPERT". To the right of the preview, the text reads "Grow your passion online with a website that can sell anything." On the far right, there is a white button with the text "START YOUR FREE WEBSITE TRIAL". A small "X" icon is visible in the top right corner of the banner.

CU 2022-0036 APL

Mountain Home News

Cattle let loose on I-84 triggers series of accidents

A fire aboard a fully loaded cattle truck resulted in multiple collisions last Thursday morning, sending one woman to a Boise hospital in critical condition.

The incident began on the westbound lanes of I-84 about five miles west of Glens Ferry near the Alkali Canyon overpass, when the cattle truck caught fire. Three of the cattle were burned-up in the truck and three others died as a result of being struck by four vehicles.

According to the Idaho State Police, the incident began just before 7 a.m. when a westbound 77 Livestock Transportation Company truck out of Murtaugh, driven by Jerry Dean Johnson, 58, of Twin Falls, blew a tire on the trailer.

Johnson and passenger Kathleen Pamela Schleicher, 46, of Heyburn exited the cab and found the trailer was on fire.

They opened the trailer to allow the cattle, most black in color, to escape the flames and seventeen ran onto the dark, fog-shrouded roadway.

Shortly afterward, a black 1997 Volkswagon Jetta driven by 46-year-old Lisa A. Erchinger of Bellingham, Wash., hit one of the bovines in the dense fog, rolling the vehicle into the right-hand side of the road. The vehicle came to rest on its top and Erchinger was trapped in the car, requiring extrication.

Extrication units from Glens Ferry and Mountain Home responded. A crew from the King Hill Rural Fire District also responded and extinguished the flames at the truck with foam.

The fog grounded medical helicopters, and a Northwest Paramedics Ambulance unit from Glens Ferry responding to the crash also hit the same cow initially struck by Erchinger and laying in the road, disabling the vehicle and requiring the dispatch of another ambulance unit.

Erchinger was initially transported to Elmore Medical Center, but was later transferred to St.

Alphonsus Hospital in Boise with critical injuries.

While ISP officers dealt with the accidents in the westbound lanes, Elmore County Sheriff's Department deputies concentrated their efforts on the eastbound lane where two vehicles there also struck cows on the road.

"When you're at a scene and another scene is created next to you, you know this isn't good," said Elmore County Deputy Bob Peace who was the first officer to arrive on the scene, and who immediately began calling for further assistance.

A pickup truck towing a travel trailer traveling in the eastbound lanes had struck one of the stray cows, causing significant damage to the right front fender of the vehicle, and another vehicle was totaled. No serious injuries were reported in those collisions, however. According to Peace, the drivers and passengers in the eastbound vehicles were wearing their seatbelts and airbags did deploy. "Those things really work," he said. "Everybody needs to use them because you never know when something's going to happen."

Several local cowboys responded to a call for assistance, and helped round up the remaining stray cattle. Both eastbound and westbound traffic on the Interstate were restricted for several hours while officers from ISP, Elmore County Sheriff's Department, and Idaho Department of Fish and Game assisted in rounding up the strays, which had wandered over a half-mile from the scene.

"We appreciated all the help we could get," said Peace of the assistance given by local wranglers.

Because of where the truck stopped along the Interstate, oncoming traffic was unable to see the fire, Peace noted.

Later, a crew from the Department of Transportation set up lighted signboards alerting motorists that they were approaching an accident scene.

ISP Commercial Vehicle Safety officers were also dispatched to investigate what may have led to the initial sequence of events on the truck.

No citations were issued immediately after the accident but the investigation into the accident is still underway.

RECEIVED
APR 08 2024

04/05/2024

BY: fo

TO: CANYON COUNTY BOARD OF COMMISSIONERS
DEBBIE ROOT@CANYON COUNTY PLANNING/ZONING

RE: CASE CU 2022-0036 APL- please add to case file

I am voicing my opposition to the AK FEEDERS conditional use permit that was signed by the Canyon County Planning/Zoning on Dec. 21, 2023. Since that time, an appeal application has been submitted on 01-03-24 by Debbie and Danny Cardoza, who are representing neighbors and friends that are influenced by this decision.

Upon hearing the staff report at the November 16, 2023 meeting, the Cardoza's and their neighbors, felt the need to appeal this CUP case based on information that was not disclosed by AK Feeders. Most of the staff report was skewed in such a way to present a positive perspective on how this project would benefit the community. Unfortunately, there are negative aspects that should have been disclosed and considered, to show a more realistic view on how this permit will be a detriment to AK Feeders' neighbors. We are the neighbors who will have to suffer with your decision to proceed with this permit. These are our concerns:

1). The staff report states that this permit location is not in the High Nitrate Priority Map. We have proven that this map is not accurate. By talking with the DEQ extensively, that map is determined by a wide range of sampling around the county. There is currently only one well that is tested for nitrates per DEQ that is above the CAFO proposed site. This map shows a thin area along Stateline Rd that shows it not being in this high nitrate priority area. There are lab tests we have collected that show these high nitrate levels go beyond the map. These water samples are taken from 2 homes near Peckham and Stateline Rd., and also from 2 drains that come out of AK Feeders property. These high nitrate levels are also emptying into the Snake River. The DEQ and EPA have been notified of these drains and lab tests. The seepage from the urine/fecal content from the proposed 3700 head of cattle cannot all be collected, as it sinks down through sandy loam dirt into the aquifer headed in all directions to our wells and to the Snake River. This information shows that this property is in a HIGH Nitrate Priority area. The CAFO site advisory team deemed the Environmental Risk as HIGH Risk. There is no mitigation practice that already makes a high risk area less high risk, only worse. In addition, DEQ maps have a disclosure that says they aren't accurate. The water level is very high on this property.

We have been told by neighbors that by even digging a post hole, you will run into water.

2). There are inspection reports from the Idaho Dept. of Ag, that show the inconsistency of yearly inspections on this present ranch. Only about 1/2 of the years are reported by ISDA. Some of the inspections also state this was mostly a cow/calf operation and not a stated feedlot. After speaking with the DEQ and EPA a few times, there doesn't seem to be a permitting system to monitor this CAFO, meaning they will not be required to acquire a IPDES permit unless the owner requests it. In the event of a major discharge break in the lagoons or runoff from the confined area from a heavy storm, this could infiltrate into the Allen Drain or drain off past the man-made berm. What happens in the winter when everything freezes? After speaking with Mitch Vermeer at ID Dept. of Ag, "even the lagoons don't need any monitoring for leakage". The only inspection the lagoons receive is when they are built with 15 % clay mixture along with a compaction test. There is no monitoring of leakage below the lagoons, which also can seep down into the aquifer, our wells and into the Snake River.

3). There are health concerns that this CAFO will affect the quality of water we drink and the air we breathe.

Particulate air refers to microscopic solid and liquid particles that remain

suspended in the air. Examples of particulates are settling dust, viruses, and bacteria stirred up by the movement of cattle and wind, from the dry scraped pens and during manure/urine removal. These particulate particles are seen and unseen, so it is not just the dust cloud you see. This air pollution is what hurts our lungs.

Good air quality is important for everyone, especially for those of us with respiratory diseases. There are at least 4 property owners in the near vicinity of this proposed CAFO with respiratory diseases, that this particulate debris will reduce their lung function. This will hurt them, along with healthy individuals (especially children), living nearby. Some of our neighbors use daily inhalers already of different type medicines to help with their asthma and COPD. Lung function also affects cardiac function. Any kind of irritation increase caused by bad air, can lead to decreased lung perfusion, stressing the heart more because of less oxygen supply. This is how this CAFO will affect and hurt my husband and friends. With or without wind, the particulate matter exists, hanging in the stagnant air or blown around us. The wind comes often and quickly, or blows for days. The Peckham CAFO is an example of how their sprinkler system wasn't used appropriately or enforced.

Those neighbors reported to the county for months how horrible the air was, keeping them from going outside. The Dept. of Ag did nothing after finally coming out to respond to the multitude of pictures showing the filthy air. We don't want this to happen to us as well. We need to be kept safe and to enjoy our property! In the evening one of the neighbors with lung issues, is unable to go outside because of the lung irritation from the smell and dust being so bad.

Their Best management plan will not be enough to keep us protected. AK Feeders added over a year ago more cattle feeders, in their newly constructed pens. That was done after the permit was submitted, but before any approval, with a head count of being near the 999 permit limit.

Since that time, the nitrate level in the well water has increased substantially near Peckham Rd.

The conclusion is, that these unhealthy contaminants are already affecting our neighborhood, and can become 4 TIMES worse if an additional 3700 head of cattle are allowed on this site. This CANNOT BE ALLOWED TO HAPPEN!

4.) Our property values will lessen because being next to a CAFO. I have spoken to a few realtors and they all said that properties near these feedlots are not prime properties because of the health hazards-flies, dust, smells, and most of all, the contamination of the ground water and wells. It must be disclosed to the prospective buyer about the surrounding environment. This can mean asking lower asking prices for your property since property seeking owners are looking elsewhere. We would never have bought this property if we were told there was a CAFO being built across the street. I also contacted a real estate appraiser for bank loans. On their business forms, there is a section that must be filled out about the surrounding environment. This value must be taken into consideration upon placing the worth of the property, describing for things like local hazards. This means to me, the worth of my property will be noted as being next to a hazardous environment. My husband needs to protect his health. We cannot afford to move again, as we have spent all our investments into this property. This is again how this CAFO will be harmful to us.

5). The Canyon County 2020 Comprehensive plan states several property rights that protect the integrity of individual property rights, while safeguarding public health, safety and welfare. The right to enjoy the property for its intended use without creating nuisances is necessary. New development that promotes natural resources is also necessary. This CAFO does not promote natural resources .This proposed CAFO does not protect our health, safety and welfare because of unsafe nitrates seeping into home water wells and drains/seeping into the Snake River. High levels of particulate matter into the air we breathe, brought on by the cattle, will hurt our lungs.

6). Road Safety Issues- It was not disclosed on the staff report how dangerous Stateline Rd. is because of the steep drop, degraded pavement next to the Allen Drain. There is barely enough room for 2 large vehicles coming from opposite directions to pass by each other when you are even being careful. I have seen tire tracks off the side of the embankment that a vehicle nearly lost its grip and could have continued sliding down the Allen Drain into the water.

It is a steep drop off. The increase of large vehicles will increase this danger. This road is dangerous even in good weather. There are some places with no shoulder to pull over on to. With snow and ice, it will be very dangerous to maneuver large vehicles. There is too much possibility of a wreck caused by drivers driving too fast along a narrow road trying to get by each other. I get scared just driving that side of the road with just a car, knowing if I don't cross over the yellow striped line on the road, I might fall into the drain. There is traffic out here from people farming, ranching, and recreation. All these roads are used also by those traveling into Oregon and back. Many people traveling with boats use Peckham and Red Top Rds to Stateline RD to access the Snake River , as well as the Owyhee Reservoir and River for fishing/boating. There are also 3 sharp curves on Red Top RD, and 3 sharp curves on Peckham Rd headed to Stateline Rd, that the cattle/feed trucks are using NOW. These dangers will only increase by the amount of trucks servicing the CAFO if it is allowed to increase to 3700 head.

There is the potential of trucks driving too fast and losing their load of feed or animals especially at the curves.

There are other areas along Peckham Rd where large trucks will meet other large trucks on narrow bridges. No-one wants any one hurt, but this is another danger for these drivers.

These above sections show that this CAFO development is detrimental to our health, safety , property values and to the enjoyment of our property. I am in support of this appeal.

SUSAN and TONY ISAAK
31492 Red Top Rd
Wilder ID. 83676

CANYON COUNTY BOARD COMMISSIONERS- BROOKS, HOLTON, & VAN BEEK

WE THE CONCERNED HOMEOWNERS, PROPERTY OWNERS, FRIENDS AND FAMILY MEMBERS, ARE VOICING OUR OPPOSITION TO THE PASSAGE OF THE CAFO (CONTAINED ANIMAL FEEDING OPERATION) CUP 2022-0036 AK FEEDERS, AND SUPPORT THIS APPEAL PROCESS TO THE BOARD OF COMMISSIONERS.
(APL)

THERE ARE MANY REASONS THAT THIS CAFO WILL ADVERSELY AFFECT US, WITH SOME TO INCLUDE: THE ENVIRONMENT, PROPERTY VALUES, ROAD ISSUES AND HEALTH PROBLEMS. ALONG WITH THE CURRENT DOCUMENTED WATER CONTAMINATION, WE HEREBY SIGN OUR NAMES IN PROTEST TO THIS CAFO, AND ASK YOU TO DENY THIS AK FEEDERS PERMIT.

Printed Name	Signature	Address	Ph#	Email	Date
1. Heather Jacobsen		628 W. Oregon Ave Homevale ID 83628		Heather@ymail.com	3/15/24
2. Troy Bidiman		628 W. Oregon Ave Homevale ID 83628		TBidiman@gmail.com	2/15/24
3. Melonie Stone		Melonie Stone 23299 Encinas Dr. Wilder, ID		meloniestone1983@gmail.com	2/15/24
4. Breanne Carson		18460 Plum Rd Caldwell, ID		carson.breanne@yahoo.com	3/11/24
5. Kenny Roseborough		3044 Purdon Ln, Homevale, ID		borough-35@yahoo.com	3/14/24
6. Dannel Holtry		2103 Orchard Ridge Rd Wilder ID		dholtry@gmail.com	3/14/24
7. Amanda Rice		Amanda Rice 26571 Bella Vista Dr Wilder ID 83676		amanda.rice.2010@gmail.com	3/14/24
8. Kay's Rice		26571 Bella Vista Dr Wilder ID		travisriceattorney@gmail.com	3/14/24
9. Breanne Gray		2424 Volley View Ln Homevale ID		empowerment1990@gmail.com	3/14/24
10. Dianne Stanley		Stanley 2424 Vitkey View Ln Homevale		Dannegreene@yahoo.com	3/14/24
11. Sarah Garcia		123 E Wyoming Ave Homevale		sgarcia13.08@gmail.com	3/14/24
12. Roxanne Lyle		105 W. Oregon Ave Homevale		roxannehambro@gmail.com	3/14/24
13. Joe Egusquiza		5121 Sage Rd Homevale		toacese@gmail.com	3/14/24
14. John Highley		4646 E Leontons Ln Homevale		johnhighley85@yahoo.com	3/14/24
15. Valerie Robard		29740 Red Top Rd Wilder ID		valerie.reflett@yahoo.com	3/14/24

CANYON COUNTY BOARD COMMISSIONERS- BROOKS, HOLTON, & VAN BEEK

WE THE CONCERNED HOMEOWNERS, PROPERTY OWNERS, FRIENDS AND FAMILY MEMBERS, ARE VOICING OUR OPPOSITION TO THE PASSAGE OF THE CAFO (CONTAINED ANIMAL FEEDING OPERATION) CUP 2022-0036 AK FEEDERS, AND SUPPORT THIS APPEAL PROCESS TO THE BOARD OF COMMISSIONERS. (APL)





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Printed Name	Signature	Address	Ph#	Email	Date
1. <i>Becky Fountain</i>	<i>[Signature]</i>	14325 Sherandoah St		Caldwell	3-1-24
2. <i>[Signature]</i>	<i>[Signature]</i>	14325 Sherandoah St		Caldwell	3-27-24
3. <i>Debra Chapman</i>	<i>[Signature]</i>	4750 County Line Rd		Emmett	3-28-24
4. <i>Debra Chapman</i>	<i>[Signature]</i>	4750 County Line Rd		Emmett	3-28-24
5. <i>Julie Ketter</i>	<i>[Signature]</i>	581 Stanley Dale St.		Madison	4-3-24
6. _____					
7. _____					
8. _____					
9. _____					
10. _____					
11. _____					
12. _____					
13. _____					
14. _____					
15. _____					

CANYON COUNTY BOARD COMMISSIONERS- BROOKS, HOLTON, & VAN BEEK

WE THE CONCERNED HOMEOWNERS, PROPERTY OWNERS, FRIENDS AND FAMILY MEMBERS, ARE VOICING OUR OPPOSITION TO THE PASSAGE OF THE CAFO (CONTAINED ANIMAL FEEDING OPERATION) CUP 2022-0036 AK FEEDERS, AND SUPPORT THIS APPEAL PROCESS TO THE BOARD OF COMMISSIONERS. (APL)

THERE ARE MANY REASONS THAT THIS CAFO WILL ADVERSELY AFFECT US, WITH SOME TO INCLUDE: THE ENVIRONMENT, PROPERTY VALUES, ROAD ISSUES AND HEALTH PROBLEMS. ALONG WITH THE CURRENT DOCUMENTED WATER CONTAMINATION, WE HEREBY SIGN OUR NAMES IN PROTEST TO THIS CAFO, AND ASK YOU TO DENY THIS AK FEEDERS PERMIT.

Printed Name	Signature	Address	Ph#	Email	Date
1. Robin Finnerty		8331 Rustin Rd, Middleton ID 83604			2/27/24
2. THOMAS FINNERTY		8331 RUSTIN RD, MIDDLETON ID 83604			2/27/24
3. BETHANY ROGERS		7041 RED SKY LANE, NAMPA, ID 83686			3/31/24
4. JUSTIN ROGERS		7041 RED SKY LANE, NAMPA, ID 83686			3/31/24
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CANYON COUNTY BOARD COMMISSIONERS- BROOKS, HOLTON, & VAN BEEK

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Printed Name	Signature	Address	Ph#	Email	Date
1. Linda Fowler	<i>Linda Fowler</i>	1595 N Lopez Way (208) 830-7004		gammesly@gmail.com	3/2/24
2. Steve Fowler	<i>Steve Fowler</i>	1595 N Lopez Way (208) 830-2082		X	X
3. Christina U. Romero	<i>Christina U. Romero</i>	2637 W. CREEKSTONE CT MENDOTA, ID 83646		X	3/3/2024
4. Cassi V. Romero	<i>Cassi V. Romero</i>	2637 W. CREEKSTONE CT MENDOTA, ID 83646		X	3/3/2024
5. James Patrick Probst	<i>James Patrick Probst</i>	Barboursing way			3-24-2024
6. BARBARA M. WAGNER	<i>BARBARA M. WAGNER</i>	7726 N. Sunghrove Ave Boise ID 83714			3/5/24
7. Dee Dee Alderson	<i>Dee Dee Alderson</i>	22440 State Line Rd Parma ID 83660			3/3/24
8. Tim Alderson	<i>Tim Alderson</i>	22440 State Line Rd. Parma, ID 83660			4-3-24
9.					
10.					
11.					
12.					
13.					
14.					
15.					

CANYON COUNTY PLANNING/ZONING
DEPT OF DEVELOPMENTAL SERVICES

WE THE CONCERNED HOMEOWNERS, PROPERTY OWNERS, FRIENDS, AND FAMILY (APL) MEMBERS, ARE VOICING OUR OPPOSITION TO THE PASSAGE OF THE CUP 2022-0036, AK FEEDERS- DAVID DeBENEDETTI, AND SUPPORT THIS APPEAL PROCESS TO THE BOARD OF COMMISSIONERS.

THERE ARE MANY REASONS THAT THIS CUP WILL ADVERSLY EFFECT US , WITH SOME TO INCLUDE : THE ENVIRONMENT, PROPERTY VALUES, ROAD ISSUES AND HEALTH PROBLEMS. WE HEREBY SIGN OUR NAMES IN PROTEST TO THIS CUP.

NAME	ADDRESS	EMAIL
1. Vicki Case	30769 Red Top Rd., Wilder	victoriacase92@gmail.com
2. Brad Case	30769 Red Top Rd., Wilder	casetopout92@gmail.com
3. Logan Case	30765 Red Top Rd., Wilder	logan.case@nutrien.com
4. Barbara E Case	30895 Red Top Wilder	barbarac1016@gmail.com
5. Barbara Case	30895 Red Top Wilder, ID	gmail.com
6. Barbara	30826 Red Top Wilder, ID	P3676@gmail.com
7. Shane Moore	30826 Red Top, Wilder, ID	83676
8. Garlie Moore	30826 Red Top, Wilder, ID	83676
9. Matthew Willard	30888 Peckham Rd. Wilder, ID	83676
10. Tim Colford	30788 Peckham Rd Wilder Id.	83676
11. Cody Colford	30916 Peckham Rd. Wilder Id.	83676
12. Andrea Colford	30916 Peckham Rd Wilder Id.	83676
13. Jacki Germain	21662 Case Ln. Wilder	
14. Jacki Germain	21662 Case Ln Wilder ID	
15. Care Page	30749 Red Top Rd Wilder ID	
Craig Page	30749 Red Top Rd Wilder, ID	

FIR CASE FILE # CU 2022-0036-APL

CANYON COUNTY BOARD COMMISSIONERS- BROOKS, HOLTON, & VAN BEEK

WE THE CONCERNED HOMEOWNERS, PROPERTY OWNERS, FRIENDS AND FAMILY MEMBERS, ARE VOICING OUR OPPOSITION TO THE PASSAGE OF THE CAFO (CONTAINED ANIMAL FEEDING OPERATION) CUP 2022-0036 AK FEEDERS, AND SUPPORT THIS APPEAL PROCESS TO THE BOARD OF COMMISSIONERS.

CU 2022-0036 APL

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Printed Name	Signature	Address	Ph#	Email	Date
1. William Gearhart	<i>William Gearhart</i>	1593 East Williams St	(209) 683-0158	billgearhart@hotmail.com	2/8/24
2. Felicitas Kusner	<i>Felicitas Kusner</i>	1415 Caldwell, ID 83605	(208) 801-8108	Felicitas.kusner@epmri.com	
3. Ethan Elmington	<i>Ethan Elmington</i>	7556 E Lafayette St	Nampa, ID (505) 702-4431		2/8/24
4. Rorie Nightingale	<i>Rorie Nightingale</i>	23563 Emmett Rd.	Caldwell, ID 83607	208-830-8800	2/27/24
5. Avery Rossow	<i>Avery Rossow</i>			208-999-7033	2/27/24
6. John Prejos	<i>John Prejos</i>	2848 Watkins Glen Ct.	Wilder, ID 83676		3/30/24
7. Robert Saknis	<i>Robert Saknis</i>	11298 W Chartw St.	Boise 83713	bobsaknis@gmail	3/30/24
8. Jennifer Heiges	<i>Jennifer Heiges</i>	11298 W Chartaw St	Boise 83713	jennifer.ahedges@gmail	3/30/24
9. Ricki Lee Moore	<i>Ricki Lee Moore</i>	11506 Longview Rd	Nampa 83651	ricki_lee@yahoo.com	3/30/24
10. JEFFREY K Schnell	<i>Jeffrey K Schnell</i>	20194 Silver Spur Dr	Wilder	Schnell.k@co.gmail.com	3/30/24
11. Audrey S. Lynn	<i>Audrey S. Lynn</i>	26550 Upper Pleasant Ridge Rd	Wilder 83676		3/30/24
12. Suzanne	<i>Suzanne</i>	2310661 26345 Upper Pleasant ridge rd	Wilder	83676	4/13/24
13. Rudy Street	<i>Rudy Street</i>	23690 Fairson Ct	Caldwell	ID 83607	4/4/24
14. Cameron Street	<i>Cameron Street</i>	23690 Fairson Ct	Caldwell	ID 83607	4/4/24

Debbie Root

From: Dee Dee Alderson <deedee_alderson@yahoo.com>
Sent: Monday, March 11, 2024 10:24 AM
To: Debbie Root; BOCC; Zach Brooks; Canyon County Zoning Info; Brad Holton; Leslie Jansen Van Beek
Subject: [External] CUP 2022-0036 APL AK Feeders Proposed CAFO in an area deemed High Risk

March 11th, 2024

Tim Alderson
22440 State Line Road
Parma, ID
83660
208-741-2143

Please disagree with the proposed CAFO on State Line Road, AK Feeders (DeBenedetti). The CAFO currently has direct run cattle off going into the Snake River. The CAFO pollutes the local Idaho aquifer. ***The proposed area has been deemed by the Site Team as High Risk.***

2020 Canyon County Comprehensive
"Surface water helps recharge shallow aquifers..."
page 53 paragraph 2: National Pollutant Discharge Elimination System permit
(wastewater/storm water permit) needed within the State of Idaho.
page 54 Policies #4: "Encourage activities to promote the protection of groundwater and surface water."
page 56 Water Facilities: Implement Action: Develop procedures and requirements that can be used to assess the impact of proposed developments on the water supply of adjacent landowners or residence.

The area has a high water table that recharges our drinking water. The added calf/cow pairs waste goes right into our drink water or into the Snake River. This polutes both the Snake River and the aquifer!

Please reconsider,

Tim E. Alderson

March 18, 2024

To: Canyon County Development Services
Attn: Deb Root

From: Brad & Victoria Case
30769 Red Top Rd.
Wilder, ID 83676
Victoriacase92@gmail.com
208-573-5271

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

Idaho Dept of Water Resources:

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

- Heavy traffic of semi-size trucks. Red Top Rd. and Peckham Rd. both have sharp 90 degree corners that are not wide enough for cattle hauling semi's to pass simultaneously
- Constant noise
- Increased traffic/congestion/insufficient road width
- Extreme negative impact on the high table of the aquifer & surface water convergence of the Arena Lake, Case, and Allen drains.
- Dust and insect pollution for all surrounding homeowners
- Property value decline
- Peace/tranquility in our valley
- **Waste water run off will go straight to the Snake River in Oregon**
- **Prolific development of new wells – 4,000 head of cattle consume a lot of water**
- **Current residential well contamination (research what happened to a whole community in Weiser, Idaho when nitrates destroyed their well water quality).**
- The residents who have moved into this valley did so PRIOR to any proposed C.A.F.O., not after.

The proposal states that this is an expansion of an existing C.A.F.O. However, it is not an expansion of existing feedlot facilities. All feed bunk commodity storage facilities would be built as new. We have been in contact with a lawyer associated with the Idaho Water Users Association, as there are three drains negatively affected by this application.

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

We would like this correspondence entered into the official record for this case (CU2022-0036).

Thank you very much,

V. Brad Case
Victoria A. Case
Vernon Case
Barbara Case

Debbie Root

From: Victoria Case <victoriacase92@gmail.com>
Sent: Monday, March 18, 2024 4:16 PM
To: Debbie Root
Subject: Re: [External] CAFO appeal
Attachments: CAFO Objection.docx

Sorry, I CC'd them on it and meant to change address to yours.

Vicki Case

On Mon, Mar 18, 2024 at 4:04 PM Debbie Root <Debbie.Root@canyoncounty.id.gov> wrote:

Brad and Victoria,

Thank you for sending your letter to Canyon County DSD. I am confused about the address being TO: Idaho Dept. of Water Resources?

Deb Root, MBA

Canyon County Development Services

debbie.root@canyoncounty.id.gov

208-455-6034

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

From: Victoria Case <victoriacase92@gmail.com>

Sent: Monday, March 18, 2024 1:17 PM

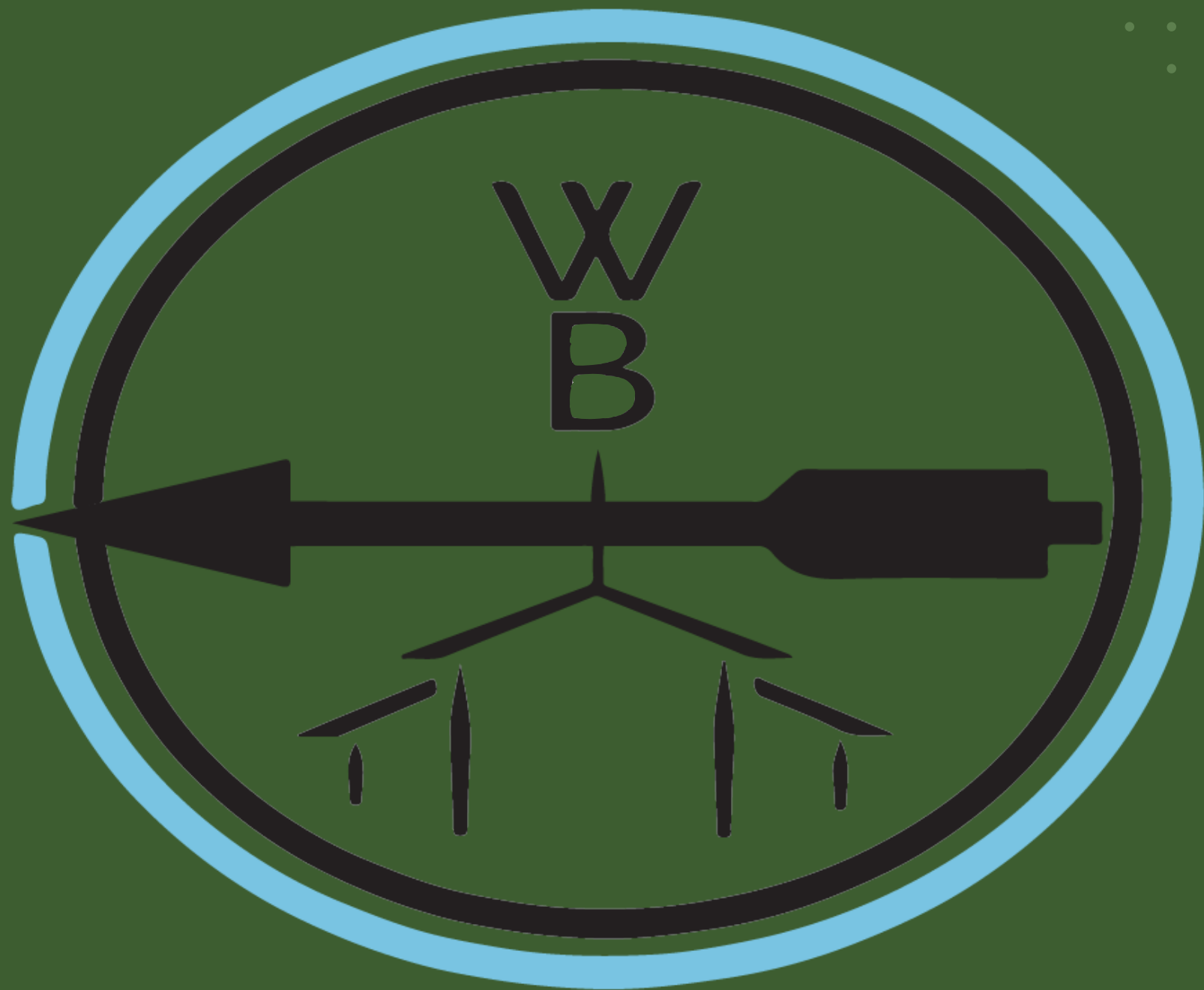
To: BOCC <BOCC@canyoncounty.id.gov>; Debbie Root <Debbie.Root@canyoncounty.id.gov>

Subject: [External] CAFO appeal

Please see attached letter in opposition to AK Feeders application.

CUP 2022-0036 APL.

Victoria Case



AK FEEDERS, LLC
CU2022-0036-APL

BOCC HEARING 
CAFO PRESENTATION

Presented by Matt Wilke
White Barn Ventures, Inc.

www.mywhitebarn.com



Good afternoon Honorable Commissioner's, Staff, Neighbors, and Friends. I am proud to present our CAFO application and sincerely appreciate the time and effort each of you has taken to be here today. Your dedication to ensuring our Ag community thrives is ever-present, and I am grateful for the opportunity to present this application before you.

Our proposed site consists of approximately 79.6 acres, and will have a 3,700 cow capacity with an average weight of 750 pounds upon approval.



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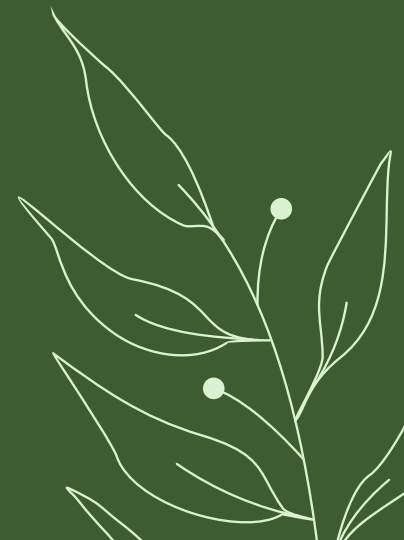
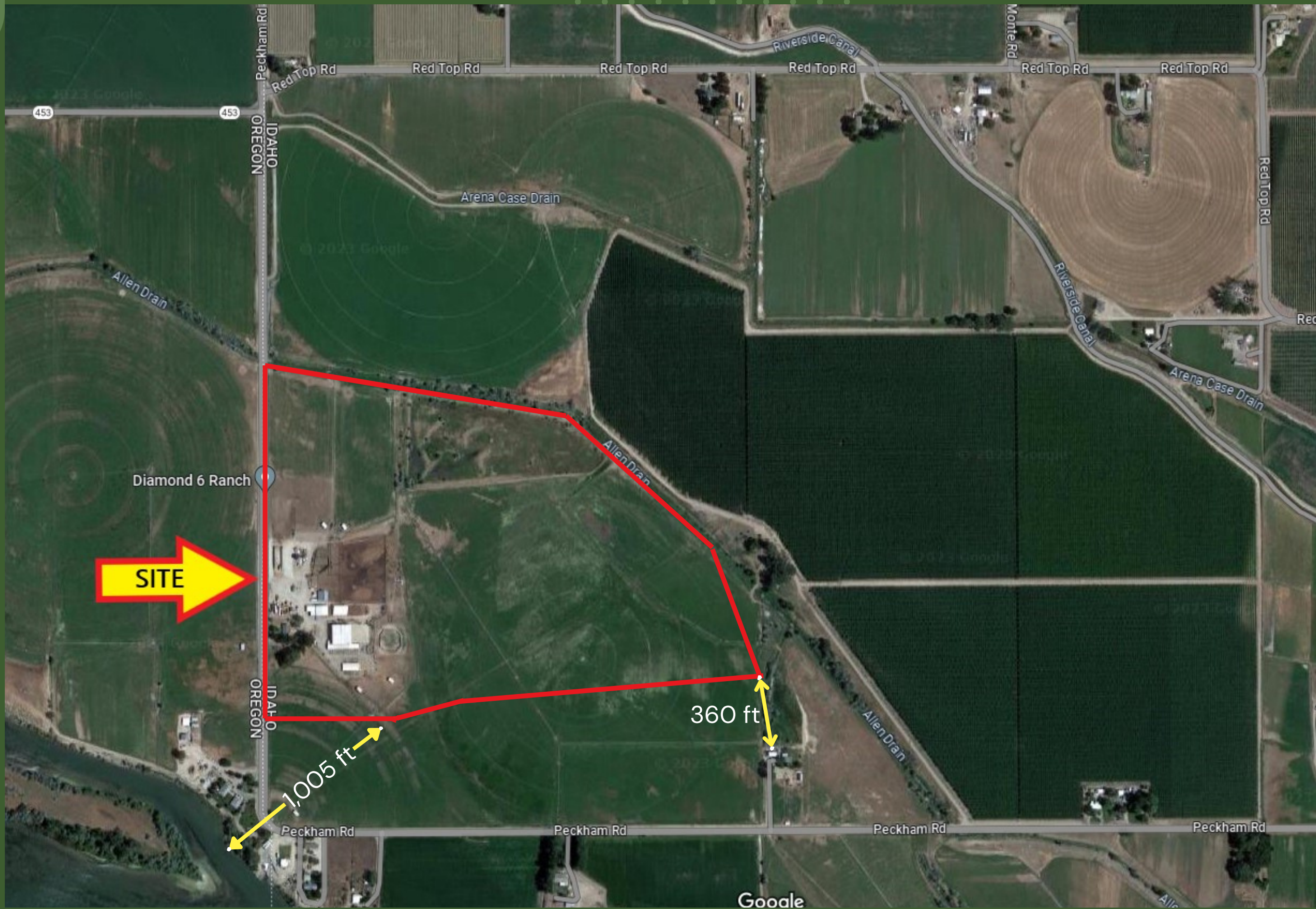
13-14

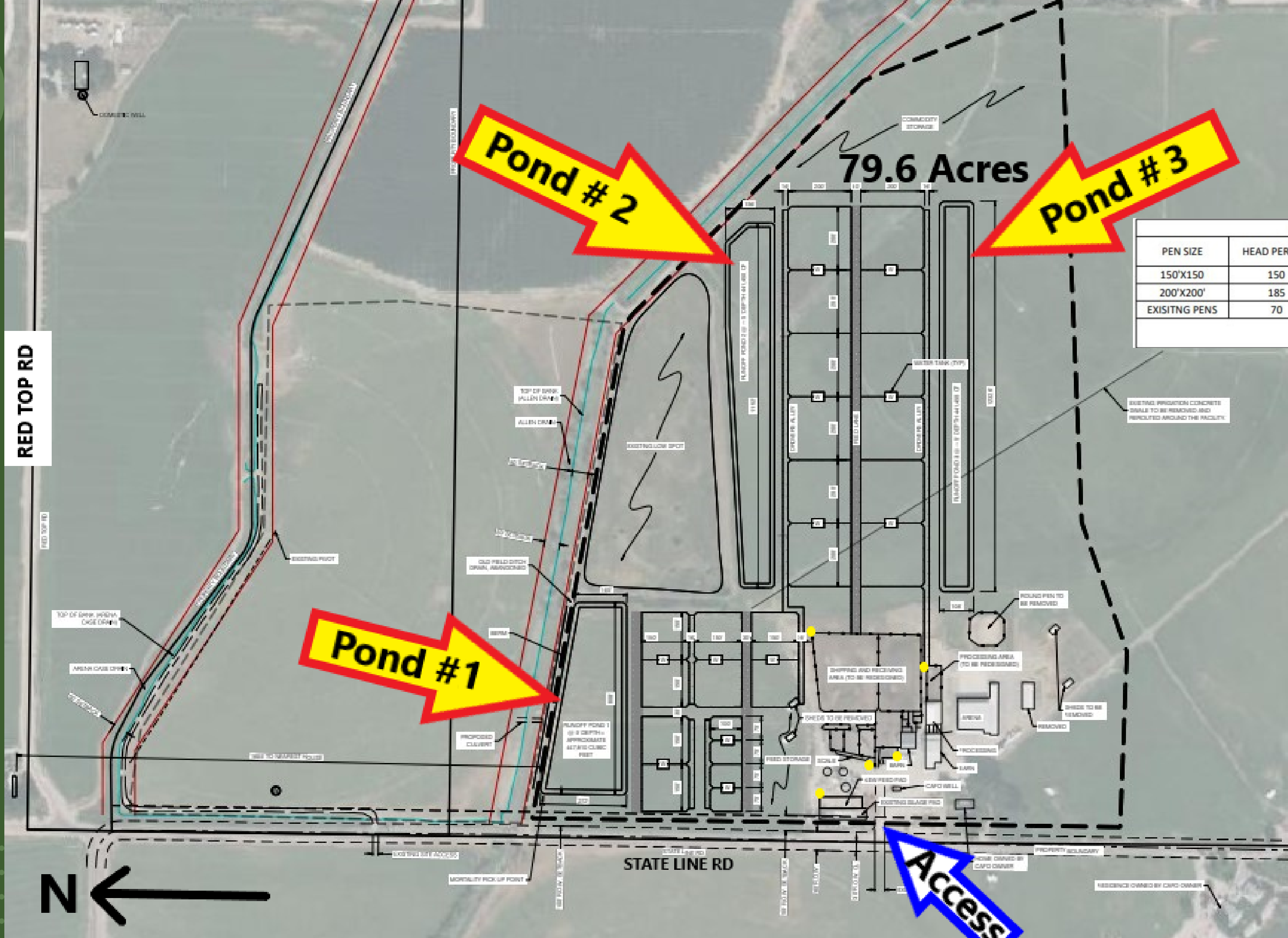
WMP

15-16

History & Support







79.6 Acres

Pond # 2

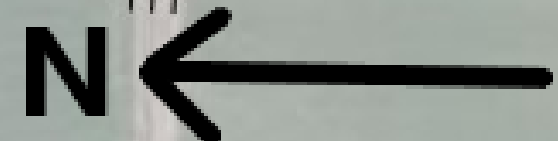
Pond # 3

Pond # 1

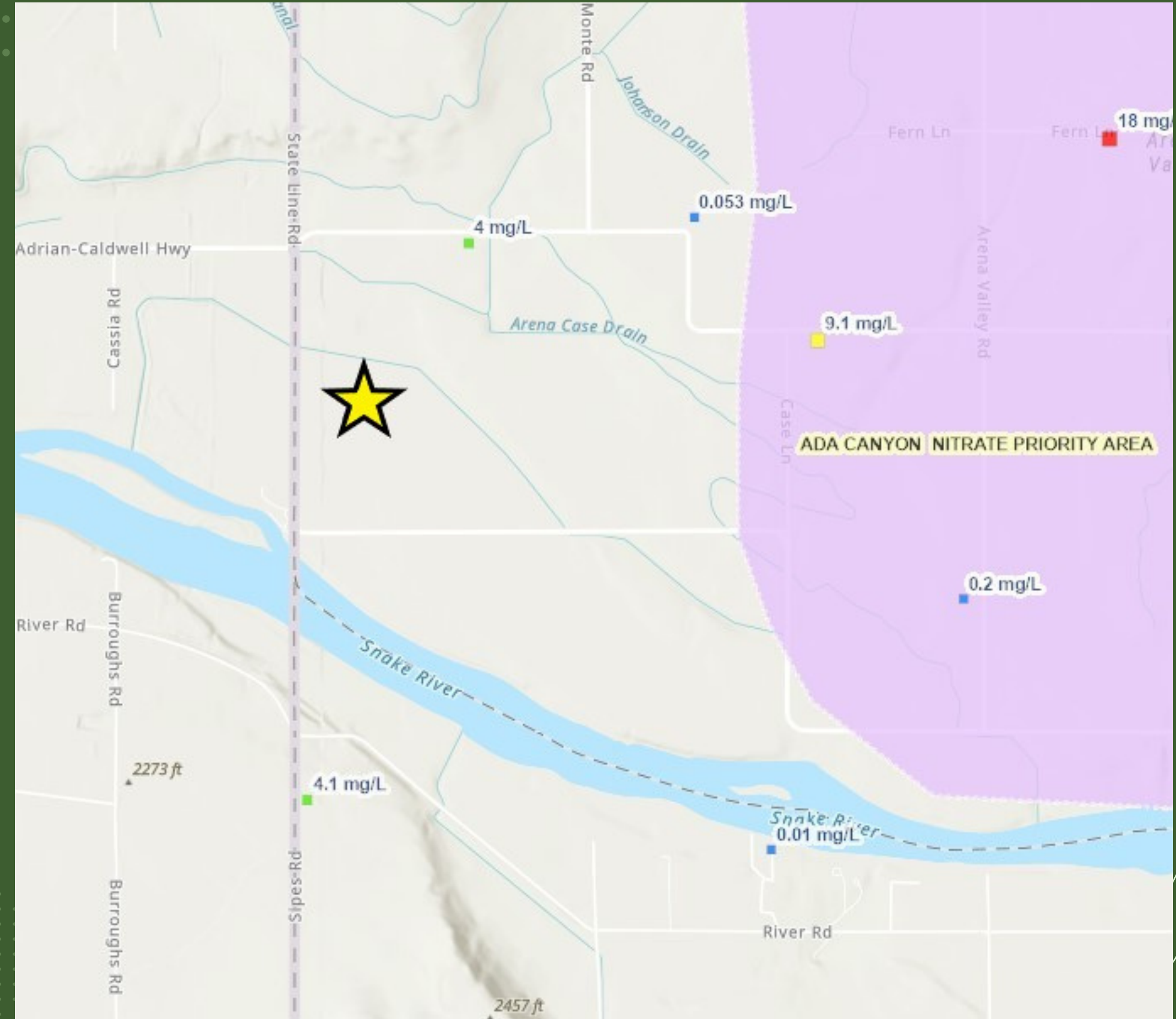
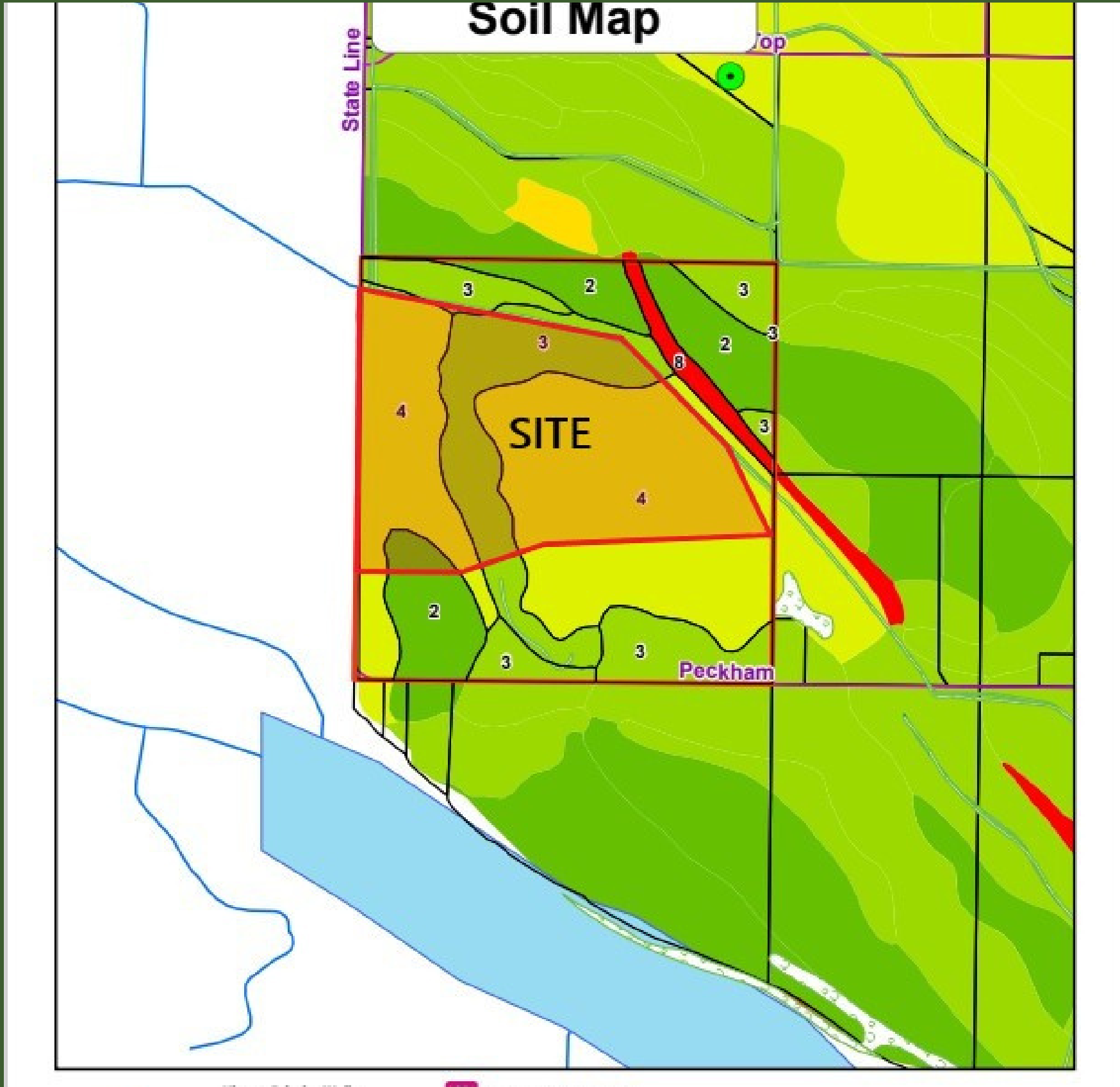
Access

RED TOP RD

STATE LINE RD



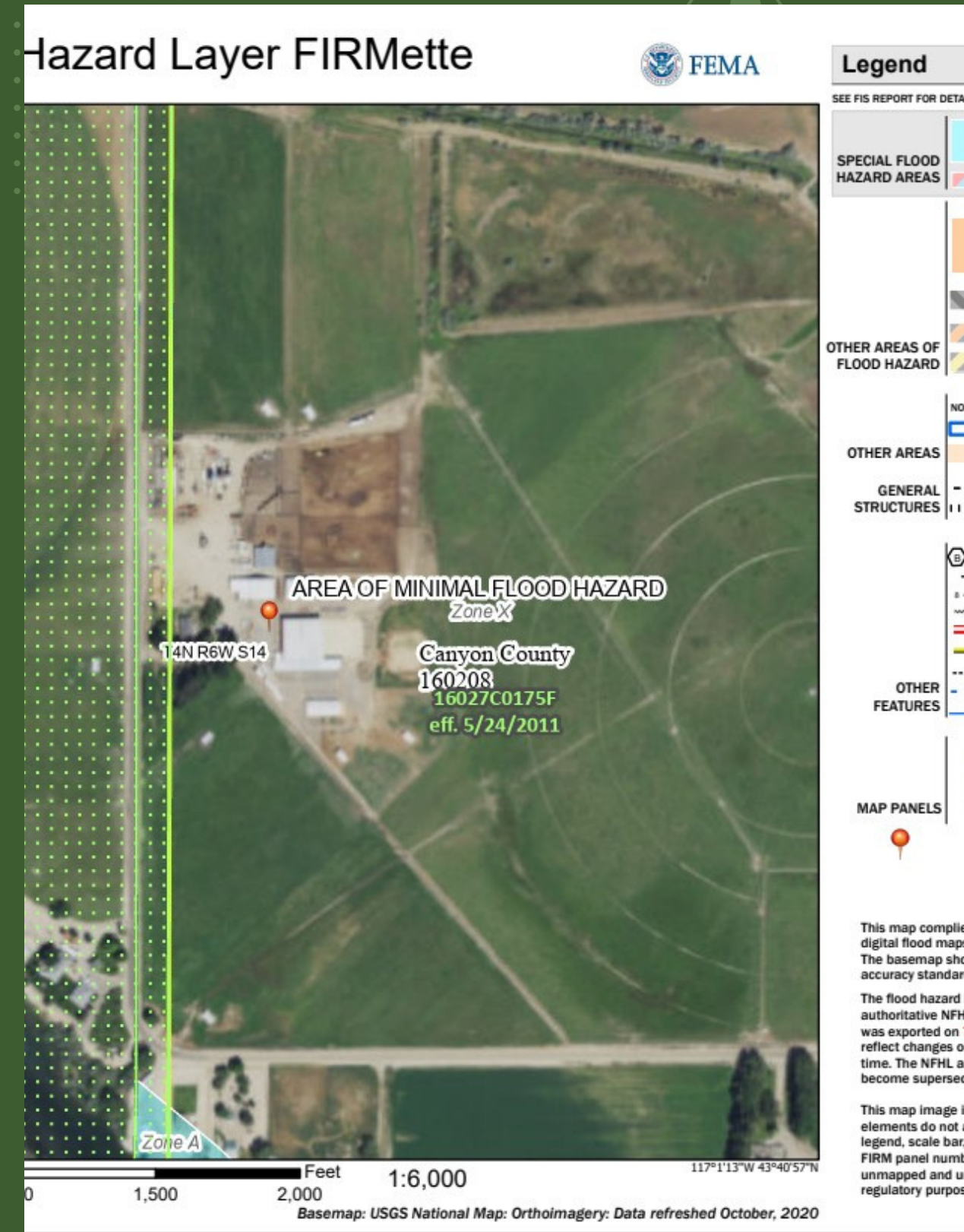
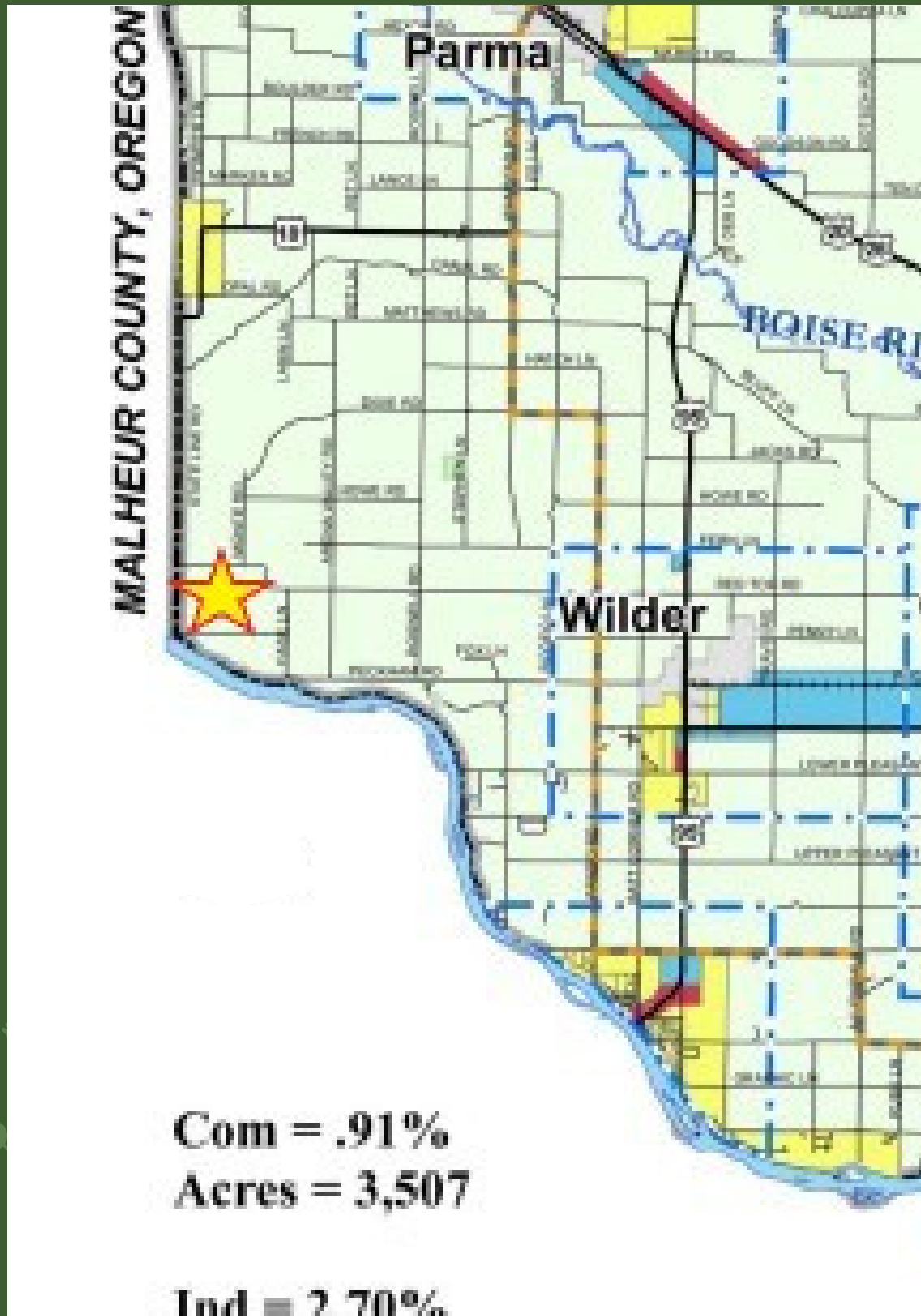
PEN SUMMARY			
PEN SIZE	HEAD PER PEN	QTY OF PEN	PEN HEAD TOTAL
150'X150	150	8	1200
200'X200'	185	12	2220
EXISTING PENS	70	4	280
TOTAL HEAD PER SITE			3700



2020 FLUM

2030 FLUM

FLOOD MAP



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
63-35421

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- Taxlots

Page 1

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-35421

Priority: May 26, 2023 Maximum Diversion Rate: 0.81 CFS

This is to certify that

AK FEEDERS LLC 21696 STATE LINE RD WILDER ID 83676-5099

has applied for a permit to appropriate water from:

Source : GROUND WATER
Source : GROUND WATER

and a permit is APPROVED for development of water as follows:

Beneficial Use	Period of Use	Rate of Diversion
STOCKWATER	01/01 to 12/31	0.81 CFS

Location of Point(s) of Diversion

GROUND WATER L1 (NW¼ NW¼), Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County
GROUND WATER SW¼ NE¼, Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N	06W	14		X	X		X	X	X	X										

Conditions of Approval

- Proof of application of water to beneficial use shall be submitted on or before **August 01, 2028**.
- Subject to all prior water rights.
- After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
- Stockwater use is for 3700 beef cattle.
- Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
- The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

Application Processing No. 3
April 7, 1975

OPERATIONS DIVISION
ADMINISTRATOR'S MEMORANDUM

TO: District Office
FROM: A. Kenneth Dunn
SUBJECT: Annual Use of Water for Stockwater Purposes

No. of Stock (head)	RANGE CATTLE		DAIRY CATTLE	
	Rate* c.f.s. (1)	Volume AF/yr. (1)	Rate* c.f.s. (2)	Volume AF/yr. (2)
0 - 10	0.02	0.2	0.02	0.4
11 - 25	0.02	0.4	0.02	1.0
26 - 50	0.02	0.7	0.04	2.0
51 - 100	0.03	1.4	0.07	4.0
101 - 200	0.05	2.7	0.13	7.9
201 - 300	0.07	4.1	0.20	12.0
301 - 400	0.09	5.4	0.26	16.0
401 - 500	0.12	6.7	0.33	20.0
501 - 600	0.14	8.1	0.39	24.0
601 - 700	0.16	9.4	0.46	28.0
701 - 800	0.19	11.0	0.52	32.0
801 - 900	0.20	12.0	0.58	36.0
901 - 1000	0.23	14.0	0.65	40.0
1001 - up (3)				

- The amounts shown are based on 12 gpd/head with a 12 month period of use. (i.e. for range cattle, horses and mules). The amount does not include a loss (i.e. thru conveyance, etc.)
- The amounts shown are based on 35 gpd/head with a 12 month period of use. (i.e. for dairy cattle). The amount does not include a loss. (i.e. thru conveyance, etc.).
- For annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

Volume

- for livestock use @ 12 gpd/hd, N (0.0134).
- for dairy use @ 35 gpd/hd, N (0.0391).

Rate

- for livestock use @ 12 gpd/hd, N (0.00022).
- for dairy use @ 35 gpd/hd, N (0.00065).

The answer should be rounded up to the nearest whole acre-foot.

*The rate is based upon approx. 2 hr/day diversion to obtain daily requirement.



Idaho State Department of Agriculture
 P.O. Box 7249 • Boise, Idaho 83707
 P: 208.332.8500 • F: 208.334.2170
 www.agri.idaho.gov
BRAD LITTLE, GOVERNOR
CHANEL TEWALT, DIRECTOR

March 15, 2023

AK Feeders
 David DeBenedetti
 21696 State Line Rd
 Wilder, ID. 83676

Dear Mr. DeBenedetti,

I received the Environmental/Nutrient Management Plan for proposed AK Feeders from Brian Scarrow, Certified Nutrient Management Planner. I approved the Environmental/ Nutrient Management Plan on March 15, 2023. This Environmental/ Nutrient Management Plan is for your proposed facility located at 21696 State Line Road, Wilder, ID. 83676.

Key Points for EMP/NMP Compliance:

- You are required to soil test all fields, annually, to which nutrients (commercial fertilizer or manure) will be applied that year and soil test records must be kept for 5 years. Soil tests need to be taken by a certified soil sampler.
- Liquid effluent applications are to occur only within the growing period of the active crop. Fall application of liquid effluent must be completed prior to the non-growing season. The non-growing season will be determined each year by the ISDA Animal/Dairy Bureau. Permission to apply liquid effluent during the non-growing season will be considered on a case-by-case basis. Producers seeking permission to land apply nutrients outside of the application season must contact the Department of Agriculture, Animal/Dairy Bureau at (208) 332-8550 prior to application. Factors considered in granting approval will be, but are not limited to, the following:
 - Date
 - Existing and forecasted weather conditions
 - Moisture content of the soil
 - Frost layers in the soil
 - Water holding capacity of the soil
 - Crop needs
- CAFO byproduct management is a key component to your ability to appropriately implement your environmental/nutrient management plan. It is important to remove accumulated solids and byproduct water from your containment facilities prior to the wet season to ensure that the byproduct containment facilities have the required 120-day storage capacity.

If you have any questions or concerns, please contact me at (208) 332-8550.

Sincerely,

Pradip Adhikari, PhD
 Soil Scientist/Nutrient Management Specialist, Animal Industries

EMP/NMP APPROVAL / WELL LOG

Form 238-7
6/07

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

1. WELL TAG NO. D 0067257
 Drilling Permit No. 9062166-872325
 Water right or injection well # _____

2. OWNER: Delmonte Meat Co.
 Name AK Feeders David DeBenidittia
 Address 21696 State Line Rd.
 City Wilder State ID. Zip 83676

3. WELL LOCATION:
 Twp. 4 North or South Rge. 6 East or West
 Sec. 14 1/4 NW 1/4 NW 1/4
 Gov't Lot _____ County Canyon
 Lat. _____ (Deg. and Decimal minutes)
 Long. _____ (Deg. and Decimal minutes)
 Address of Well Site 21696 State Line Rd. City Wilder
(Dist. of Well from Road or Landmark)
 Lot _____ Blk. _____ Sub. Name _____

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
Bentonite	0	5	200 CBS	Dry Pour
Cement	5	40	2160 CBS	Tremie Pipe

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
6"	+2	40	.250	Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 1/2"	-5	85	SDR-19	PVC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 1/2"	85	385	SDR-21	PVC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 1/2"	385	402	SDR-19	PVC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

9. PERFORATIONS/SCREENS:
 Perforations Y N Method _____
 Manufactured screen Y N Type .020
 Method of installation factory slot

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
85	385	.020	300	4 1/2"	PVC	.020

Length of Headpipe _____ Length of Tailpipe _____
 Packer Y N Type _____

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method
6-9 Sand	402	116	3650 CBS	Pour

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

12. STATIC WATER LEVEL and WELL TESTS:
 Depth first water encountered (ft) 3 Static water level (ft) 9
 Water temp. (°F) 55 Bottom hole temp. (°F) _____
 Describe access port Well casing
 Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
<u>31</u>	<u>45</u>	<u>60</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

 Test method: _____
 Water quality test or comments: _____

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
10	0	20	Gravel Bar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	20	40	Brown Silt Stone	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	40	85	Brown Silt Stone	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	85	92	Brown Clay + Gravel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	92	110	Blue Clay + Gravel	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	110	185	Grey Clay	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	185	210	Blue Clay + Sand	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	210	220	Blue Clay + Rock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	220	290	Blue Clay	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	290	325	Blue Clay + Rock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	325	343	Blue Clay + Sand	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	343	403	Blue Clay + Black rock	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RECEIVED

JUL 23 2014

WATER RESOURCES
WESTERN REGION

Completed Depth (Measurable): 403'
 Date Started: 6-20-14 Date Completed: 7-3-14

14. DRILLER'S CERTIFICATION:
 I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
 Company Name Envirotech Drilling Co. No. 749
 *Principal Driller Shawn Mikelson Date 7-6-14
 *Driller _____ Date _____
 *Operator II _____ Date _____
 Operator I Shawn Mikelson Date 7-6-14
 * Signature of Principal Driller and rig operator are required.

GGHD

ODOT



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

March 20, 2023

Canyon County Development Services Department
Attn: Debbie Root, Planner
111 North 11th Ave., Ste. 310
Caldwell, ID 83605
Phone: (208)455-6034
Email: debbie.root@canyoncounty.id.gov

RE: Case Name: AK Feeders, Case Number: CU2022-0036, Parcel #: R37348010

Ms. Root:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the Traffic Narrative and Site Plan associated with the subject Conditional Use Permit application submitted to GGHD in an email dated March 20, 2023. The subject parcel is located approximately 0.20 miles north of the Peckham Rd/State Line Rd intersection in the N1/2 of Section 14, T4N, R6W, BM, Canyon County, ID.

The documents submitted for review to GGHD will support the Conditional Use Permit application. The subject property currently contains pens, feed storage, indoor riding arena, and center pivot fields. Additional pens, feed storage, gravel roads to pens, runoff ponds, and access paving are proposed. Proposed access will be at the existing access location on State Line Road, which is under the jurisdiction of GGHD and classified as a Local Road according to the GGHDs 2019 Functional Classification Map.

Based upon the information provided, the following findings and conditions of approval apply:

1. The estimated peak hour and average annual daily traffic (AADT) values of 10 and 25 are below the Traffic Impact Study (TIS) rural thresholds of 50 and 500, respectively, shown in Section 3110.010 of the 2022 Association of Canyon County Highway Districts Highway Standards & Development Procedures (ACCHD Standards).
2. Proposed access on State Line Road to meet the rural roadway driveway spacing requirements of Section 3061.020 and Standard Drawing ACCHD-106 of the ACCHD Standards.
3. A site visit by GGHD is required to address possible site distance issues, if any.

GGHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

GGHD requests Canyon County Development Services incorporate these comments and any subsequent comments into proposed Conditions of Approval for consideration/approval by Canyon County.

Respectfully,

 Digitally signed by Christopher Pettigrew
Date: 2023.03.20
13:52:21 -06'00'

Christopher S. Pettigrew, P.E.

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

CC: Bob Watkins, GGHD Director of Highways
Matt Wilke, White Barn Real Estate
Valene Cauhorn, AgPros



Oregon

Tina Kotek, Governor

Department of Transportation
District 14 Headquarters
1390 SE 1st Ave
Ontario, OR 97914
541-889-9115

March 20, 2023

Canyon County Development Services
111 N. 11th Avenue
Caldwell, ID 83605

SUBJECT: CAFO Permit CU2022-0036

To whom it may concern,

Oregon Department of Transportation (ODOT) staff has completed a review of the submitted site plan for permit CU2022-0036. We have determined that ODOT does not have permitting authority for the frontage on the east side of State Line Road and we have no specific concerns with the traffic generation estimated in the applicant's traffic narrative.

If you have any questions regarding ODOT permits or the content of this letter, please feel free to contact me at 541-216-1246 or john.w.eden@odot.oregon.gov

Sincerely,



John Eden, Permit Specialist
ODOT District 14 Maintenance Office

Traffic Source	YEARLY TRAFFIC ESTIMATE				
	Number of Vehicles to Facility by Frequency			Trips ³ Generated Per Day	
	Existing	Proposed	Amount Frequency	Existing	Proposed
Owner/Manager	1	1	Per Day	2	2
Employees (vehicles not # of employees)	5	9	Per Day	10	18
Milk Trucks	0	0	Per Day	0	0
Milk Replacer (calves)	0	0	Per Week	0.0	0.0
Cows/Calves In & Out	1	2	Per Month	0.1	0.1
Buyers	0	0	Per Month	0.0	0.0
AI Delivery/ Service	0	0	Per Week	0.0	0.0
Vet visit	1	1	Per Month	0.1	0.1
Govt, Inspectors	1	1	Each Year	0.0	0.0
Medicine Delivery	1	1	Per Month	0.1	0.1
Mechanical Parts/ Repairs	1	1	Per Week	0.3	0.3
Utilities	1	1	Per Month	0.1	0.1
Fuel Delivery	2	2	Per Month	0.1	0.1
Dry hay, Commodities and Mineral In	14	182	Each Year	0.1	1.0
Silage In	26	338	Each Year	0.1	1.9
Straw In	3	40	Each Year	0.0	0.2
Manure Out	47	621	Each Year	0.3	3.4
Shurry Hauling	0	0	Each Year	0	0
Farming (significant changes)	0	0	Each Year	0	0.0
Miscellaneous Visitors (salesman, mailman, etc.)	0	0	Per Weekday	0	0
Double Haul Adjustment ⁴	-47	-621	Each Year	-0.25753	-3.40274
TOTAL Vehicle Trips per day estimate				13	24

Trip Generation

The expected hours for outgoing and incoming semi-trucks and other vehicles and equipment will be Monday through Sunday 6:00 A.M. to 5:00 P.M. The highest traffic volumes will be generated during the morning hours of 7:00 A.M. to 9:00 A.M. and in the evening between 3:00 P.M. to 5:00 P.M when employees enter and exit the property. During peak traffic hours no more than five vehicles are expected to be going in and out. Occasional operations outside of the expected hours may be required due to CAFO industry needs.

The site will include a shipping and receiving area for cattle and commodities. Parking for employees will be gravel spaces located near the entrance.

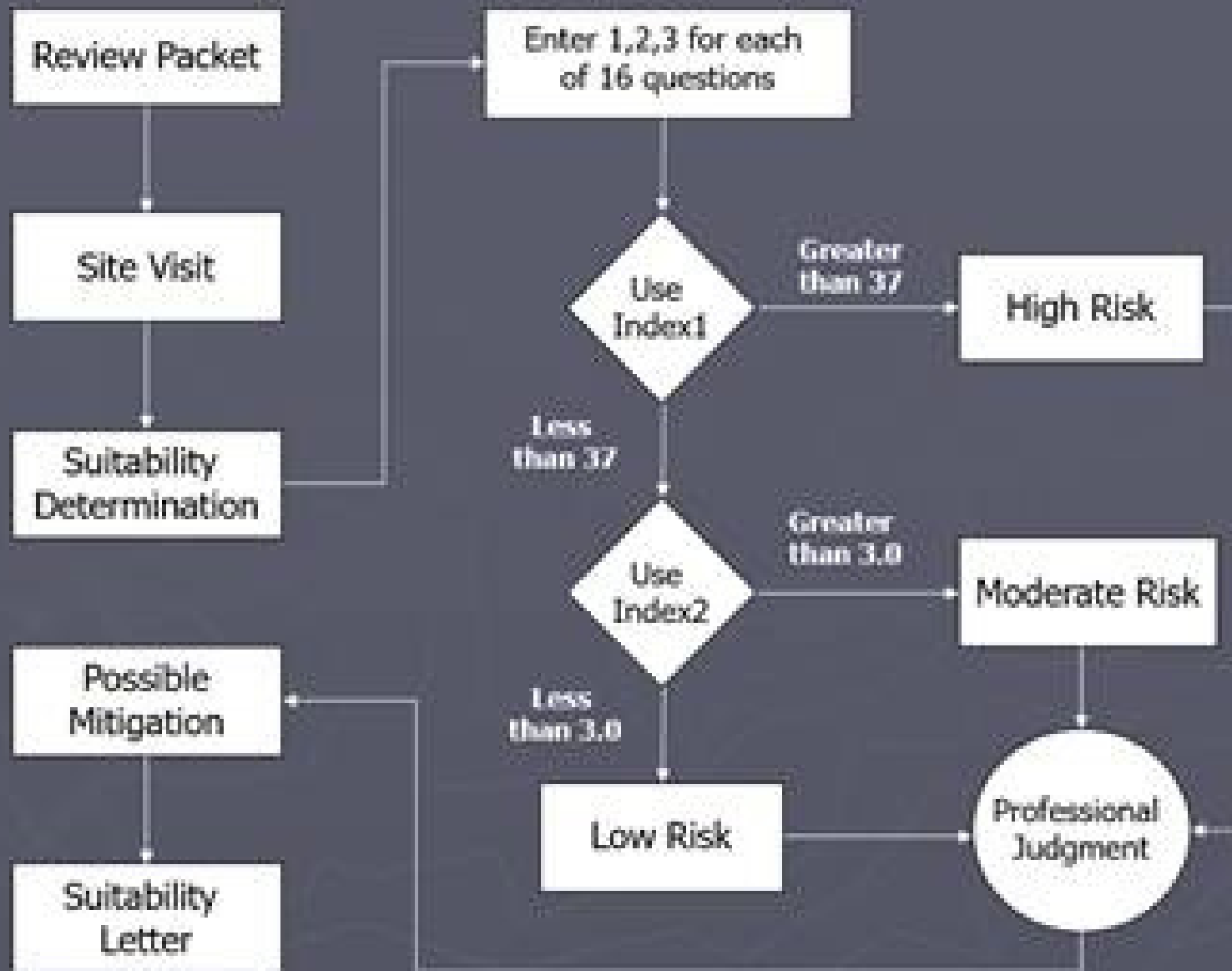
The CAFO expansion only increases the number of employee vehicles from five to nine. The number of trips per day increased from 13 to 24 for the proposed site averaged over the year. The following traffic volumes are anticipated for this proposed site:

Commercial Vehicles/Equipment
Owner/Employee Vehicles

6 roundtrips per day
18 roundtrips per day

The arrival and departure of vehicles is expected to be staggered throughout the day. Employee traffic, which accounts for the majority of the traffic, will arrive in the morning and then depart in the evening.

CAFO Siting Process Flowchart



State of Idaho CAFO Site Advisory Team Environmental Risk Form

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

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

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

Index1 – High Risk Equation

$$1.5 \cdot \text{Perm} + \text{DephShall} + 5 \cdot \text{Vadose} + 3 \cdot \text{FirstHOH} - 2.5 \cdot \text{Clay} - \text{Precip} + 2.5 \cdot \text{Flood100} + 0.5 \cdot \text{DistStream} + \text{NO3prior} + \text{AvgNO3} + 2 \cdot \text{Wells} + 0.5 \cdot \text{RunOn} + 6 \cdot \text{SurfaceRun} + 0.5 \cdot \text{DistSurf}$$

Weight	Variable	Weight	Variable		
6	x	Runoff	1	x	Precipitation
5	x	Aquifer Geology	1	x	Soil Depth
3	x	Depth to Water	1	x	Wells over 5 mg/L
2.5	x	Clay Thickness	1	x	Mean Nitrate
2.5	x	100-yr Floodplain	0.5	x	Stream Distance CAFO
2	x	Domestic Well Distance	0.5	x	Run-on
1.5	x	Permeability	0.5	x	Stream Distance Land App

Index2 – Low-Moderate Equation

$$2 \cdot \text{Perm} - \text{Vadose} - \text{FirstHOH} + \text{Clay} + 0.5 \cdot \text{Precip} + \text{TTspring} - 2 \cdot \text{Flood100} - 0.5 \cdot \text{SourceHOH} + \text{NO3prior} - 0.5 \cdot \text{AvgNO3} - 0.5 \cdot \text{SurfaceRun} + 0.5 \cdot \text{DistSurf}$$

Weight	Variable	Weight	Variable		
2	x	Permeability	1	x	Wells over 5 mg/L
2	x	100-year Floodplain	0.5	x	Precipitation
1	x	Aquifer Geology	0.5	x	Source Water Delineation
1	x	Depth to Water	0.5	x	Mean Nitrate
1	x	Clay Thickness	0.5	x	Runoff
1	x	Spring Time of Travel	0.5	x	Stream Distance Land App



IDAHO STATE DEPARTMENT OF AGRICULTURE



CAFO SITE ADVISORY TEAM

September 14, 2023

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

RE: CAFO Siting Advisory Team Review Report of AK Feeders

Dear Commissioners,

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

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

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

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

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

I. Risk Category

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

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

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

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

II. Description of Factors

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

High Risk Factors

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

Moderate Risk Factors

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

Low Risk Factors

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

III. Mitigation

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

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

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

Other Best Management Practice recommendations include:

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

IV. Additional Information

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

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

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

The CAFO Site Advisory Team did not:

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

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

.IDAHO.GOV>

To: Matt Wil

Tue 10/17/2023 7:15 AM

Cc: Steimke,

Hello Mike,

Thank you very much for the questions. The calculated risk score is totally based on physical environmental factors that can impact surface and groundwater quality. In the case of AK feeders factors such as soil permeability, thickness of clay, aquifer geology, depth of water etc.. play a vital role for high score. However these factors can be easily mitigated by implementing available best management practices which are suggested in the AK feeders siting report. Risk score that are determined based on physical environmental factors of the CAFO site cannot be reduced but definitely can be mitigated.

Please let me know if you have any further question.

Thanks

Pradip

From: Matt Wilke <matt@mywhitebarn.com>

Sent: Friday, October 13, 2023 3:01 PM

To: Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>

Cc: Steimke, Amy <Amy.Steimke@idwr.idaho.gov>; Kathryn Elliott <Kathryn.Elliott@deg.idaho.gov>

Subject: Re: Siting Team Report: AK Feeders

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

Hi CAFO team,

I was wondering if your team considers design factors or management practices in your calculations and whether implementing certain design elements and management practices can substantially reduce the risk and help our risk score?

Have a great weekend everyone.

Thank you,



Matt Wilke

Owner | Broker

White Barn Real Estate

White Barn Ventures

Waste Management Plan

Waste Management and Nuisance Control

For

*AK Feeders
Canyon County, Idaho*

Prepared by



HQ & Mailing: AGPROfessionals
3050 67th Avenue
Greeley, CO 80634 (970) 535-9318

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

Developed in Accordance with Generally Accepted Agricultural Best Management Practices

March 2023

Introduction

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

Legal Description

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

Odor Control

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

1. Pen Management

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

2. Manure/Stormwater Pond Management

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

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

1. Pen Density

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

2. Regular Manure Removal

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

3. Water Trucks

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

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

Pest Control - Insects and Rodents

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

1. Habitat Management

○ *Regular Manure Removal and Lot Management*

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

○ *Reduce Other Fly Habitats*

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

2. Controls – Biological and Chemical

○ *Biological Control*

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

○ *Baits and Chemical Treatments*

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

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

May 24, 2022

To Whom It May Concern:

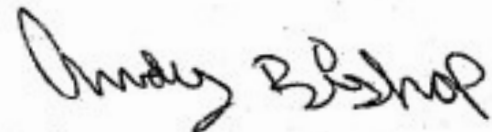
RE: History of Stark/Bishop/4-Sum Company/Present Day owner AK Feeders

The ranch was homesteaded by the Stark's in 1907. The Stark's had a cow/calf operation and feedlot, utilizing horse drawn equipment.

The Bishop's purchased this property in the mid 1950's, where they also ran a cow/calf and feedlot operation, approximately 1,100 head of feeder cattle annually. The feedlot operation consisted of 800 beef cattle that were fed up for butcher. Also yearly there were approximately 300 Holstein calves raised on the property and then finished in the feedlot, until around 900 lbs., and sold to J.R. Simplot Company in Caldwell, Idaho. The seed stock cattle were purchased and or raised on the property, and the cattle pairs were pastured on BLM land in the Owyhee's. Many individuals were involved in the cattle drives averaging about 15 miles.

The property was then owned by the 4-Sum Company (Darwin and Sharon Schweitzer) in the late 1980's. They also raised cattle on this property, around 400 pairs. All of the cattle were retained on this property, and an annual bull sale was held. There were always at least 1,500 head of cattle on this property, consisting of replaced heifers, bulls for breeding stock.

The present day owner, David DeBenedetti owner of AK Feeders, also has 800 head of breeding stock cows and the property is also being utilized as a feedlot operation.

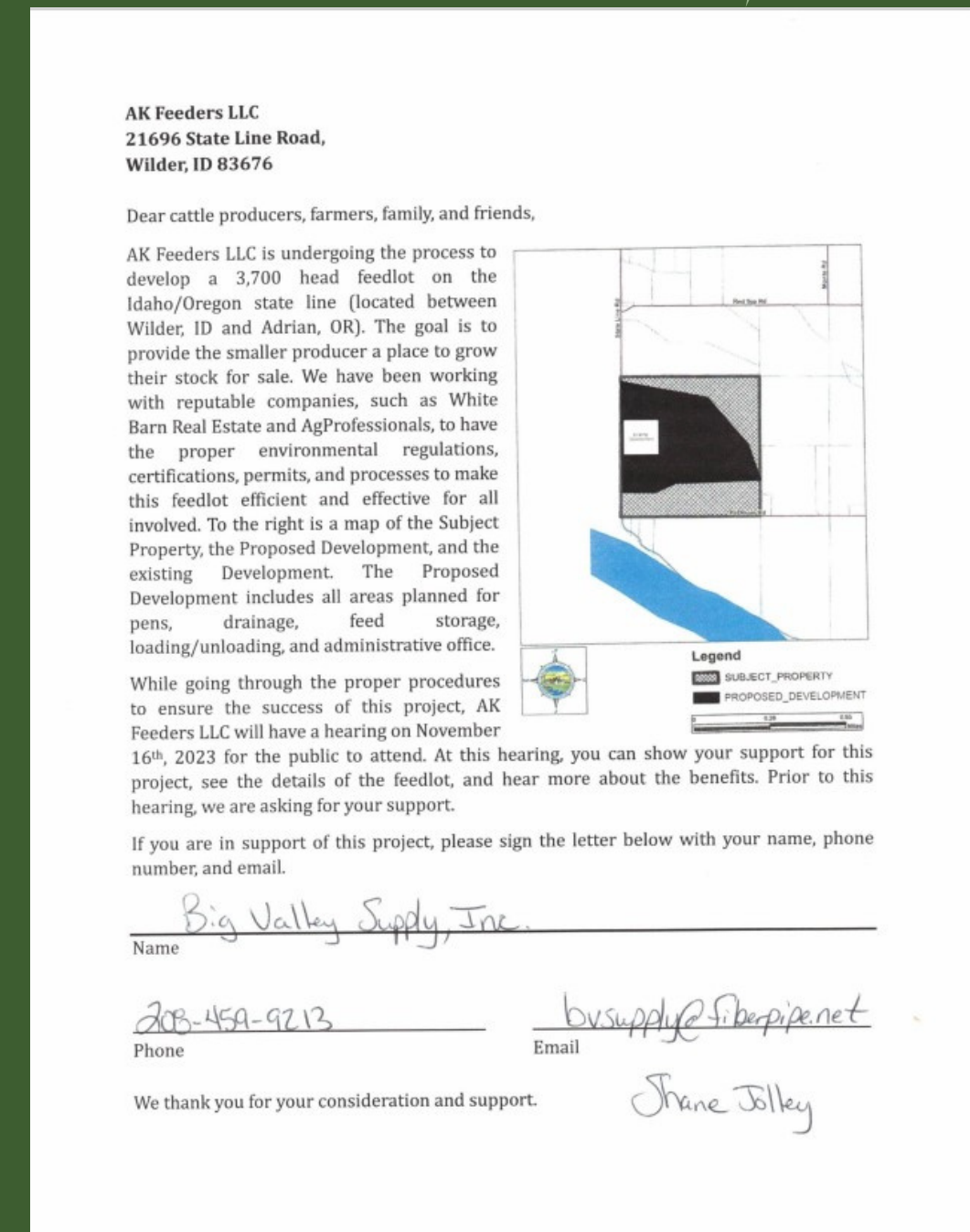
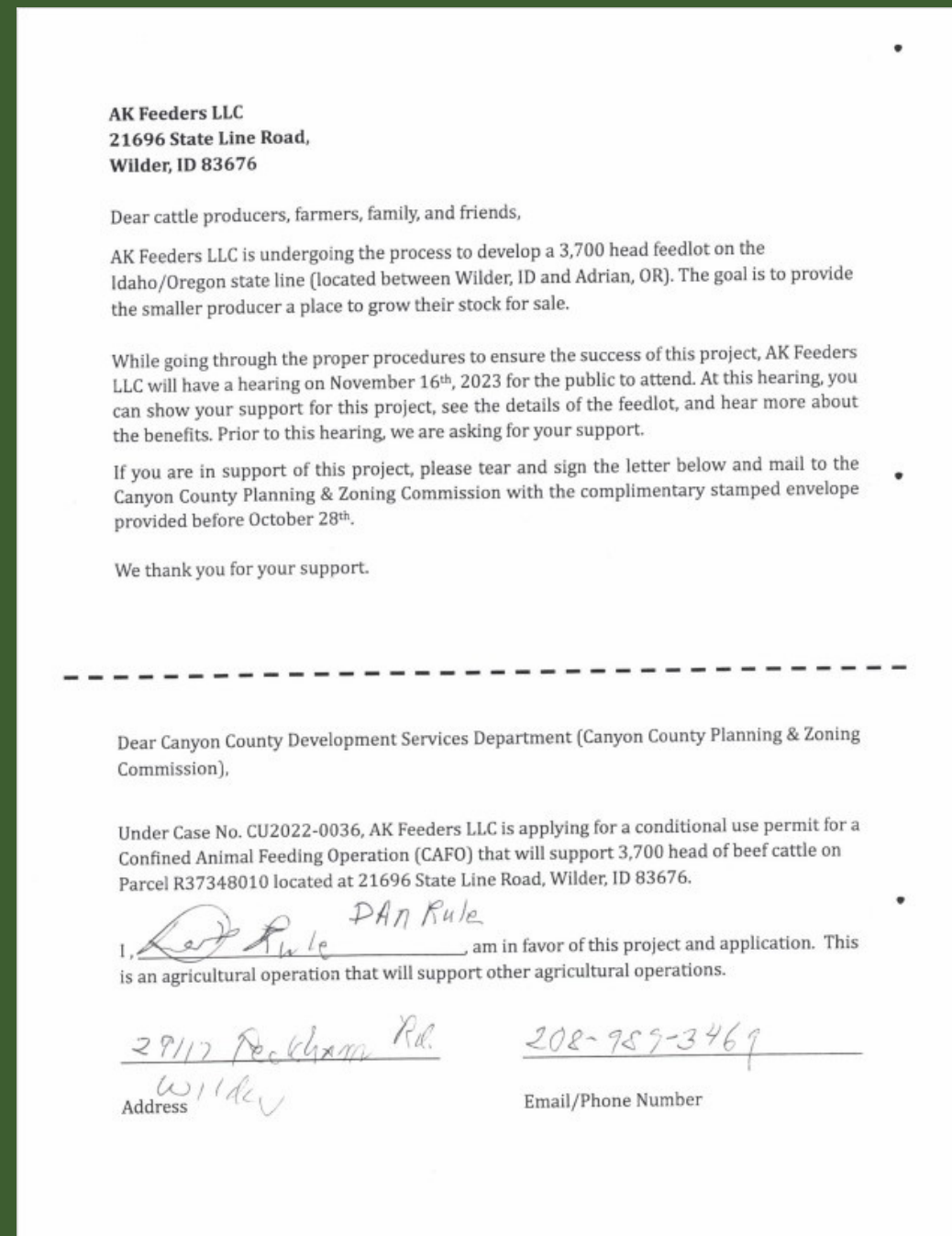
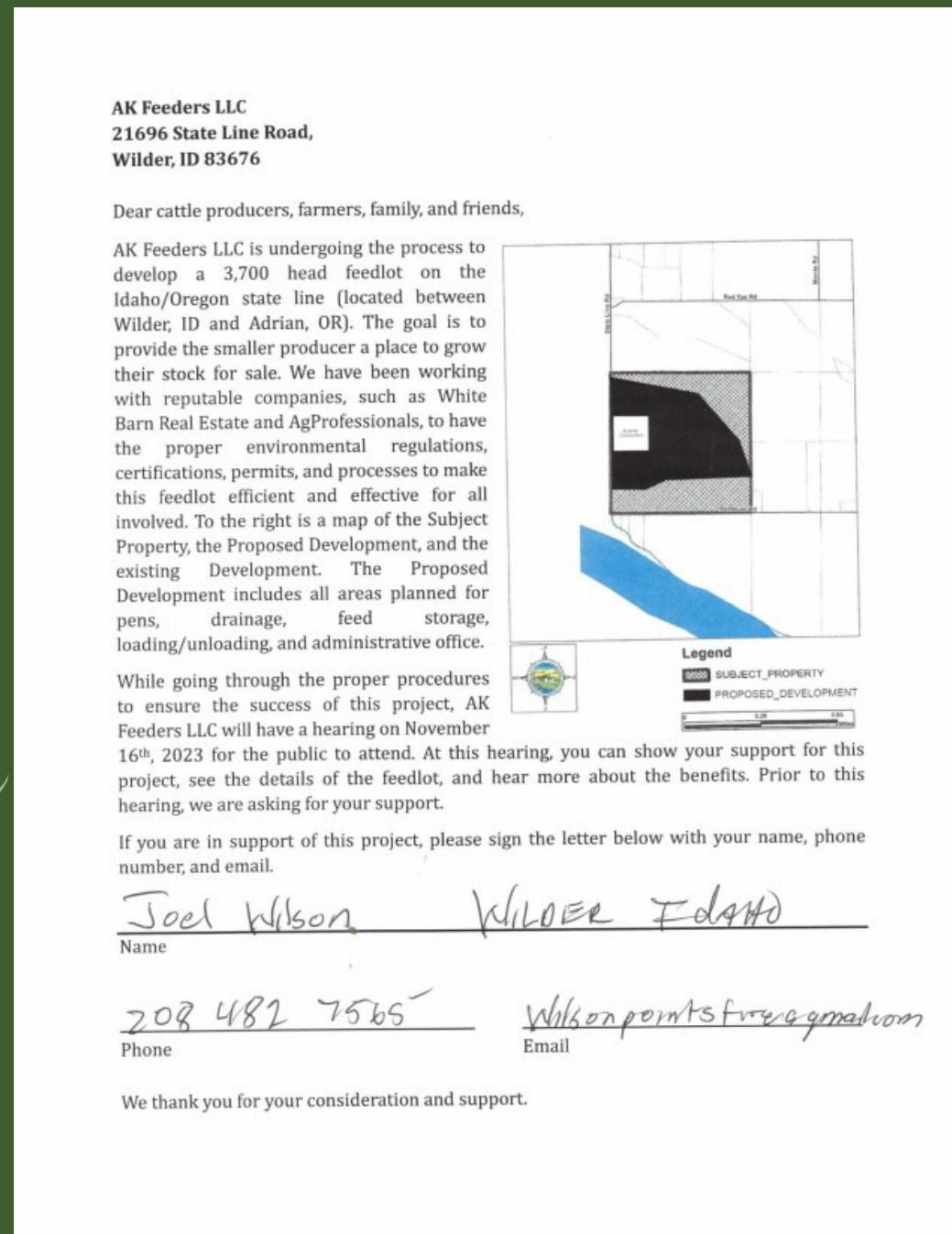


Andy Bishop

HISTORICAL USE



We have received over 155 letters of support from Neighbors, Businesses, and area Farmers & Ranchers. Here are a few examples.



08-01-12: CRITERIA FOR APPROVAL OF EXPANDING CAFOS:

(1) Prior to approval of a CAFO siting permit for an expanding CAFO, the commission shall find that the expanding CAFO meets the following requirements:

A. General Requirements:

1. The expanding CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.
2. The expanding CAFO shall comply with and not be in violation of any federal, state or local law or regulatory requirements.
3. An applicant shall not begin construction of an expanding CAFO prior to approval of the CAFO siting permit.
4. An expanding CAFO shall comply with IDAPA rules governing dead animal disposal.

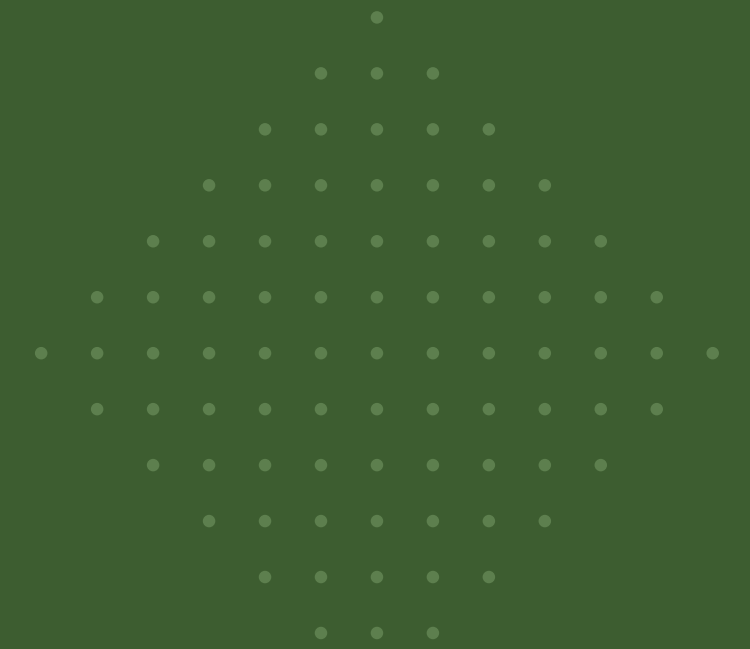
B. Animal Waste:

1. The expanding CAFO shall comply with the terms of its nutrient management plan for land application.
2. The expanding CAFO shall be in compliance with all applicable environmental regulations and requirements.
3. All new lagoons shall be constructed in accordance with state and federal regulations.

C. Site Setbacks:

1. The locating of animal waste systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the expanding CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.
5. The animal waste system shall not be located closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
6. No animal waste system shall be located closer than one hundred feet (100') from a domestic or irrigation well.
7. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
8. The setbacks contained herein shall not apply to land application.

D. Exemption To Subsection (1)C Site Setbacks: Existing agricultural buildings, feed bunks, feed racks, corrals and feed storage areas, including feed products resulting from the ensilage process, are exempt from the setback requirements provided they are not being expanded. Certain land parcels





THANK YOU!

(208) 412-9803

www.mywhitebarn.com

matt@mywhitebarn.com

Engineering Response to Cardoza Appeal

CU2022-0036-APL

For

*AK Feeders
Canyon County, Idaho*



Prepared by



HQ & Mailing: 3050 67th Avenue, Suite 200, Greeley, CO 80634 | 970.535.9318 office | 970.535.9854 fax

Idaho: 213 Canyon Crest Drive, Suite 100, Twin Falls, ID 83301 | 208.595.5301

www.agpros.com

April 2024

AK Feeders is proposing a 3,700 head feedyard for beef cattle along the Idaho and Oregon border near Wilder, Idaho. AGPROfessionals has worked with AK Feeders on the design, engineering, and nutrient management planning for the proposed feedyard expansion. After reviewing the Notice of Appeal for CU2022-0036, AK Feeders, the major concerns were specified as:

- Traffic Count Increase
- Increase of Nitrates and Environmental Impact
- Odor and Flies – Waste Management and Nuisance Control Plan
- Need Idaho NPDES Permit
- High Risk on Siting Team
- Parcel of Land is 200 feet to the Snake River

The concerns have been noted and been addressed throughout the Canyon County Planning and Zoning Process and the engineering process. Below is a summary of how each item has been addressed.

Traffic Count Increase

AK Feeders, their planner, and engineer, met with the Oregon Department of Transportation (ODOT) and Golden Gate Highway District (GGHD) on February 27, 2023. The feedyard is estimated to increase the traffic from 13 average annual daily trips to 24 average annual daily trips. According to Street Light Data, “Average Annual Daily Trips takes in all vehicle trips on a segment of road or highway during a yearlong interval, in both directions, and then divides the total by 365 days to arrive at the average number of daily trips.”

A traffic narrative was developed by AGPROfessionals engineers and submitted to both ODOT and GGHD to document the proposed traffic increase (Attachment A). As the increased traffic volumes are below the Traffic Impact Study (TIS) thresholds of 50 peak hour trips and 500 average annual daily trips (Section 3110.010 of the Highway Standards and Development Procedures for the Association of Canyon County Highway Districts, 2022), the peak hour left turning volume is less than 10 vehicles, and the peak hour right turning volume is less than 25 vehicles, no roadway improvements are anticipated for the proposed uses. As a part of the CUP conditions, the access is proposed to be paved to provide tracking control for the site.

Increase of Nitrates and Environmental Impact

County Code of Canyon County, Idaho defines a Confined Animal Feeding Operation (CAFO) as a facility over 1,000 cattle. If the facility is under 1,000 cattle it is not defined as a Confined Animal Feeding Operation (CAFO) does not require a Conditional Use Permit (Section 08-01-06 Definitions). Under Idaho State Department of Agriculture (ISDA) rules, Beef CAFOs do not need a nutrient management plan (NMP) until they reach 1,000 beef animals. If the facility were to operate at the current amount, they would not need to implement clay lined ponds, grading/drainage, or NMP. By crossing the 1,000 beef animal threshold, additional measures will be taken to protect the water in the area. The design parameters are from the

Agricultural Waste Management Field Handbook, Chapter 10, 651.1080 Appendix 10D Geotechnical, Design, and Construction Guidelines and are designed to protect surface and groundwater.

The site was designed and engineered by an Idaho licensed Professional Engineer. The ponds are designed with a minimum of 15% clay material at 300 psi compaction (or equivalent) to meet the regulated seepage rate of 1×10^{-6} cm/sec. This is inspected by ISDA prior to use. ISDA inspects the site annually and reviews the NMP on a regular basis. The additional regulatory requirements for environmental protection are implemented when Beef CAFOs exceed 1000 animal units and therefore, this facility will have more environmental protection than it would have had if it maintained under 1000 animal units.

According to Idaho Department of Environmental Quality (IDEQ), the Idaho Ground Water Quality Standard and EPA drinking water standard for public water systems is 10 parts per million (or 10 milligrams per liter (mg/L)). It appears that the well samples taken were under 10 mg/L and they were located adjacent to the site. It did not appear that the wells were down gradient of the project site.

The other samples appear to be surface water samples from or near the Allen Drain. The project site is located in the Mid Snake River/Succor Creek Subbasin from data provided by the Idaho Soil and Water Conservation Commission. According to the Idaho Pollutant Discharge Elimination System Effluent Limit Development Guidance, “Nutrients except ammonia, are not toxic pollutants under the Clean Water Act (CWA) so the need for effluent limits can be evaluated differently than toxics. In some cases, suspected water quality problems due to nutrients may best be handled by the total maximum daily load (TMDL) process.” The Total Maximum Daily Load (TMDL) as identified in this reach of the Snake River is predominately sediment. The nitrogen and phosphorus loadings in the Snake River in this region are not currently listed as a TMDL. This does not mitigate the importance of reducing the nitrogen and phosphorus loadings in surface water but puts emphasis on reducing the sediment loadings. The nutrients that a feedyard produce in the manure are predominately nitrogen and phosphorus. These are the same nutrients that are also used in standard farming practices, fowl feces, pasture animals, etc., which are unregulated.

Odor and Flies – Waste Management and Nuisance Control Plan

A Waste Management and Nuisance Control Plan (Attachment B) was submitted as part of the application for the CAFO Permit for AK Feeders that specifically addresses a plan to mitigate odor and flies/pests that can occur with a feeding operation. The sections below outline the sections of the plan to address both odor and flies/pests.

- *Odor*
Odors result from the natural decomposition processes that start as soon as the manure is excreted and continue as long as any usable material remains as food for microorganisms living everywhere in soil, water, and manure. Odor strength depends on the kind of manure, and the conditions under which it decomposes. Although

occasionally unpleasant, the odors are not dangerous to health in the quantities one customarily notices around animal feeding operations and fields where manure is spread for fertilizer. AK Feeders will use the following methods and management practices for odor control:

1. Pen Management

Drainage and Regular Manure Removal

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

2. Manure/Stormwater Pond Management

Aerobic Designed Ponds

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

o *Pest Control - Insects and Rodents*

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

1. Habitat Management

Regular Manure Removal and Lot Management

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

Reduce Other Fly Habitats

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

2. Controls – Biological and Chemical

Biological Control

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

Baits and Chemical Treatments

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

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

Need Idaho NPDES Permit

Idaho does not have a General CAFO NPDES Permit. Idaho Department of Environmental Quality (IDEQ) and Idaho State Department of Agriculture (ISDA) have a Memorandum of Understanding (MOU). The purpose of the MOU is to interpret and apply the relative authorities and responsibilities of ISDA and DEQ relating to Nutrient Management. ISDA has relative authority over the Nutrient Management Plans of the Beef Cattle Operations. The facility does not intend to discharge and therefore does not need an Individual NPDES Permit.

The proposed CAFO Ponds are designed for stormwater runoff. The feedyard does not have additional processed water.

High Risk on Siting Team

The Siting Team rated the site as a High Risk but provided mitigation factors to reduce the high risk of the site. The mitigation factors that were recommended and will be implemented by the facility are:

- Waste System improvements/modifications will need to take place prior to the increase in animal units.
- Appropriate setback distances as listed in IDAPA 02.04.30 subchapter D “Stockpiling of Agriculture Waste” from the stockpiling of solid waste to any domestic or irrigation well or down-gradient surface water of the State of Idaho.
- Care should be taken when applying solid waste/manure to the facility-controlled fields to ensure that runoff does not occur as a result of a weather event. Timely incorporation of solid manure applications into the soil will also assist in minimizing runoff potential.

Also, animal manure should be incorporated into the soil prior to irrigation and ideally within 72 hours of application.

- Care should be taken when handling liquid and solid waste in the facility. To protect groundwater, effluent associated with the CAFO facility and standing effluent in the corrals and low areas of the facility must be stored/transferred in an ISDA-approved structure. Furthermore, frequent removal of solid waste and storage in a concrete/clay-lined (>15% clay) surface will help to prevent groundwater pollution.

The owner has reviewed and acknowledged the mitigation matters and plans to implement them as part of the CAFO operation.

Parcel of Land is 200 feet to the Snake River

The edge of the parcel of land where the feedyard expansion is being proposed is located approximately 200 feet from the Snake River; however, the proposed pens are 1,000 feet away (Attachment C). The proposed pens will be designed and graded to drain to a lined impoundment. A grading plan has been developed for the proposed expansions (Attachment D). In an extreme design storm, there is over 1000 feet of vegetative buffer between the pens/ponds to the Snake River.

Vegetative buffer strips for filtering out nutrients in land application are recommended at 20 feet or 50 feet for fields longer than 1000 feet (per Phosphorus Indexing Requirements by ISDA). These buffers are intended to intercept and slow runoff thereby providing water quality benefits. The feedlot will capture the runoff in the ponds, and then has an additional 1000 feet until water would reach the Snake River, providing more than sufficient vegetative setback from the Snake River.

There is a roadside drain on the northeast corner of Peckham Road and State Line Road which appears to catch stormwater runoff from the roadway. There is over 700 feet of vegetative buffer between the feedyard pens and the drain. The vegetation is to be maintained and regularly inspected.

The concerns on the environment, water quality, odor/flies, and traffic are factors that can be present on a feedyard expansion. These factors have been mitigated with engineering and planning and will continue to be monitored by the owner/operator per the Canyon County CAFO permit Conditions and the ISDA NMP that are in place.

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Attachments:

Attachment A – AK Feeders CUP Traffic Narrative

Attachment B – AK Feeders Waste Management and Nuisance Control

Attachment C – Vicinity Map

Attachment D – Grading Plan

Attachment A

AK Feeders CUP Traffic Narrative

Traffic Narrative

Prepared for AK Feeders
Canyon County Conditional Use Permit

Introduction

This Traffic Narrative is prepared for AK Feeders Conditional Use Permit (CUP) request. AK Feeders is requesting a CUP for a Confined Animal Feeding Operation (CAFO) operation on parcel R37348010 which is more particularly described as being a part of the North Half of Section 14, Township 4 North, Range 6 West of the Boise P.M., Canyon County, Idaho, consisting of approximately 163-acres (+/-).

The subject property currently contains pens, feed storage, indoor riding arena, and center pivot fields. Additional pens, feed storage, gravels roads to pens, runoff ponds, and access paving are proposed.

A commercial access permit from Golden Gate Highway District (GGHD) will be applied for separately.

Existing Conditions and Roadway Network

The subject property is accessed along the west side of the property from State Line Road. No new accesses are proposed to serve the property.

State Line Road is a north-south two-lane local paved roadway. All traffic is expected to come from State Line Road. It is estimated that approximately 50% of the traffic is from the north and 50% of the traffic is from the south. The portion of State Line Road where the access to the feedyard is located has a split jurisdiction between Oregon Department of Transportation (ODOT) and GGHD. ODOT maintains the roadway, but GGHD has jurisdiction along the east side of State Line Road including the access to the site which is located on the Canyon County, Idaho side of State Line Road.

State Line Road is flat and straight in both directions leading into the site. Peckham Road to the south of the principal access curves east approximately 1,000 feet from the access. The nearest highways are the 201 in Oregon, approximately 3.30 miles to the west, and the 95 in Idaho, approximately 5.70 miles to the east.

The access to the property is classified as a minimum use access on a local road. It is primarily used for feed and fuel delivery trucks, cattle trucks, and employee vehicles.

Vet visits will occur approximately once monthly, and inspections will occur once yearly, adding very small traffic impact to the site. As a part of the CUP request, paving the access to provide tracking control onto State Line Road is proposed.

Figure 1 references the Golden Gate Highway District Functional Classification 2040. The site is shown in relation to its location along State Line Road. As shown, it is along an area classified as a local road. The expected traffic proposed with the CUP request is not expected to significantly increase the traffic in this area and will continue to comply with the minimal use access.

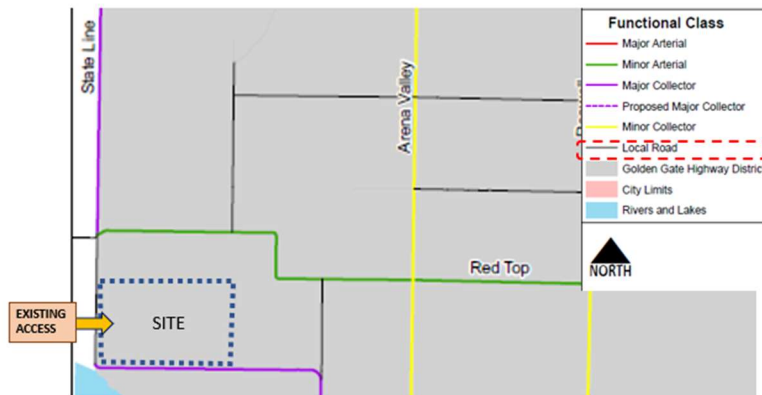


Figure 1. Golden Gate Highway District Functional Classification 2040

Trip Generation

The expected hours for outgoing and incoming semi-trucks and other vehicles and equipment will be Monday through Sunday 6:00 A.M. to 5:00 P.M. The highest traffic volumes will be generated during the morning hours of 7:00 A.M. to 9:00 A.M. and in the evening between 3:00 P.M. to 5:00 P.M when employees enter and exit the property. During peak traffic hours no more than five vehicles are expected to be going in and out. Occasional operations outside of the expected hours may be required due to CAFO industry needs.

The site will include a shipping and receiving area for cattle and commodities. Parking for employees will be gravel spaces located near the entrance.

The CAFO expansion only increases the number of employee vehicles from five to nine. The number of trips per day increased from 13 to 24 for the proposed site averaged over the year. The following traffic volumes are anticipated for this proposed site:

Commercial Vehicles/Equipment	6 roundtrips per day
Owner/Employee Vehicles	18 roundtrips per day

The arrival and departure of vehicles is expected to be staggered throughout the day. Employee traffic, which accounts for the majority of the traffic, will arrive in the morning and then depart in the evening.

Conclusion

As the increased traffic volumes are below the TIS thresholds, the peak hour left turning volume is less than 10 vehicles, and the peak hour right turning volume is less than 25 vehicles, no roadway improvements are anticipated for the proposed uses. As a part of the CUP conditions, the access is proposed to be paved to provide tracking control for the site.

Attachment B

AK Feeders Waste Management and Nuisance Control

Waste Management Plan

Waste Management and Nuisance Control

For

*AK Feeders
Canyon County, Idaho*

Prepared by



HQ & Mailing: AGPROfessionals
3050 67th Avenue
Greeley, CO 80634 (970) 535-9318

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

Developed in Accordance with Generally Accepted Agricultural Best Management Practices

March 2023

Introduction

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

Legal Description

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

Odor Control

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

1. Pen Management

○ *Drainage and Regular Manure Removal*

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

2. Manure/Stormwater Pond Management

○ *Aerobic Designed Ponds*

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

Dust Control

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

1. Pen Density

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

2. Regular Manure Removal

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

3. Water Trucks

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

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

Pest Control - Insects and Rodents

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

1. Habitat Management

○ *Regular Manure Removal and Lot Management*

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

○ *Reduce Other Fly Habitats*

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

2. Controls – Biological and Chemical

○ *Biological Control*

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

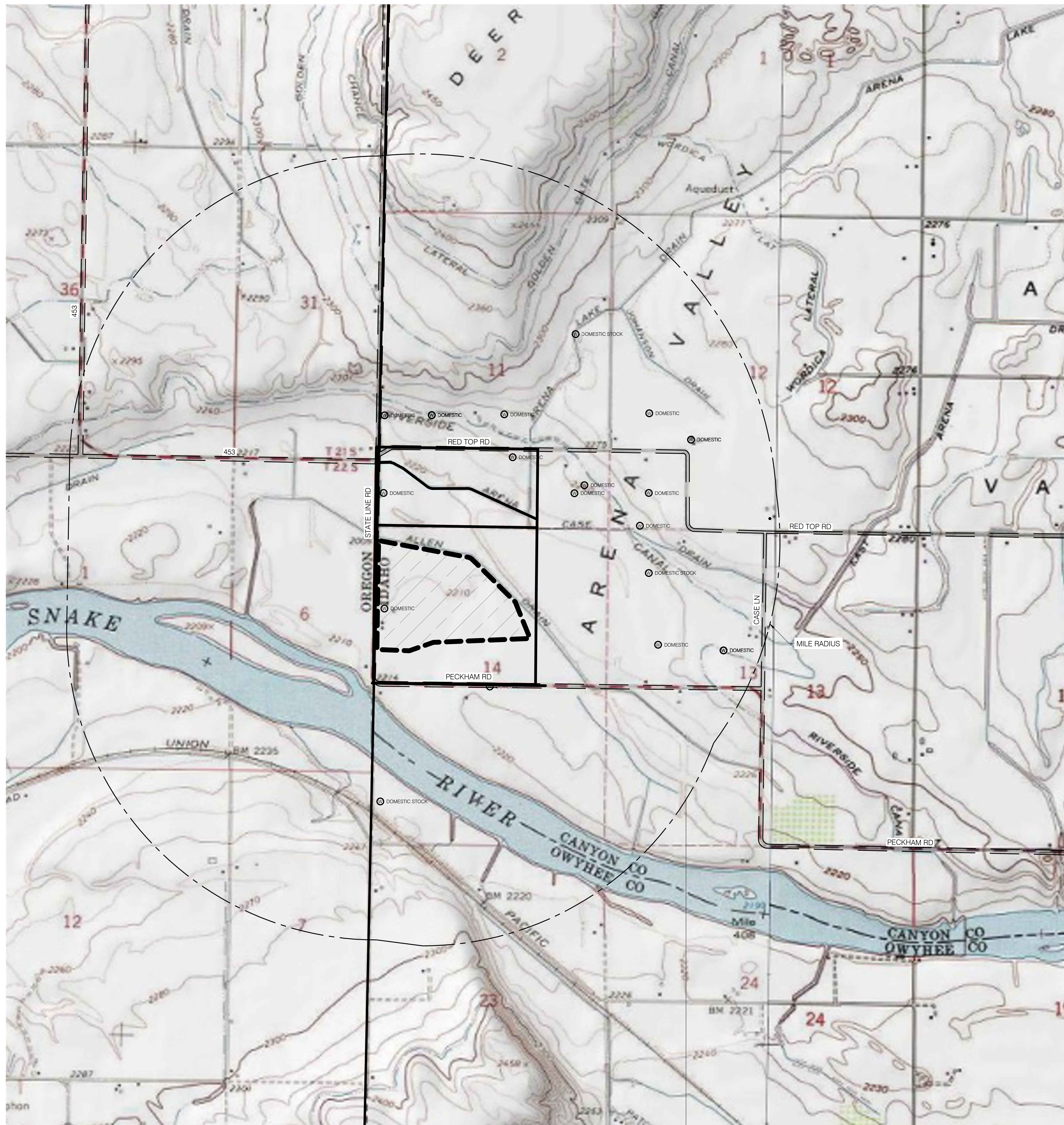
○ *Baits and Chemical Treatments*

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

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

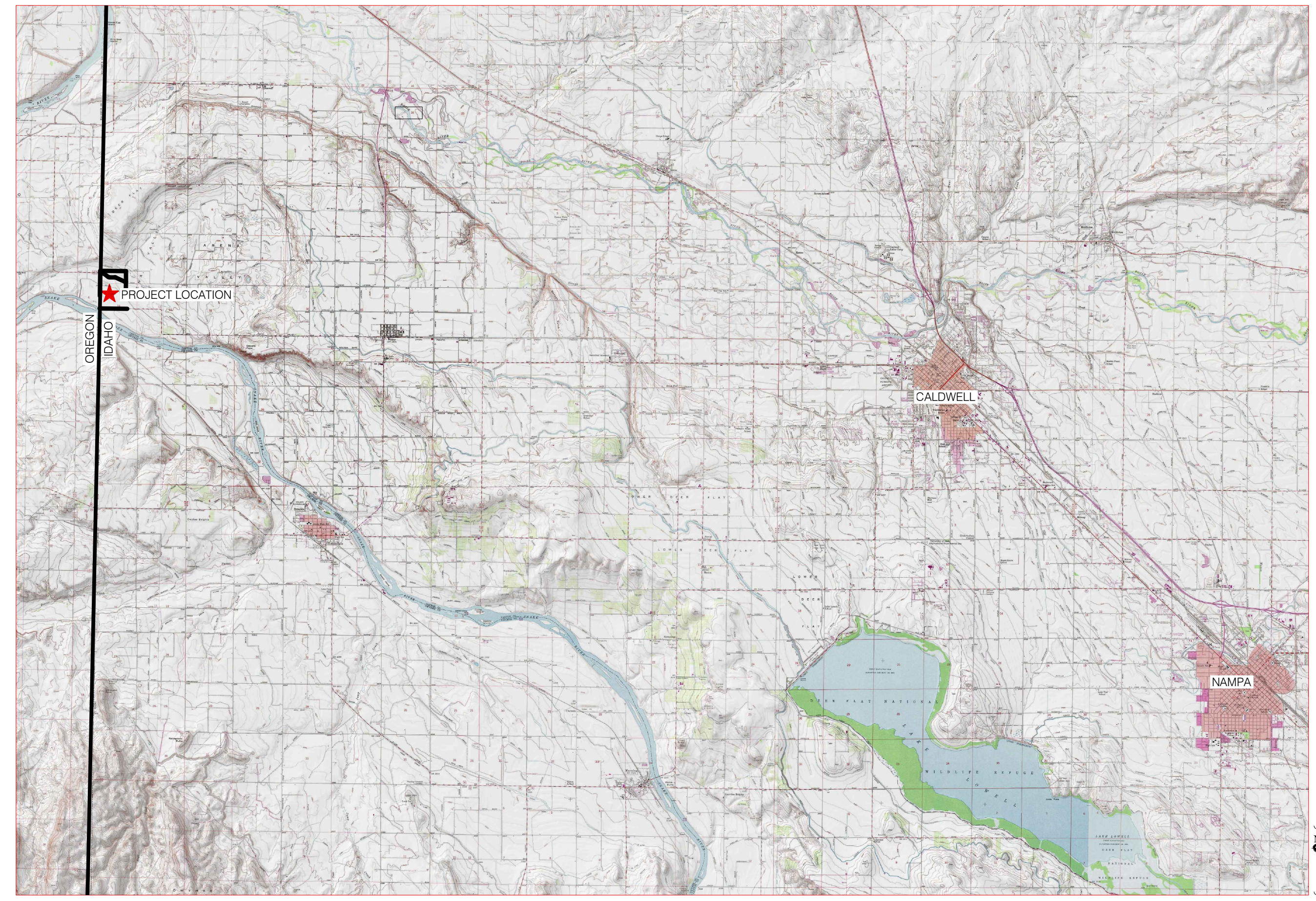
Attachment C

Vicinity Map



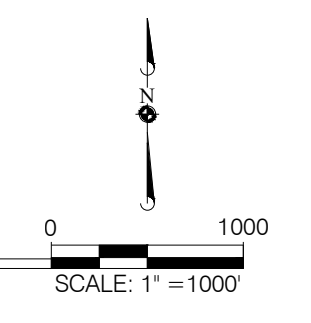
LEGEND

- PROPERTY BOUNDARY
- PROPOSED EXPANSION AREA
- MILE RADIUS
- EXISTING ROAD
- EXISTING WELLS



VICINITY MAP SCALE: 1" = 10000'

VICINITY MAP



DATE: April 4, 2024
 DRAWN BY: AGPRO
 ISSUE/REVISION: /-/-
 DSC:



AGPRO professionals
 DEVELOPERS OF AGRICULTURE
 3050 67th Avenue, Suite 200,
 Greeley, CO 80634
 (970) 535-9318 • fax: (970) 535-9854
 218 Canyon Crest Dr, Suite 100,
 Twin Falls, ID 83301
 (208) 595-5301



AK FEEDERS
 VICINITY MAP
 WILDER, ID

SHEET:
 V-1

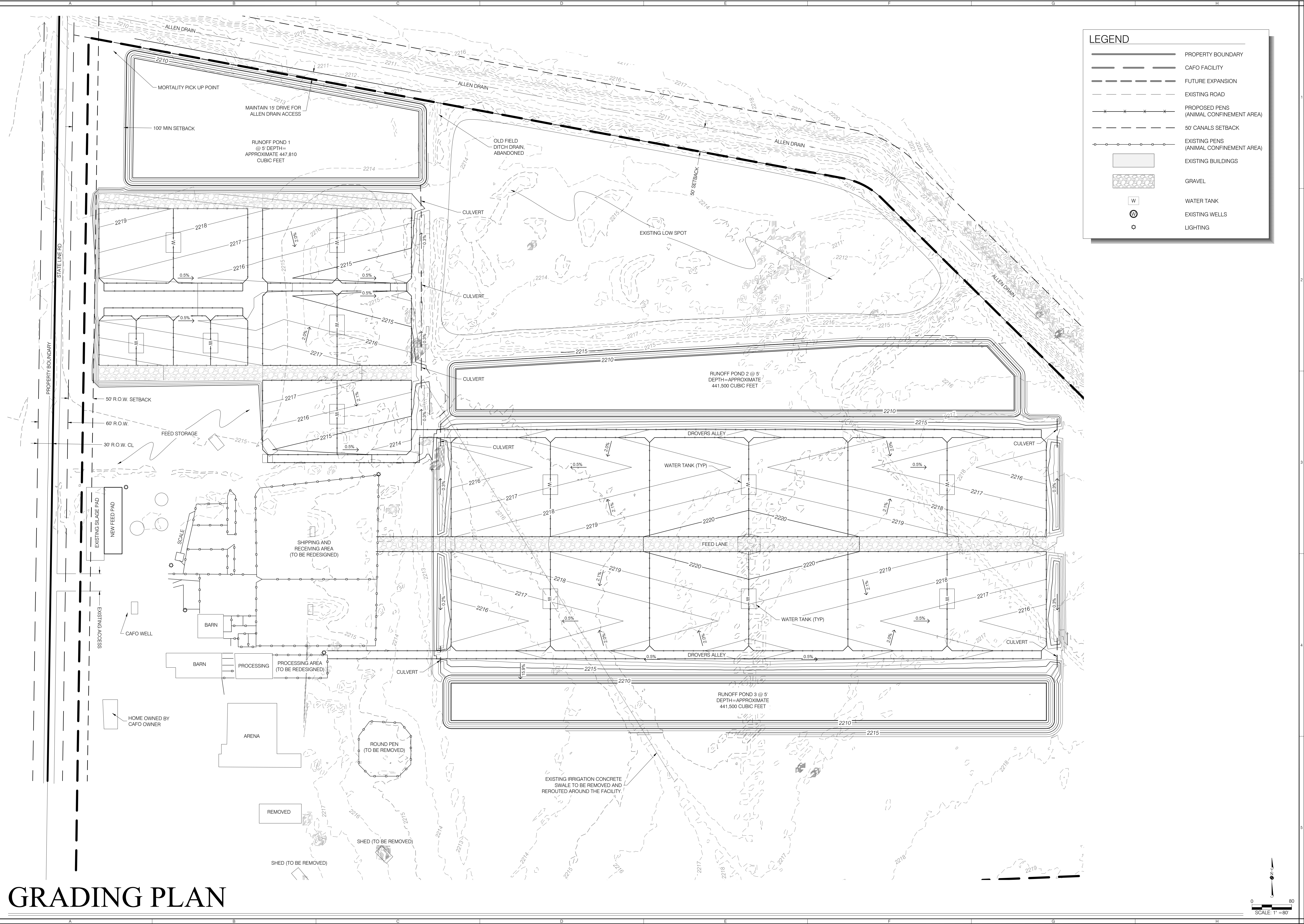
Attachment D

Grading Plan

GRADING PLAN

LEGEND

- PROPERTY BOUNDARY
- CAFO FACILITY
- FUTURE EXPANSION
- EXISTING ROAD
- PROPOSED PENS (ANIMAL CONFINEMENT AREA)
- EXISTING PENS (ANIMAL CONFINEMENT AREA)
- 50' CANALS SETBACK
- EXISTING BUILDINGS
- GRAVEL
- WATER TANK
- EXISTING WELLS
- LIGHTING



DATE: September 5, 2023
 DRAWN BY: AGPRO
 ISSUE/REVISION:
 A ISSUED FOR REVIEW
 03/2023

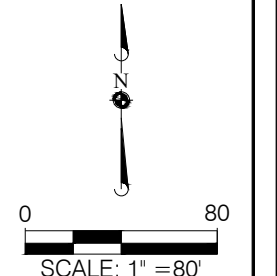


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AK FEEDERS
GRADING PLAN
 WILDER, ID

SHEET:
GR-1





White Barn Ventures, Inc.

Canyon County Development Services
ATTN: Debbie Root
111 N. 11th Avenue
Caldwell, ID 83605
RE: 2020 Comp Plan Analysis

10/23/2023

Hi Debbie,

Please see the attached 2020 comp plan analysis and review of the applicable conditional use permit criteria under CCC 07-07-05 and 08-01-11 I am submitting on behalf of my clients, AK Feeders, for their CAFO CU2022-0036 application. This CAFO application is in conformance with the 2020 Comprehensive Plan. The proposed application for the expansion of this cattle operation meets many of the goals, policies, and implementation actions in the Plan, some of which I have listed below.

- **Pg 34 Goals:**

1. To diversify and improve the economy of Canyon County in ways that are compatible with community values.
2. To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities.
3. Create new jobs that are sustainable and lasting.
4. Provide an economically viable environment that builds and maintains a diverse base of business.
5. To ensure that land use policies, ordinances and processes allow for a viable economic environment for development

- **Page 34 & 35 Policies:**

1. Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
2. Support existing business and industry in the county.
- 3a. Encourage broad-based economic development programs that include natural resources such as agriculture.
8. Set aside suitable sites for economic growth and expansion that are compatible with the surrounding area.

- **Page 36 states:**

Agriculture and natural resource management is important to Canyon County and each of the cities and outlying communities as a whole. Eighty four percent of the total land area of Canyon County is agricultural. According to the Bureau of Reclamation, between 2002-2007 Canyon County lost 25% of its productive agricultural lands to development.

EXHIBIT
4



This rapid urbanization has made it difficult for existing Agricultural operations to continue with generally recognized agricultural practices without public scrutiny. Farming continues to be an economic stability to the County and the use of agricultural land for the production of food and fiber continues to serve as a constant need as a land and economic base. A more detailed discussion of agricultural trends can be found in Chapter 13. Conflicts may arise between raising crops and animals amidst residential or transitional type uses.

*More recent studies were included in the 2030 Comp Plan, According to American Farmland Trust's "Farms Under Threat: The State of the States" 2020 report, 8,800 acres, or almost fourteen square miles of County farmland was converted to low and high-density development between 2001-2016. That's close to one square mile per year. Boise State University Land Use Lab estimates the current conversion rate has accelerated to 1,113 acres per year, or almost two square miles per year, as Canyon County continues to be the path of growth in the Treasure Valley.

- **Page 37: Agriculture:**

The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value. This proposed use is "Agriculture" by definition.

- **Page 38: Goals:**

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

- **Page 39: Agriculture:**

The County's policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide, fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.

- **Page 40: Policies:**

1. Encourage the protection of agricultural land for the production of food.



3. Canyon County supports Idaho's Right to Farm laws (Idaho Code § 22-4501-22-4504), as amended.

4. Recognize that Confined Animal Feeding Operations ("CAFO's") may be more suitable in some areas of the county than in other areas of the county. **The site borders Oregon, which has strict land use laws deterring residential development, as well as very low residential density in the immediate vicinity on the Idaho side. The site is also isolated from much more densely populated residential areas in the county towards the east in Wilder, Greenleaf, Caldwell and Nampa.**

- **Page 42: Implementation Action for CAFO's:**

Review and refine the siting standards and regulations for Confined Animal Feeding operations.

- **Page 43: Goals:**

1. Encourage the protection of agricultural land, fish and wildlife habitat, clean water and air, and desirable vegetation for use by future generations.

2. This Plan recognizes the attributes of agricultural land as natural resources in the county. An important planning challenge in development of land is balancing natural resources against the impacts of population growth.

- **Page 44: Goals: A. Agricultural Land:**

1. To support the agricultural industry and preservation of agricultural land.

- **Page 44: Policies: A. Agricultural Land:**

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

- **Page 46: A. Agricultural Land:**

Implementation Action: Establish preservation standards and incentives that protect the long-term use of land with agricultural soils, used for existing agricultural operations and designated for rural use.

Implementation Action: Review and refine the siting standards and regulations for Confined animal feeding operations.

- **2030 Comp Plan**

Although the application was submitted under and subject to the 2020 Comp plan, many attributes of the new 2030 Comp Plan would also apply to this CAFO permit request including the items listed below.

Agriculture

Agriculture is a significant economic driver. According to the USDA 2017 Census of Agriculture, Canyon County Profile, the total market value of agricultural products sold was \$574,757,000, \$314,467,000 in crops and \$260,290,000 in livestock. This ranked fifth in Idaho and seventy seventh in the United States.



The County has the second-highest annual average of agricultural workers at 5,668. This robust agricultural economy is the product of investment of multiple generations of family farms and ranches to produce a volume of crops and livestock that has in turn, driven the location of many food processing and distribution facilities in Canyon County. The Idaho Department of Labor estimates 5,668 employees of the agricultural industry in the County in 2021. This large agricultural economic hub is a direct result of the unique combination of good soil quality, reliable irrigation water supply, climate, and transportation corridors in Canyon County. These factors are not easily relocated or recreated in other areas of Idaho.

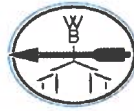
Agriculture Description The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value.

The AK Feeders Site lies under an Intensive Agriculture overlay in the 2030 Comp Plan. This overlay is applied to protect working lands and operations. These areas may have higher quality soils, water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, **concentrated animal feeding operations, grazing,** and other agriculturally based uses. This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety.

Agriculture Land Use The majority of farms in the County consist of cropland at eighty percent, followed by pastureland at fourteen percent. A total of 213,410 acres were irrigated, coming out to seventy-eight percent of farmland. **The top crops in acres were forage (hay/haylage) 49,359, wheat for grain 31,647, corn for grain 21,012, corn for silage 20,293,** and vegetables harvested 19,314.

The AK Feeders operation relies heavily on Hay, Corn Grain, and Corn Silage for the majority of the feed ration. The location of this CAFO is in an area where these crops are grown in the immediate vicinity. Locally sourcing these crops is an economic benefit to the area's farms, and this area is well suited for Corn Silage and Haylage production that is not easily transported long distances. Many times hay crops are rained on, making dry hay difficult to produce. Chopping haylage allows for quicker removal of the crop from the field, and ultimately more crop production. Not only is this another option for local hay producers to market their feed, it is also better for crop yields.

Manure and compost produced by this operation will also bolster crop yields in the area, reducing the reliance on chemical fertilizers that are more prone to leaching into aquifers and surface waters than organic fertilizers. CAFOs are a necessary part of Canyon



Counties Agriculture community, and will help to insure the Counties strong foothold in Agriculture for generations to come.

Commodity Crops

According to USDA's CropScape and the National Agricultural Statistics Service, the top nine commodity crops grown in the County are **alfalfa, hay**, spring and winter wheat, **corn**, sugar beets, beans, potatoes, and onions. Secondarily, the alfalfa, hay, and corn crops grown are a significant source of the feed supply for the dairies and feed lots in the County.

Livestock

According to the 2017 Census of Agriculture County Profile for the County, livestock is ranked number six in the state, with fourteen percent of land in farms identified as pastureland. The County has several feedlots and dairies.

Additional Goals and Policies from the 2030 Comp Plan that support the application:

P3.04.01 Build Canyon County as the premier location for agricultural-based businesses of all sizes.

G12.01.00 Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.

P12.01.01 Preserve and maintain agriculturally designated lands for agricultural use.

P12.01.04 Prioritize the protection of agriculture and farmlands in Canyon County as an essential part of the County's economy, identity, and sense of place.

G12.02.00 Support farmers and enhance local farmland.

P12.02.01 Encourage soil and water stewardship to ensure that agriculture remains an essential and sustainable part of Canyon County's future.

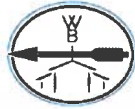
County Ordinance Criteria For Approval – CCC 08-01-11 and 07-07-05

This CAFO is evaluated under CCC 08-01-11 as a CAFO and 07-07-05 for conditional use permits. I would like to address how our application complies with those applicable criteria.

08-01-11: CRITERIA FOR APPROVAL AND DEVELOPMENT STANDARDS FOR NEW FACILITIES:

(1) Prior to approval of a CAFO siting permit for a new CAFO, and after public hearing, the commission shall find that the proposed new CAFO meets the following requirements:

A. General Requirements:



1. The new CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate. **The AK Feeders site is within an Agriculture Zone. This is an agricultural use.**

2. The new CAFO shall comply with and not be in violation of any federal, state or local laws or regulatory requirements. This cattle feeding operation has submitted and received approval of their nutrient management plan by the Idaho Department of Agriculture. The facility will also be subject to regular inspections by the Idaho Department of Agriculture to ensure compliance with applicable laws and regulations and the approved nutrient management plan. **The AK Feeders CAFO application is utilizing the best management practices and a dry scape modern design and engineering and will comply with laws and requirements set forth by the governing agencies.**

3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit. **Any past onsite construction was to support the existing feedlot which is under the 1000 Animal Unit threshold, and not directly related to the CAFO expansion request.**

4. A new CAFO shall comply with IDAPA rules governing dead animal disposal. **The site will comply with these rules.**

B. Animal Waste:

1. The new CAFO shall comply with the terms of its nutrient management plan for land application. **The site will comply with these rules.**

2. The new CAFO shall be in compliance with all applicable environmental regulations and requirements. **The site will be subject to regular Department of Agriculture inspections and will comply with the governing environmental rules and regulations for this CAFO.**

3. All new lagoons shall be constructed in accordance with state and federal regulations. **The design and construction of these lagoons is and will be in compliance. Lagoons will be built utilizing a clay liner that meet the 1 x 10-6 cm/sec seepage requirement. Prior to the lagoon/ponds being implemented they will be tested and approved by ISDA as required.**

C. Site Setbacks: An expansion of an existing CAFO, other than a simple expansion of the number of animals, shall comply with the following site setbacks. If the expansion requires a change in only one or more of the following, the particular item shall comply with the particular setback listed below. The site shall not be required to meet new setback requirements unless the requested expansion requires a change in that particular item. For example, if there is no



change in the size or location of the ensilage process, an operator need not bring that particular use into conformance with the requirements of subsection C2 of this section regarding setback from an existing residence. **The site plan satisfies the setback requirements listed in items 1-3 below.**

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

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

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

4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area. **The site plan satisfies the lighting requirements and lighting for the facility will be directed downward.**

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

(A) Whether the proposed facility will be injurious to or negatively change the essential character of the vicinity. **The proposed site will not negatively change the character of the area, or be injurious to neighboring properties. This property has a long history of raising cattle since the early 1900s. From the 1950s through the 1980s there were approximately 1100 to 1500 head of cattle in the operations on this property. The current owners have approximately 800-1000 head they raise on the property. This is a longstanding agricultural use in the AG zone. This historic use of this property and the many other AG uses in this Ag zoned area generate dust, noise, odors, truck and tractor traffic. All of those things are part of the agricultural character of the area. This modern feedlot will be compatible with the other primary agricultural uses in the area. The facility and its various components will be designed and constructed in accordance with the site plan and applicable regulations. The applicant will comply with the approved Nutrient Management Plan and the proposed Waste Management Plan. The potential risks associated with the physical nature of the site area are easily mitigated through design and operation of the CAFO facility.**



The operation will be regularly inspected by the Department of Agriculture for compliance. The applicant will follow the recommendations of the CAFO siting as noted in their report. All of the foregoing will put the actual risk of the operation at a low or minimal level. The additional traffic from this facility will be minimal. The number of trips generated by this operation does not come anywhere near the level required to conduct a traffic study. The additional annual average trips per day only increases by 11 per day as noted in the traffic narrative in the submittal materials. This operation does not result in a significant additional impact on the road system in the area.

(B) Whether the proposed facility would cause adverse damage, hazard and nuisance to persons or property within the vicinity. **The proposed site will not cause adverse damage, hazards or be a nuisance to person or property within the vicinity. The proposed use is similar in nature to the current feedyard operation. The permit approval will allow the site to be updated to include runoff ponds to further modernize the operation and mitigate risks associated with weather events. This will be a modern dry scrape operation so standing water which contributes to insect breeding and odor will not be a significant issue. The applicant will utilize various methods which are described in more detail below to help control insects, dust and odors. Storm water retention ponds on the site are designed in accordance with necessary capacity standards and will be clay lined in accordance with applicable environmental regulations to protect the aquifer. The CAFO siting team looked solely at the physical nature of the site in calculating a high risk score for the site. The physical characteristics of the site are what they are – they can't be changed but they certainly can be addressed and mitigated so the actual risk is low or minimal. The team's evaluation and calculation does not include or consider in any way the design and operation of the facility and its various components and practices used to address potential risks. The Siting Team leader Dr. Pradip Adhikari with the Idaho Department of Agriculture stated that the risks noted at the site report can be easily mitigated using the recommendations in the team's report and the design and management practices utilized in this facility.**

(C) Whether studies should be ordered at the CAFO applicant's expense to aid the commission/board in determining what additional conditions should be imposed as a condition of approval to mitigate adverse damage, hazard and nuisance effects. **The applicant has prepared the necessary analysis and complied with all requests, and will be utilizing the best management practices described herein and further outlined in the Nutrient Management Plan, Waste Management Plan, and Nuisance Control plan.**



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

7. No animal waste system shall be located and/or operated closer than one hundred feet (100') from a domestic or irrigation well. **The site plan satisfies the setback requirements listed.**

8. No animal waste system shall be located closer than one hundred feet (100') from a public right of way. **The site plan satisfies the setback requirements listed.**

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

D. Exemption To Subsection (1)C Site Setbacks: Certain land parcels may not be conducive to setback requirements due to unique locations, demographics and technology. Where appropriate, the commission may grant an applicant a variance to setback requirements pursuant to section 07-08-01 (variance) of this code. If this setback includes animal waste systems, the systems shall meet all state and federal regulations and be approved by the regulatory agency exercising authority. (Ord. 07-002, 1-18-2007)

The application meets the hearing criteria contained in 07-07-05:

- (1) Is the proposed use permitted in the zone by conditional use permit? **Yes a CAFO is permitted by CUP in the AG zone.**
- (2) What is the nature of the request? **To increase the number of head in this historic cattle operation and operate a modern CAFO as described in the application.**
- (3) Is the proposed use consistent with the comprehensive plan? **Yes. See the analysis above.**
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area. **No. The response to this question has also been described above under the specific CAFO provisions. Cattle have been raised on this property since the early 1900s and there have historically been 1000-1500 hundred head on the property since the 1950s. The current operation has approximately 800 head of cattle. This is an historic**



agricultural operation in area with many other agricultural operations that generate noise, dust, odors and truck and tractor traffic. Although the physical characteristics of the site yielded a high risk score from the CAFO siting team this report does not consider the actual operation design and practices of the facility in any way. The site physical risk factors are easily mitigated so the actual risk is low or minimal. This low risk is achieved by implementing the site and facility design and management practices noted in the application and the siting team report and by complying with applicable regulations and plans. The site has an approved nutrient management plan and as well as a waste management plan and nuisance control plan. The applicant will operate a modern dry scrape facility that is designed, constructed and operated as provided in this application and in accordance with applicable law, the Department of Agriculture's regulations and requirements and any conditions of approval established by the County in this CUP. The facility will be regularly inspected by the Idaho Department of Agriculture. The additional traffic generated from this facility will not be significant and fits with the type and volume of agriculturally related traffic that exists in the area.

(4) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use. **Yes the site plan conforms with applicable requirements and regulations. The property owner owns proper and adequate water rights for the property and the operation.**

(6) Does legal access to the subject property for the development exist or will it exist at the time of development. **Yes – the property accesses on to State Line Road for its existing cattle operation and will continue to use that access.**

(7) Will there be undue interference with existing or future traffic patterns. **No. The property is and has been the location for a historic agricultural cattle operation since the early 1900s. As noted in the submitted documentation the additional traffic generated by the expanded operation on the site will only increase the average daily trips by 11. The number of trips generated by the operation does not come anywhere near the number required to generate a traffic study. The proposed use will not result in a significant increase in traffic or interfere with existing or future traffic patterns. The type of traffic generated by the current operation, the expanded operation and the other agricultural operations in the area are all consistent with agricultural traffic in the area.**

(8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016). **No. This is expanded agricultural operation does not generate any impact on schools. Other services also will be minimally impacted. The demand for emergency services is low with the current operation and will not significantly increase with the expansion of the existing operation. There are no**



ditches running through the expanded operation on the site and this expansion will have no negative impact on irrigation facilities.

How AK Feeders will Mitigate Risks and Potential Impacts

AK Feeders will take steps to protect the land and water as required by local/state/federal regulations in concert with the ISDA requirements and by implementation of the Nutrient Management Plan, Waste Management Plan, and Nuisance Control plan.

The facility operates an open lot dry scrape manure system. There is no commercial water produced on the facility. The only process water that will be captured in the containment ponds is precipitation runoff from the corrals and feed storage areas. Runoff from precipitation is directed to one of the three runoff containment ponds. The site has been graded to ensure proper drainage. Runoff containment ponds will be built utilizing a clay liner that meets the ISDA requirements for seepage.

The Wastewater Storage and Containment facilities will be in compliance with 02.04.15.020 Wastewater Storage and Containment Facilities. The runoff lagoons were designed for the 25 year, 24 hour rainfall event and the runoff from the winter precipitation from a one in five year winter. There will be no process wastewater generated on the facility and therefore, it was not used in the calculations of the sizing of the runoff lagoons.

IDAPA02.04.14 Rules Governing Dairy Byproducts is used for the installation of liner for both dairy and beef CAFOs. AK Feeders ponds will be constructed in accordance with 022.04.14 Dairy Storage and Containment Facility Criteria stating “The inside bottom of the dairy storage and containment facility shall be a minimum of two (2) feet above the high water table, bed rock, gravel, or permeable soils. For an earthen dairy storage and containment facility, a soil liner shall be installed such that the specific discharge rate of the containment structure meet 1×10^{-6} cm³/cm²/ sec or less. Concrete or synthetic liners must be constructed to ASAE and Appendix 10D specifications.”

Odor Control

AK Feeders will use the following methods and management practices for odor control:

1. Pen Management

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

2. Manure/Stormwater Pond Management

Aerobic Designed Ponds The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in



accordance with the Nutrient Management Plan for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.

Dust Control

Management methods AK Feeders will use to control dust are:

1. **Pen Density:** Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.
2. **Regular Manure Removal:** AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.
3. **Water Trucks:** Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions. If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

Pest Control

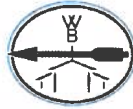
AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary

1. Habitat Management

- **Regular Manure Removal and Lot Management** Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.
- **Reduce Other Fly Habitats** Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.

2. Controls – Biological and Chemical

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



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

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

Proposed Conditions of Approval. The following proposed conditions will help provide the mitigation of potential risks related to the physical site. They will also help ensure compliance in the facility design and operation so that the actual risk of the operation is low and potential impacts of the expanded cattle operation are addressed and consist with the of the AG operations in the area.

- The facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA 02.04.15 "Rules Governing Beef Cattle Feeding Operations". The Nutrient Management Plan will be modified if/when the facility expands to accurately reflect the current operation. The footprint of the animal housing waste containment area will increase (as shown on Exhibit "A" Site plan) if the county approves the proposal. In the event the county approves the proposed expansion, the waste system improvements/modifications will take place before the increase in animal units.
- Care will be taken to prevent solid waste products and storage area runoff from entering surface water bodies, or ponding and entering the groundwater. The facility will ensure setback distances listed in IDAPA 02.02.30 subchapter D "Stockpiling of Agricultural Waste". This would include setbacks from any domestic or irrigation well or downgradient surface water of the state of Idaho.
- Care will be taken when applying solid waste/manure to the facility-controlled fields to ensure runoff does not occur from a weather related event. Timely incorporation of solid manure applications into the soil will also assist in minimizing runoff potential. Also, animal manure shall be incorporated into the soil prior to irrigation, and ideally will be incorporated within 72 hrs of application.

Care will be taken when handling liquid and solid waste in the facility. To protect groundwater, effluent associated with the CAFO facility and standing effluent in the corrals and low areas of the facility must be stored/transferred in an ISDA approved structure. Furthermore, frequent removal of solid waste, and precipitation runoff stored in a clay lined surface will help to prevent groundwater pollution.

- Applicant will comply with the applicable Idaho Department of Agriculture rules and regulations regarding operation of the facility.



- Applicant will comply with the Nutrient Management Plan approved by the Department of Agriculture.
- Applicant will comply with the Waste Management Plan (See attached Exhibit B) - they would probably attach that as an exhibit so everyone knows what this is).
- The facility will be developed in substantial conformance with the Site Plan (See attached Exhibit A)

Summary

For these reasons, we feel this location and type of CAFO fit well in the area, and no better site could be had in Canyon County for the production of cattle while minimizing potential conflicts with urban developments. This site has produced cattle for well over a hundred years and this is a responsible and modern expansion of those historic operations. Approving the CAFO permit for AK Feeders at this location will help protect and support the success of the Ag community, deter residential growth in this agricultural zone, and allow AK feeders and other related Ag operators to thrive for many years to come.

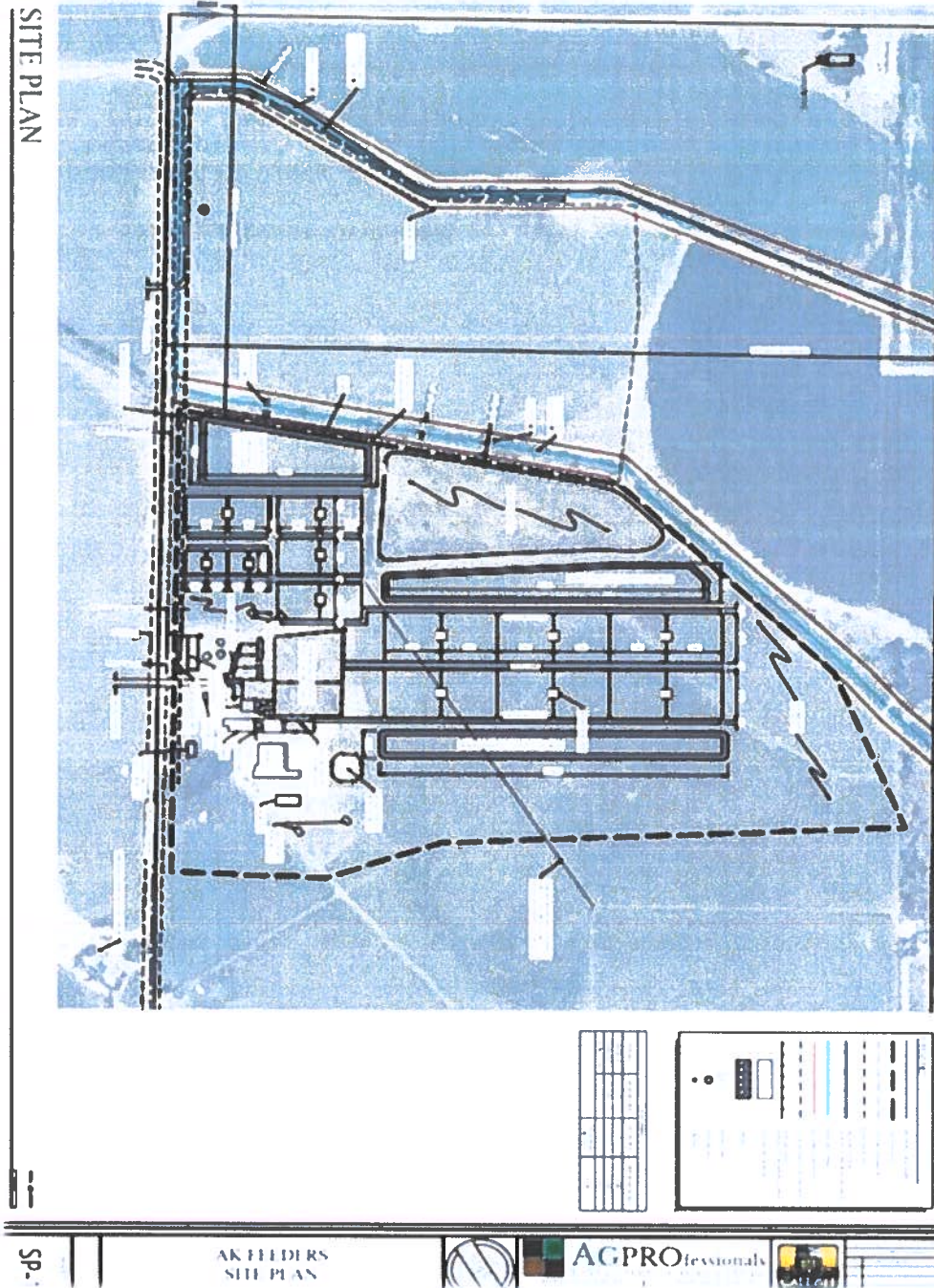
Thank you,

Matt Wilke

White Barn Ventures Inc.~ Applicant Representative for AK Feeders, LLC



Exhibit "A" consisting of 1 page.





**Exhibit “B” Waste Management Plan
Consisting of 4 pages**

Waste Management Plan

***Waste Management
and
Nuisance Control***

For

***AK Feeders
Canyon County, Idaho***

Prepared by



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Greeley, CO 80634 (970) 535-9318

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Developed in Accordance with Generally Accepted Agricultural Best Management Practices

March 2023

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Page 1 of 4.



Introduction

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

Legal Description

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

Odor Control

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

1. Pen Management

○ *Drainage and Regular Manure Removal*

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

2. Manure/Stormwater Pond Management

○ *Aerobic Designed Ponds*

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



Dust Control

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

1. Pen Density

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

2. Regular Manure Removal

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

3. Water Trucks

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

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

Pest Control - Insects and Rodents

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



1. Habitat Management

○ *Regular Manure Removal and Lot Management*

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

○ *Reduce Other Fly Habitats*

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

2. Controls – Biological and Chemical

○ *Biological Control*

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

○ *Baits and Chemical Treatments*

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

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



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

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

The Canyon County Planning and Zoning Commission considers the following:

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

Summary of the Record

1. The record is comprised of the following:

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

Applicable Law

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

- e. In accordance with CCZO §07-01-15 The applicant conducted a neighborhood meeting on July 11, 2022 at 6 p.m. having provided notice to property owners within 600 feet of the subject property and having met the minimum 10-day notification period. The sign-in sheet indicates 19 people were in attendance. (Exhibit 22)
- (2) The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
- (3) There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
- (4) The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
- (5) In accordance with CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:
 - (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.
 - (6) Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles, and factual information contained in the record.
 - (7) The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CU2022-0036) was presented at a public hearing before the Canyon County Planning and Zoning Commission on (November 16, 2023). Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

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

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

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

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

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

2. What is the nature of the request?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Chapter 6: Natural Resources Component:

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

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

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

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

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

(8) Chapter 7: Hazardous Areas Component

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

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

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

(10) Chapter 9: Transportation Component

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

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

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

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

(12) Chapter 11: Housing:

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

(13) Chapter 12: Community Design Component:

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

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

(14) Chapter 13: Agriculture Component:

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

Goals:

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

Policies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. General Requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Animal Waste:

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

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

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

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

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

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

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

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

C. Site Setbacks:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Order

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

Conditions of Approval

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

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

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

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

DATED this 21 day of December, 2023.

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



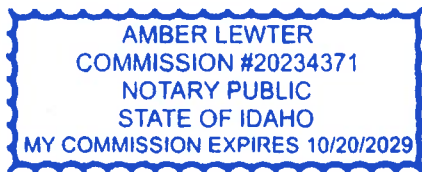
Brian Sheets, Vice Chairman

State of Idaho)

SS

County of Canyon County)

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

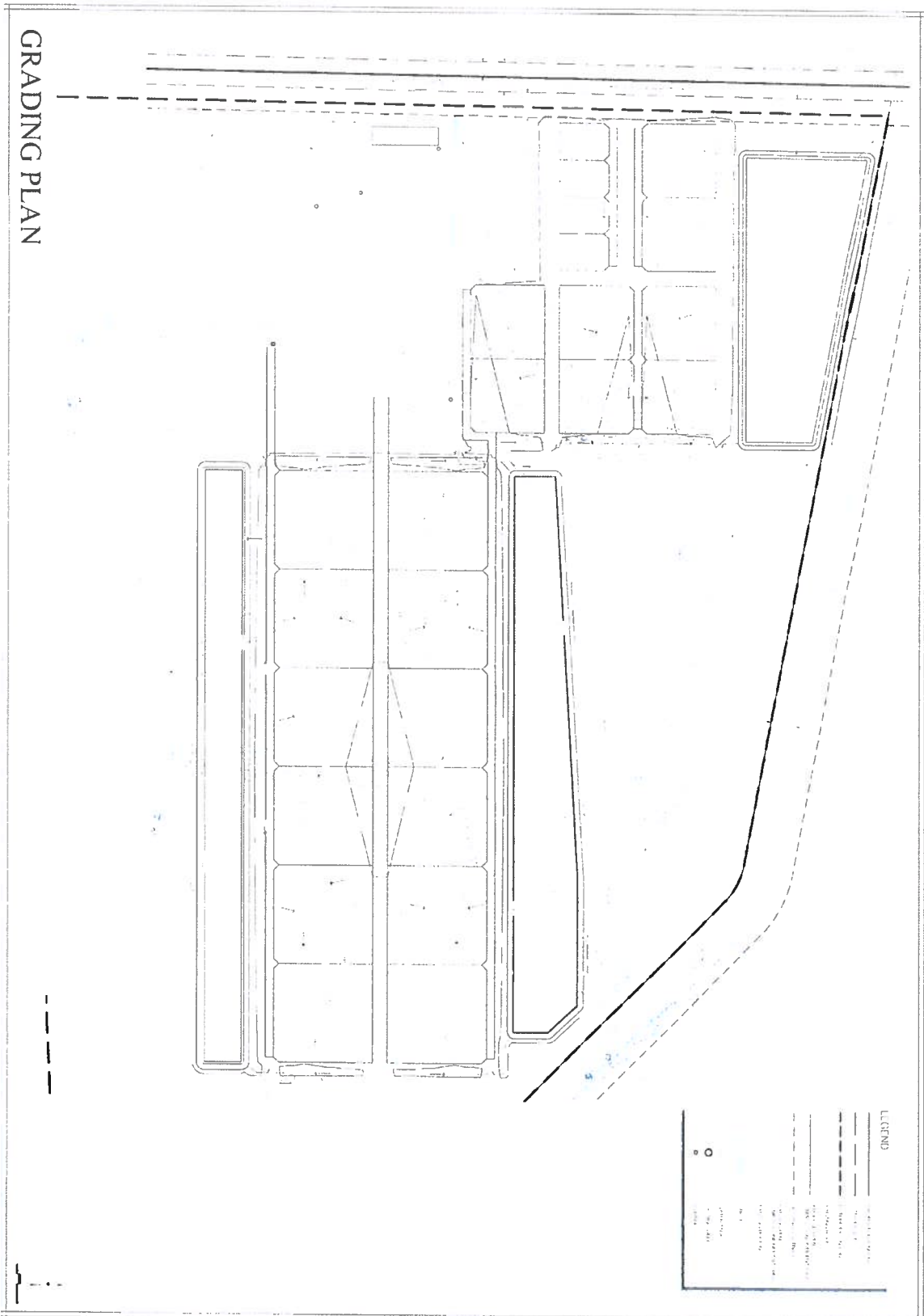


Notary: Amber Lewter

My Commission Expires: 10/20/2029

Attachment A: Site Plan and Grading Plan





GR-1

**AK FEEDERS
GRADING PLAN**

AK FEEDERS



AGPROessionals
DEVELOPERS OF AGRICULTURE



**811
CALBRI**
COM

Attachment B: Siting Advisory Team Report



IDAHO STATE DEPARTMENT OF AGRICULTURE



CAFO SITE ADVISORY TEAM

September 14, 2023

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

RE: CAFO Siting Advisory Team Review Report of AK Feeders

Dear Commissioners,

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

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

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

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

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

I. Risk Category

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

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Page 1 of 4

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

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

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

II. Description of Factors

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

High Risk Factors

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

Moderate Risk Factors

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

Low Risk Factors

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

III. Mitigation

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

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


"Serving consumers and agriculture by safeguarding the public, plants, animals and the environment through education and regulation."

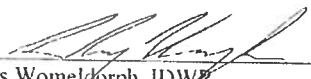
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The following individuals were present at the CAFO Site Advisory Team evaluation. The names depicted in bold type are the individuals responsible for the suitability determination.

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

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


Pradip Adhikari, ISDA
(208) 332-8541


Gus Womeldorph, IDWR
(208) 287-4963


Kathryn Elliott, IDEQ
(208) 373-0191

ATTACHMENTS

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

"Serving consumers and agriculture by safeguarding the public, plants, animals and the environment through education and regulation."

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Safe Feeders

21696 Stateline RD, Wilder,

Map Legend

Dairy Locations (ISDA)

Feedlots (ISDA)

Schools (GIS)

Township and Range
PLS (Sections)

Public Water Systems

Source Water Delineations

Time of Travel

SWA 5 Year To T

SWA 6 Year To T

SWA 10 Year To T

Surface Water Buffer

Fixed Road

Watershed Boundary

ISDA Wells (Hale)

Deep Injection Wells (Non-Permit)

Deep Injection Wells (DWR)

State Monitoring Wells (DWR)

Domestic Wells (DWR)

Springs (Hale)

Atriate Priority Areas (2020)

Animal Units Miles = 1174

Public Water System

Residential Well = 3

State Monitoring Wells = 0

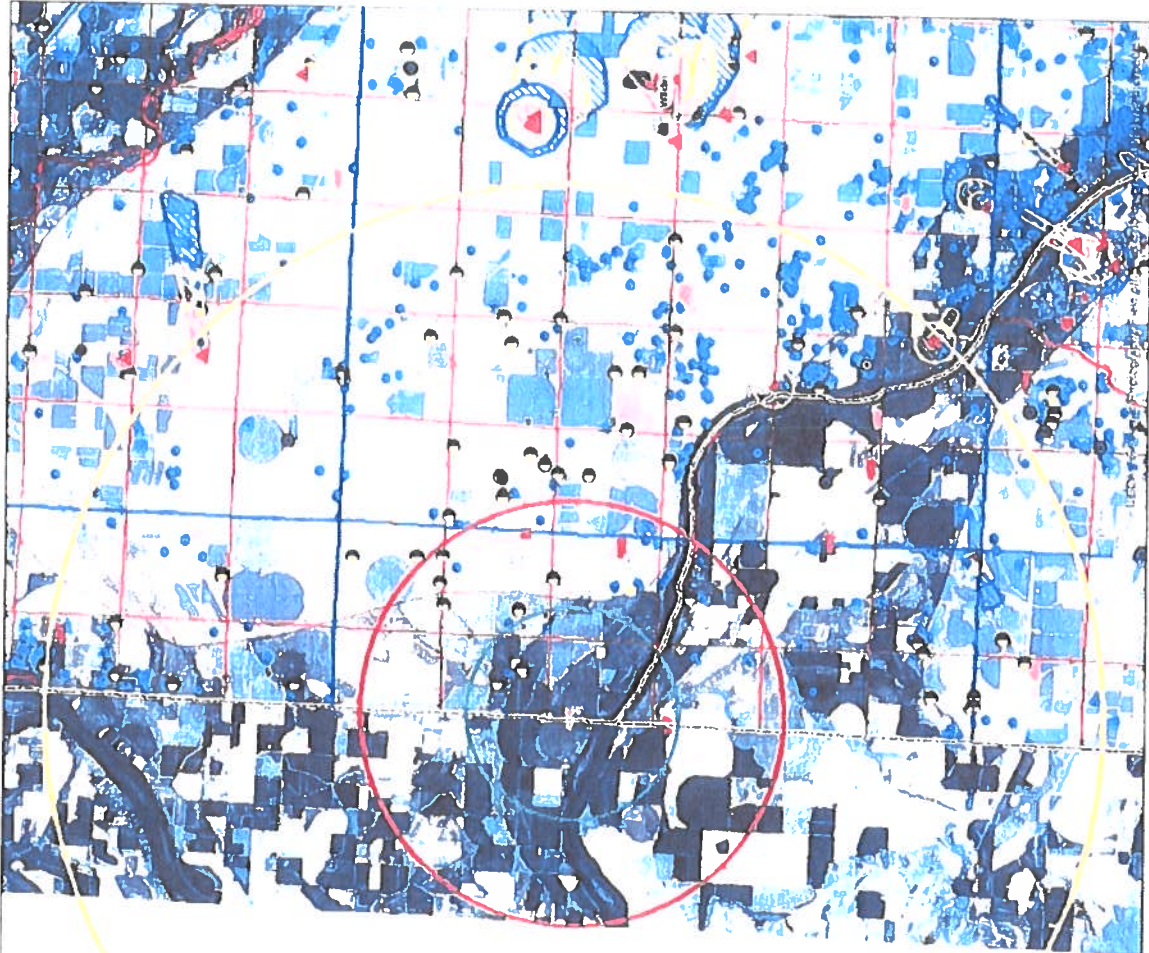
Deep Injection Wells = 1

Population 2020 = 1,069

Irrigated Acres = 2,766

USGS/NHD Springs = 1

Schools = 1



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

State of Idaho CAFO Site Advisory Team Environmental Risk Form

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

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

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

Waste Management Plan

*Waste Management
and
Nuisance Control*

For

*AK Feeders
Canyon County, Idaho*

Prepared by



HQ & Mailing: AGPROfessionals
3050 67th Avenue
Greeley, CO 80634 (970) 535-9318

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

Developed in Accordance with Generally Accepted Agricultural Best Management Practices

March 2023

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Introduction

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

Legal Description

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

Odor Control

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

1. Pen Management

○ *Drainage and Regular Manure Removal*

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

2. Manure/Stormwater Pond Management

○ *Aerobic Designed Ponds*

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

Dust Control

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

1. Pen Density
 - ☉ Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.
2. Regular Manure Removal
 - ☉ AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.
3. Water Trucks
 - ☉ Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions.

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

Pest Control - Insects and Rodents

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

1 Habitat Management

Regular Manure Removal and Lot Management

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

2 *Reduce Other Fly Habitats*

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

2 Controls Biological and Chemical

3 *Biological Control*

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

3 *Baits and Chemical Treatments*

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

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



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, November 16, 2023
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Commissioner
Harold Nevill, Commissioner
Miguel Villafana, Commissioner
Matt Dorsey, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services
Zach Wesley, Deputy Prosecuting Attorney
Debbie Root, Principal Planner
Emily Kiester, Associate Planner
Amber Lewter, Hearing Specialist
Jennifer Almeida, Office Manager

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

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

Item 1A:

Case No. CR2022-0005 / Tanner Verhoeks / Haven Creek– Approve revised FCO’s.

MOTION: Commissioner Nevill moved, seconded by Commissioner Sheets to approve the revised Findings of Fact, Conclusions of Law, & Order for Case No. CR2022-0005 / Tanner Verhoeks/Haven Creek. Voice vote, motion carried.

Item 1B:

Case No. CR2023-0006 & SD2023-0009 / Maestrejuan / Flying Arrow Subdivision– Approve revised FCO’s.

MOTION: Commissioner Nevill moved, seconded by Commissioner Sheets to approve the revised Findings of Fact, Conclusions of Law, & Order for Case No. CR2023-0006 & SD2023-0009 /Maestrejuan / Flying Arrow Subdivision. Voice vote, motion carried.

Item 1C:

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

Commissioner Villafana disclosed that he just learned that the Ms. Valene, representing the applicant was known to him from years back when he worked with her father in Twin Falls. He has not spoken with her in a long time and he has not discussed the case. No objections from the Commissioners were voiced.

Planner Debbie Root noted for the record she had received four (4) late exhibits for the P&Z Commissions consideration [Exhibit 67, 68, 69, and 70]. Planner Debbie Root reviewed the staff report for the record.

Commissioner Nevill asked if the proposed facility was moved southwest of the Allen Drain and is the topography as such that everything will drain away from the Allen Drain. Planner Root stated the grading plan reflects that to the waste management facilities. The operator will be required to meet ISDA requirements. The topography is relatively flat but it lends itself to a general gradual slope to the Snake River. Commissioner Nevill referred to Exhibit 60 that discussed the neighborhood meeting and potential changes.

Zach Wesley, stated there is a requirement in County Zoning Ordinance that a neighborhood meeting be held for a conditional use permit prior to acceptance of an application for review by staff. The application was reviewed by staff when the application was submitted. There does not appear to be any significantly major alterations to the project. If the project was changed substantially staff would likely require a second meeting, however, this project is still in the same location, same parcel, and the nature has not changed.

Commissioner Villafana asked if the applicant weighed in on the proposed condition no. 13. Planner Root stated the applicant had the opportunity to comment to staff but did not express any concern.

Chairman Sturgill asked if the operation was for grazing what could the number be. Planner Root stated from a grazing operation standpoint and not meeting the definition of a CAFO, it's not devoid of foliage. Chairman Sturgill asked how many of the residences are adjacent to the 80 acres that is being considered for the CAFO. Planner Root stated none of the five (5) residences are adjacent. The closest residence is the Cardoza residence at approximately 580 ft.

Commissioner Dorsey asked about site setbacks, specifically the 50 ft. requirement. He asked if this was the minimum requirement. Planner Root noted the CAFO criteria have setbacks to be met. The pens located on the property and site plan don't currently met setbacks.

Chairman Sturgill inquired about the Idaho Statute in regard to testimony. DSD Director Minshall addressed Chairman Sturgill's question. She noted that there is a section of Idaho State Code, 67-6529 related to agricultural land and CAFOS. She proceeded to read portions of the statute. She noted that Canyon County's code is silent on the issue. Staff's recommendation was to not limit testimony.

Planner Root clarified a couple of items. She indicated that the original proposed plan was to locate north of the Allen Drain along Stateline Rd., but has since been removed. The number of cattle have also been reduced. It was a reduction to the impact of surrounding properties.

Commissioner Dorsey asked about the 580 ft. from the property line of the 80-acre parcel to the Cardoza property but what is the distance from the corrals/pens. Planner Root said it was approximately 700 plus feet to the first waste facility and the pens are north of that.

MOTION: Commissioner Sheets moved to accept late exhibits 67, 68, 69 and 70, seconded by Commissioner Nevill, voice vote, motion carried.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

MATT WILKE (Representative) – IN FAVOR – P.O. BOX 7, MIDDLETON, ID 83644

Mr. Wilke stated that he had two (2) late exhibits that he just received this evening. One was a letter from Obendorf Farms in favor and the other is a letter from Andy Bishop in favor.

The proposed site is approximately 79.6 acres and will have a 3700-cow capacity with an average weight of 700 lbs. The site location is located in a predominately agricultural area and if approved, would benefit the local agricultural community by providing jobs. The CAFO would create a local market for feed and supplies. CAFOS are a vital part of the sustainability of local farm producers that produce hay and corn. The manure produced is also an excellent fertilizer and is a valuable resource for field operations. The manure produced on site will be utilized on neighboring fields. Research has shown that dry manure typically releases its nitrogen over a five year or longer period once applied to the soil. The slow release is much safer than chemical fertilizers and typically does not leach into aquifers. Manure is the fertilizer of choice for sandy soils. Groundwater and surface water pollution is a low risk for manure applications. There are three (3) stormwater retention ponds and stormwater run-off and wastewater will be retained on site. The design and construction of lagoons will be in compliance and will have a clay liner built to engineering specifications. Prior to the lagoons being implemented they will be tested and approved by ISDA as required. Best management practices for a dry scrape facility will be used and will comply with laws and rules set forth by governing agencies. The lights on site will be downward facing. Mr. Wilke discussed the soil types on the property. Prime farmland would not be taken out of production by the CAFO. The subject property is outside of a nitrate priority area. IDWR has approved a stock water permit for 3700 head of cattle. Mr. Wilke discussed the well log for the well that was dug on site. The well is capable of producing 45 gallons per minute. The nutrient management plan was approved by ISDA on March 2023. The project has been reviewed by the highway district and did not require a traffic impact study. Average daily trips is anticipated to increase by 11 daily trips, which is less than the threshold that would trigger a TIS. The "high risk" score does not have anything to do with the plan it is just because of how the site sits. Mr. Wilke discussed ISDA and risk scores, it is important to note that the risk score does not consider management and mitigation. The site will be regularly inspected by Dept. of Agriculture.

Mr. Wilke's 10 minutes of testimony ended. He requested an additional five (5) minutes.

MOTION: Commissioner Dorsey moved to grant Mr. Wilke an additional five (5) minutes of testimony time, seconded by Commissioner Nevill, voice vote, motion carried with three in favor, and two opposed.

Mr. Wilke discussed a letter from ISDA which discussed mitigation by implementation of best management practices listed in the siting report. The applicant will control odors by pen management, drainage, and removal of manure. Pen density will control moisture. Water trucks can be used if needed to control dust. Habitat management will help control flies (dry scrape). The site has been historically used since 1907 for cattle. Mr. Wilke stated 156 letters of support have been received for the CAFO. All criteria for approval have been met. The applicant has reviewed the conditions and agreed with them.

Commissioner Nevill asked about drainage and whether the intent was that manure would never enter the drainage ponds. Mr. Wilke replied that the drainage ponds were only for storm water runoff. There will be no stormwater runoff that would leave the site. Commissioner Nevill asked if the remaining land

would remain in pasture. Mr. Wilke stated that it would. Commissioner Nevill asked about the history of the site and at what point some of the neighbors moved in and if any predate the use. Mr. Wilke stated that the Cardoza's purchased their home in 2019 and the Case family has been in the area for quite some time. Commissioner Nevill asked what would happen to the pens that don't meet the 50 ft. setback. Mr. Wilke replied that they would be adjusted to meet the setback and it is also a condition of approval.

Commissioner Sheets asked if Mr. Wilke had opportunity to read the letters that were submitted for the request. Mr. Wilke stated that he had. Discussion ensued regarding snow geese and how they can be impactful to ag zones at times. The proposed use would not impact the migration of waterfowl. Mr. Wilke discussed the concerns of neighbors and can provide information regarding property values. Commissioner Sheets asked about the outreach Mr. Wilke or his team had with the area property owners. Mr. Wilke replied that the only contact he had was at the neighborhood meeting. He was unsure about the rest of his team.

Commissioner Villafana stated a lot of the concerns expressed by neighboring property owners are centered around smell manure, etc. He asked where the compost lines would be located? Mr. Wilke stated they would be stored onsite in pens. Each pen would have a mound and will be hauled directly from the site to an offsite location for export. Commissioner Villafana asked that if the ponds ever failed would it be plumbed to pivots. Mr. Wilke stated, no, that is not currently planned and the Engineer can speak to it.

Commissioner Sheets asked if there would be new additional heavy equipment on site, what was anticipated and what are the mitigation methods. Mr. Wilke stated there may be beeping during feed yard operation, however, it is not a huge feed yard. There will be equipment associated with the agriculture, such as combines, hay swathers, etc.

Chairman Sturgill asked if there was a motion to accept the late exhibits that Matt Wilke wanted to submit.

MOTION: Commissioner Dorsey moved to accept the late exhibits. Motion fails for lack of a second.

VALENE CAULHORN – IN FAVOR – 213 CANYON CREST Ste. 100, TWIN FALLS, ID 83301

Ms. Caulhorn is a licensed professional engineer in the State of Idaho working for Ag professionals and has been working on the feedlot design. There are Best Management Practice in place, specifically lining the ponds. There are three ponds on site and are designed to meet IDAPA requirements (Rules Governing Beef Cattle Operations). There are berms located along the Allen Drain as backup. There is a nutrient management plan on site being implemented and the NMP was written for the expansion. The waste management addresses odor, dust, and pest management. They have met with the highway district and Oregon Department of Transportation. The hours of operation are anticipated to be from 6 a.m. to 5 p.m. however, as with any agricultural operation there may be earlier or later hours. Currently there are five employees, with the expansion they anticipate increasing that number to nine. This number does not include truck drivers or seasonal employees. These numbers were included in the traffic count.

Commissioner Nevill inquired about mounding vs. dry scraping. Ms. Caulhorn explained that the pens would be scraped and piled in the middle during the winter months and first thing in spring they will be cleaned and plowed into fields, this also happens in the fall. It will be hauled 2-3 times a year. It is not anticipated that compost would be bagged and sold. However, if there are any 3rd parties that would like to take manure they are free to do that under the Idaho Right to Farm.

Commissioner Nevill asked about 100-year flood events and the design of the drainage ponds. Ms. Caulhorn noted that was not required by the State Department of Agriculture. However, it was her guess with winter storms they would be able to hold the 100 year, especially with the berm. Commissioner Nevill asked about the berm to protect the Allen Drain and whether or not it is upslope. Ms. Caulhorn discussed the slope of the property in various location. Commissioner Nevill stated that the Snake River is the lowest point and if there was a catastrophic event; has there been any consideration about berming so that it cannot go across the road. Ms. Caulhorn said it would be have to be a 1000- or 2000-year storm event to get to the Snake River.

TODD LAKEY – IN FAVOR– 12905 Venezia Ct., Nampa, ID 83651

Mr. Lakey noted that the opposition submitted documents from the Peckham Rd. feedlot case, those are irrelevant. Each case is unique and different. Mr. Lakey stated that he also represents the Peckham feedlot owners. The court recently ruled in their favor and the counties favor on November 2nd and denied the petition for judicial review from the opponents. Mr. Lakey noted that the property and area are zoned agricultural. Mr. Lakey read the definition of agricultural land from the comprehensive plan. Mr. Lakey stated that dairies and feedlots are located in the agricultural zones, it's where they should be located and expanded. There are similar intensive agricultural uses in the area. This is the optimal location for this generational feedlot to be expanded. The use conforms with the comprehensive plan and future land use map. Mr. Lakey discussed the comprehensive plan policies that align with the use. Mr. Lakey noted the numerous letters of support. The use won't be injurious to other property in the immediate vicinity and won't change the essential character of the area, the character of the area is agriculture. The applicant has made many concessions in regard to design; pulled the feedlot back from the drain, reduced numbers of cattle 6,000 to 3,700, setbacks, design, mitigation, etc. Mr. Lakey stated that the siting team high risk score is solely based on the site and does not consider the design, implementation of mitigation plan and management practices.

Commissioner Villafana asked about the positive economic impact this feedlot would have to the Wilder area or Canyon County in general. Mr. Lakey stated that an economic study was not done. However, when you consider the use, it's not just the 3rd parties taking manure that are benefited, it's the purchasing of equipment, supporting the hop growers, which supports their employees also, the impact is broad.

CHYLECE EDGAR – IN FAVOR– 31301 RED TOP ROAD, WILDER, ID 83676

Ms. Edgar read a statement of support from Obendorf Farms. Ms. Edgar also read a neutral statement provided by Andy Bishop. Andy Bishops' statement discussed the history of the property. The history was owned their grandparents and parents and has always been a cow /calf operation [mid 1950's] Their grandparents built the silage pit and put the feed mill in in the late 1950s.

DEBBIE CARDOZA – IN OPPOSITION– 31252 PECKHAM RD, WILDER, ID 83676

Ms. Cardoza noted her property shares a common boundary with AK feeders to the west. Ms. Cardoza stated that Exhibit 61b is mis-identified, the document is the amended memorandum decision and order granting petitioner's petition for judicial review which was in the index of the staff report. Ms. Cardoza read the "purpose" for conditional use permits from the Canyon County Zoning Ordinance. The proposed use will destroy their property. AK Feeders operation is already violating their constitutional right to use & enjoyment of property. Ms. Cardoza stated that the dust and odors already have a negative impact, and allowing additional cattle will make matters worse. Ms. Cardoza noted the siting team report rating of "high risk." The ground is sand and gravel, and will impact wells. The first encountered groundwater is shallow at 0-25 feet. Ms. Cardoza stated her well is only 6.5 ft deep and approximately 100 ft. from the site's fence line. Ms. Cardoza stated her well would be destroyed in days and requested denial. Further concern was noted about the area's water and property values. Ms. Cardoza stated that the P&Z does

not have the right or authority to do this under the constitution [Exhibit 61B]. Ms. Cardoza stated that the record is incomplete as documents were not put in the record as requested in Exhibit 61.

Ms. Cardoza's 3 minutes of testimony ended. She requested another 1.5 minutes.

MOTION: Commissioner Sheets moved to grant Ms. Cardoza an additional 1.5 minutes of testimony time, seconded by Commissioner Villafana voice vote, motion carried.

Ms. Cardoza continued her testimony in regard to documentation not put into the record in regard to Sunnyside Dairy in Weiser that contaminated wells. Ms. Cardoza discussed the siting team report which states there are no clay layers to stop contamination. The average nitrate within a five-mile radius of the site is 5.3 mg/L. She noted that 25% of test wells already have high nitrates and this does not consider all private wells in the area. Ms. Cardoza disputed staff's statement that the property was not located within a nitrate priority area. She stated that DEQ's entire map wasn't used. Ms. Cardoza stated that based on their constitution and supreme court president outlined on pg. 15 of 61B, the application must be denied. The record is incomplete and if the hearing is continued she asked that record and testimony be kept open.

Ms. Cardoza did not wish to stand for questions.

CHRISTINA MARSTON – IN OPPOSITION– 31396 RED TOP RD. WILDER, ID 83676

Ms. Marston lives north of the subject property. Her property has been in the Marston family for over 100 years. She has owned the property in 2005. She has grown up on a farm that operated a cow/calf operation and row crops. They are a pro agriculture family, but are for smart agriculture. Ms. Marston noted that the applicant flooded the Commission with 156 petitioners in support. Most of the petitioners don't live near the operation. 14 homeowners that live near the site sent letters in opposition. Ms. Marston felt that the report rebutted their concerns. Red Top Rd. and Peckham Rd. are dangerous roads. She discussed accidents that have taken place in the area, including one she was personally involved in when she was ran off the roadway. She stated that the highway district commissioners are not un-biased. Mr. Levitt tried to put in a multi thousand head pig operation and Andy Bishop once owned the land that AK feeders is located on . The proposed site has been deemed high risk, is next to the Snake River, is in a nitrate priority area, high water table, blow sand, with multiple drainages running through it. How can the neighbors not be worried about their wells? Ms. Marston stated that AK Feeders will violate their constitutional rights to the use and enjoyment of their properties and negatively impact their property values. Ms. Marston stated that based on Idaho Secretary filings Mr. Dapeneddie is not an Idaho or Canyon County resident in addition the parcel of land in this application is owned by a foreign entity. Ms. Marten believes if you were to allow this application the profits would go to California and the feed lot will destroy the homes and properties of lifetime Idahoans. Ms. Marten asks to protect their constitutional rights and see the CAFO will cause damage, hazard and nuisance to this community and to protect the Canyon County residence and not residence of other states.

Ms. Marston did not wish to stand for questions.

Chairman Sturgill advised by not standing for questions it can be difficult to tie testimony to criteria for the Commissioners decision process. Ms. Marston explained they were told not to stand for questions because the Commissioners would try to discredit them.

DEREK MARSTON– IN OPPOSITION– 31396 RED TOP RD. WILDER, ID 83676

Mr. Marston lives north of the subject property and his family has lived there for over 100 years. The

changes AK Feeders have already begun have impeded his right of use and enjoyment to his property, in the last year with the major construction it has changed how AK Feeders operate. The changes have increased the smell and increased the cows bawling. Mr. Marston doesn't believe AK Feeders has a right to farm there because his family was there first. Mr. Marston stated that AK Feeders will violate their constitutional rights to the use and enjoyment of their properties and negatively impact their property values and destroy their wells. Mr. Marston addressed the DEQ map, he showed it to a few Environmental Engineers at Power Engineers where Mr. Marston works and they indicated there is probably not enough well sites tested close enough to this area and they should request additional testing. He is concerned if the head of cattle was counted correctly because of the acreages that has been converted to growing Hops as well is concerned about the 25-year storm.

Mr. Marston stood for questions.

Commissioner Nevill asked how deep Mr. Marston's well is. Mr. Marston advised it is 90 foot deep. Commissioner Nevill asked where his pump sits in the well. Mr. Marston stated he pumps 50 feet of the casing but they went 90 feet to get to it. Commissioner Nevill addressed the noise testimony stating they could run 2,000 cattle or so without change so he is wondering if he is running less than a thousand right now in the feedlot but they could double that by agreeing to go to pasture grazing, would that increase or decrease the noise for Mr. Marston. Mr. Marston stated the noise is the bawling, when they were grazing before there wasn't as much bawling and now if how they are doing it there is more noise, he believes an increased headcount will make it worse.

Commissioner Sheets asked if there is a concern about vehicle noise or if there has been an increase. Mr. Marston stated with the shape of his land he hears all the noise from his road so any increase is bad.

RALEIGH HAWE – IN OPPOSITION– 31453 PECKAM RD. WILDER, ID 83676

Mr. Hawe and his wife have lived on the property south from AK Feeders for 29 years. Mr. Hawe stated the google map showing proof of a feedlot in 1994 is not adequate evidence of a feedlot being there. Mr. Hawe and his wife bought their property in 1994 and at that time the property AK Feeders is on was a cattle and bull operation, they had a sale once a year, there was no feedlot. AK Feeders will violate their constitutional right to the use and enjoyment of their property and destroy their properties values. Mr. Hawe stated the feedlot is high risk. This area has a high-water table and the toxic nitrates from the cattle will contaminate their wells and the Snake River and destroy their properties. Mr. Hawe stated The Supreme Court said substantial rights were harmed when property values are impacted or when there is an interference with use or enjoyment of property.

Mr. Hawe did not wish to stand for questions.

TIM ALDERSON – IN OPPOSITION– 22440 STATELINE RD. PARMA, ID 83662

Mr. Alderson began with quoting County Zoning regulations state 07-07-01 states that the purpose of a conditional use permit is for "every use that requires the granting of a conditional use permit is declared to have characteristics which require view and appraisal by the Commission to determine or not the use would cause any damage, hazard nuisance or other detriment to person or property within the vicinity." Mr. Alderson states that is what AK Feeders is doing to them. One cow produces about 8 gallons of urine a day times and about 65 lbs. of feces a day times that by the 3700 head of cows. By the Idaho Supreme Court, AK Feeders is wanting to violate their constitutional rights and destroy the property values of the neighbors and local citizens.

Mr. Alderson's 3 minutes of testimony ended. Mr. Alderson requested an additional 5 minutes.

MOTION: Commissioner Sheets moved to grant Mr. Alderson an additional 3 minutes of testimony time, seconded by Commissioner Nevill voice vote, motion carried.

Mr. Alderson continued testimony stating ground water is high in the area meaning all the toxic water with urine and feces waste will flow into their aquifer causing all their wells to be contaminated. The toxic nitrates are the common chemical that destroys wells, the average toxic nitrate level in their ground water within a 5-mile radius is 5.3 milligrams, at 10 milligrams the ground water is poison. Mr. Alderson stated based on Idaho Secretary's base findings the owner of AK Feeders is not a resident of Canyon County or Idaho. Mr. Alderson moved to Idaho in 1976 and at that time the Snake River was as clear as the Boise River is now but today the Snake River is terrible with moss beds everywhere you aren't able to run a jet boat and the river is incredibly polluted. Mr. Alderson stated according to Buck Ryan from the Snake River Water Keepers the primary pollution to the Snake River from Idaho Falls to Brownlee Reservoir is CAFO's. Also, when speaking to Emily Montog with Department of Environmental Quality and Mitch Renero with Best Management Practice, these agencies monitor CAFO's along the Snake River for pollution violations and they told him there is a huge lawsuit right now going on against the CAFO in Grandview Idaho all three agencies are aware of AK Feeders CAFO proposal and indicate they would be monitoring the progress of this proposed feedlot.

Mr. Alderson did not wish to stand for questions.

VICTORIA CASE – IN OPPOSITION– 30769 RED TOP RD. WILDER, ID 83676

Mrs. Case began with her family history. The Case family has lived on the Red Top Rd property since the late 1800's, there is currently 5 generations on their property with her in-laws living there since 1950, her husband for the last 53 years, and she herself has lived there for the last 30 years. Mrs. Case and her family have angus cattle so they are not there to argue against the applicant having his current operation because there is history in this area of people raising cattle and farming but on a smaller scale then the proposed multiple thousand head feedlot. In south of Nampa there is large Feedlots and Dairy's but there is also thousands of empty acres and houses with no wells on them. Mrs. Case stated the area doesn't look like what it used to, there is more houses more traffic and less peace, she would rather look at the tops of head of cow than rooftops. The impact of the proposed feedlot will be damaging on multiple fronts, the road infrastructure is already terrible, Mr. Wilke said there would be no traffic impact, her and her husband have fixed their fence four times and now have a concrete barricade and with a 24-hour 7 day a week operation, they need to be somewhere there isn't homes nearby. Mrs. Case stated there will be devastating further effects on the wells and the 3 drains in that vicinity, one of which has been said dumps into the Snake River, there is many other suitable locations for an operation of this magnitude and it isn't fair to the families that was there before the applicant.

Mrs. Case stood for questions.

Commissioner Nevill asked how deep Mrs. Case's well is and where the pump is trying to gain understanding on several testimony regarding their wells. Mrs. Case stated she believes it is 35 feet where the pump is and the casing goes further down. Commissioner Nevill asked if they have enough water. Mrs. Case confirmed they do. Commissioner Nevill asked if Mrs. Case has any 3rd party assessments of the loss of property value because of the siting of a CAFO. Mrs. Case advised she does not have that information. Commissioner Nevill stated there was concern about the increase of the number of cattle so asked if Mrs. Case is ok with a certain number of cattle and if the increase in the number is a concern, if it is what concerns does that number bring. Mrs. Case advised the number is a concern and it brings noise and traffic, traffic being her number one concern. Commissioner Nevill asked if flies or dust were a concern. Mrs. Case confirmed it all is a concern for her at the increased level of cow.

Commissioner Dorsey asked if Mrs. Case could quantify the traffic such as number of loads of cattle from current to the expansion. Mrs. Case stated Mr. Wilke answered that question at 10 extra trucks a day but she doesn't see how that could be true. But it would be probably 3 times more than it is now.

Chairman Sturgill stated during testimony Mrs. Case spoke about cattle operations South of Nampa with thousands of empty acres with no wells. Mrs. Case stated she meant to say no houses. Chairman Sturgill asked for clarification on what causes that effect. Mrs. Case stated in her area the community is already populated and it seems like someone is trying to come in and fit this operation into this small spot when there is so many other places that it could be. Chairman Sturgill confirmed with Mrs. Case that she believes this operation would be better located in that area.

DEE DEE ALDERSON– IN OPPOSITION– 22440 STATELINE RD. PARMA, ID 83660

Ms. Alderson stated her property is about a half mile from AK Feeders proposed CAFO, she moved into her home about 4 years ago. Ms. Alderson stated there is already changes being made, the cattle are in the new pens where before they would graze and now you hear them bawling all the time and the smell has increased. Ms. Alderson pointed out right after the neighborhood meeting they immediately started building a CAFO. She is not opposed to AK Feeders having their cows there she is opposed to allow them to have more cows and all in a tight area. It will lower her property values and being a realtor for many years she knows nobody wants to live next to a feed lot because they smell. Feedlots belong in the middle of nowhere.

Ms. Alderson stood for questions.

Commissioner Nevill stated he is trying to get a better quantification of the loss of property value. Commissioner Nevill asked with Ms. Alderson being a realtor in the past perhaps she can give better explanation. Ms. Alderson stated when you take a client out to look at a property, they have their list of wants. So, when you look at a list of properties, any realtor can pull this up, they put the wants then for example a house that is 1400 sq. feet and has 2 acres on it with a garage and take a look at the price that is next to a feedlot and one that isn't. The price difference will show. Commissioner Nevill asked if Ms. Alderson can give a guess if you lose half the value or what the quantification is. Ms. Alderson stated if she were to guess you are losing at least a third of your property value.

Commissioner Sheets asked if there is an appreciable difference in property value loss in an operation that is a thousand head compared to a three thousand head operation. Ms. Alderson stated there was because when you drive up to a place where there are cows grazing compared driving up to a place where cows are pooping on cement, you are going to keep on driving for the smell and the looks.

SUSAN ISAAK– IN OPPOSITION– 31492 RED TOP RD. WILDER, ID 83676

Ms. Isaak advised her and her family live across the street from AK Feeders. Ms. Isaak addressed that exhibit 61 is incomplete because it does not include all records for the CU2020-0001 case and the lawsuit that followed as requested. The reason for the request was because they planned on using some of those documents for this hearing for various reasons so they believe the information is cherry picked and inaccurate. Ms. Isaak believes the inaccurate information in the FCO's are, how the CAFO's are regulated by the STA, AK Feeders being consistent with the 2020 comprehensive plan, the word mitigated, line regulation ponds being regulated by the ISDA, that you are led to believe the location is not in a high nitrate area.

Ms. Isaak's 3 minutes of testimony ended. Ms. Isaak requested an additional 2 minutes.

MOTION: Commissioner Sheets moved to grant Ms. Isaak an additional 2 minutes of testimony time, seconded by Commissioner Nevill voice vote, motion carried.

Ms. Isaak continued her testimony. Ms. Isaak believes it is untrue that it will not affect or damage the area and now has evidence proving it will. There constitutional rights have been denied because the complete testimony was denied by not putting the documentation that was requested into the official file. AK Feeders is already violating their constitutional right to the use and enjoyment of their property and destroy their properties values.

Ms. Isaak did not wish to stand for questions.

MATT WILKE- REBUTTAL – P.O. BOX 7, MIDDLETON, ID 83644

Mr. Wilke addressed that they have listened to the neighbors they conceded from going to 6,000 to 3,700 cows because of the neighborhood meeting, AK Feeders is proposing massive setbacks, professions have spoken on this project that know about the aquafer and the data, knowing how to line the ponds to prevent any intrusions into the aquafer such as nitrates. There is no proof this is a toxic feed yard. AK Feeders will benefit a lot of people. Mr. Wilke stated he is a licensed broker in the State of Idaho and can give prices of property value pretty well especially in Ag areas Mr. Wilke provided examples and prices from past years. There isn't a significant change to anything in the area such as the traffic, property value, and cows.

Commissioner Dorsey asked what the added value of AK Feeders property would be if the feedlot would get approved or the decrease if not approved. Mr. Wilke stated the value increase would definitely go up if it was approved and if not approved it would hinder operations and would not be good for the County.

Commissioner Nevill stated from previous testimony they mentioned elevated nitrate level would destroy the neighbor's wells. Commissioner Nevill asked if elevated nitrate level in a well would destroy the value or are there ways to mitigate the elevated nitrate level to allow you to maintain the property. Mr. Wilke stated nitrates are not a big deal in well water in the Valley and typically you can do a reverse osmosis system. He doesn't see nitrates to be a big deal.

Deputy Prosecuting Attorney Zach Wesley had a few issues of evidence that needed to be cleared up for the record. The first was that there were several participants in the hearing that had transcribed copies of their testimony they read from and provided them to staff presumably to enter into the record. If we could have a motion on those as to whether they are going to be entered into the record exhibits or not would be helpful.

Chairman Sturgill stated he believes all the participants that provided a written testimony was reading from the testimony so that might cover it but asked if there was a motion. No motion followed.

Deputy Prosecuting Attorney Zach Wesley addressed the second issue of evidence was raised a couple of times, when the planner and the notices go out asking for comments those comments that are received are marked with exhibits and automatically set up for the record in advance, a couple of those letters included requests to add documents from other county files or from court files into the record, he thinks in particular there was two requests to enter the complete file from CU2020-0001 which is the Peckham Road Trust case and then to enter in the complete legal file from CB142110123, both of those files are going to be over 2500 pages, potentially larger. Deputy Prosecuting Attorney Zach Wesley thought it was an important question to be addressed to the Commissioners if they want to include those into their

record.

Commissioner Sheets asked if those documents are accessible to the public. Deputy Prosecuting Attorney Zach Wesley stated they could be accessible through the County doing a public record request also the ones through the court could be accessible through the request of the court. Commissioner Sheets confirmed what they received was a request for staff to include these documents into record by a comment that was submitted. Commissioner Sheets stated he understands that the people that are asking for the burden of truth should be able to provide those documents not necessarily give the burden to the county. Deputy Prosecuting Attorney Zach Wesley stated that is correct, with these hearings that is the typical procedure. Commissioner Sheets asked as an example if he wanted to request for the entire Encyclopedia of Britannica be added to the report, they wouldn't do that. Deputy Prosecuting Attorney Zach Wesley stated that is correct but he could add a copy of the Encyclopedia of Britannica to his comments to be submitted into the record. Commissioner Sheets stated he is not inclined to support supplementing this record with an entire case file with a prior hearing as well as an entire case hearing from a civil court proceeding.

Chairman Sturgill weighed in because he was the only Commissioner present that participated in the Peckham case and that was thousands of pages into evidence and he believes it was three hearings with Planning and Zoning before it was concluded and frankly without knowing what in the case they need to reference, in his opinion it is an unfair burden to Planning and Zoning to review thousands of pages from a prior case without knowing specifically what they are to reference and understand. Chairman Sturgill will entertain a motion but he isn't sure what it would benefit.

Commissioner Nevill asked if the fact that the county was not going to honor the request get conveyed to the requester.

Director of Development Services Sabrina Minshall advised when staff receives a public comment through part of that process it is not a direction to staff but the comment is put into the record. Commissioner Nevill advised he remembers seeing in the exhibit 61 the request so they got that and they are aware of the fact that someone asked. Commissioner Nevill stated that they got the request but it wasn't necessary to honor the request because they asked for something that staff doesn't normally do. Director of Development Services Sabrina Minshall clarified the exhibit in reference is a comment on the case file, Staff does not go in and respond to everything in each individual record so yes there is no necessity to staff to respond to any part of comments because comments are part of the record that the Commissioners review. Director of Development Services Sabrina Minshall advised if the Commissioners wanted to request additional information to be added they could continue the case and do so.

Planner Debbie Root stated at the time exhibit 61 was submitted to Staff, they also got submitted four court documents and could have through the public request could have requested those same documents and provided them similarly to the court documents they provided to Staff.

MOTION: Commissioner Nevill moved to close public testimony on Case CU2022-0036, seconded by Commissioner Sheets, voice vote, motion carried.

DELIBERATION:

Chairman Sturgill began with asking if anyone has any findings they would like to modify based on evidence they heard.

Commissioner Sheets stated with going through the findings he believes they reflect what was in the record and he thinks they match what he heard. His recommendation for the Commission going forward is see if there are conditions they need to insert, modify or work with to adequately condition this conditional use permit. He agrees with the findings.

Commissioner Dorsey agrees with the findings and conditions, that the findings and conditions were very well thought out and backed by state agencies that regulate these types of operations.

Commissioner Nevill stated there is one condition that he would like them to review, condition 11. Commissioner Nevill stated he believes evidence established that the Allen drain is fairly safe because of berms and the capacities of the ponds, it doesn't say anything about the Snake River, he would feel more comfortable if condition 11 said they can't discharge to the Allen drain or the Snake River to keep everything on the property, he thinks it could be mitigated by a berm. Chairman Sturgill confirmed that Commissioner Nevill is requesting adding the words that the storm water from the feedlot cannot be discharged to the Allen drain or Snake River.

Commissioner Villafana stated he looked through the findings and thinks they are thorough and agrees with them and is in favor with the condition Commissioner Nevill pointed out.

Commissioner Sheets discussed the evidentiary burden, there was a lot of evidence that provided to them that they had the opportunity to review, they had the opportunity to review to hear testimony, ask questions and that is the real reason for the questions, it is getting to the truth of the matter, it is similar to a cross examination, to figure out what is going on, how they can best help, when they have the opportunity to ask questions it helps them understand the evidence and enter into the record to deliberate upon. The statements about constitutional rights being violated and as well property values being decreased, Commissioner Sheets stated knowing how to present evidence of how property values decrease he didn't see that, it was difficult for him to take statements that didn't have evidence that demonstrated the decrease in property values.

Chairman Sturgill stated he is disappointed because there were a few people that had strong views and potential evidence to support either modification of findings or additional conditions of mitigation and unfortunately without getting to ask questions to investigate further it makes it difficult for them.

Commissioner Nevill addressed the lack of evidence with interference of property rights, property rights go both ways, the applicant that owns the land have property rights and the neighbors that live around have property rights. What articles 5 and 14 of the constitution require is no person may be deprived of life, liberty or property without due process, this is what the hearing is all about and they need answers to their questions.

Commissioner Dorsey stated for condition 11 it goes without saying they are not going to discharge into the river.

Commissioner Villafana gave a suggestion to review the farm laws.

MOTION: Commissioner Sheets moved to approve Case CU2022-0036, and adopt the Findings of Fact and Conclusions of law prepared by staff, with an amendment to condition 11: the applicant shall not discharge CAFO process water or storm water from the feedlot and or settling the lagoon to the Allen drain or Snake River. Motion seconded by Commissioner Nevill.

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

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 10/5/2023, seconded by Commissioner Sheets Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director of Development Services Sabrina Minshall reminded that they will take additional comments or discussions into the FCO's, legal will review them and bring them back on the second hearing in December. Director of Development Services Sabrina Minshall confirmed with the Commissioners there will be no hearing December 7, 2023. Director of Development Services Sabrina Minshall announced the new Associate Planner Emily Kiester. Associate Planner Emily Kiester introduced herself and gave her professional background. Director of Development Services Sabrina Minshall advised the case load is not slowing down and they are currently only using Planning and Zoning with no Hearing Examiner at the moment. Commissioner Nevill stated it would be helpful to get feedback for the future if cases get appealed or how they can prevent them to get appealed. Director of Development Services Sabrina Minshall advised that discussion will be ongoing and they will work through it.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Villafana. Voice vote, motion carried. Hearing adjourned at 10:51 pm.

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

Approved this 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, December 21, 2023
6:30 P.M.

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

Commissioners Present : Brian Sheets, Acting Chairman
Patrick Williamson, Commissioner
Harold Nevill, Commissioner
Geoff Mathews, Commissioner
Matt Dorsey, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services
Jay Gibbons, Assistant Director of Development Services
Debbie Root, Principal Planner
Dan Lister, Principal Planner
Michelle Barron, Principal Planner
Emily Keister, Associate Planner
Amber Lewter, Hearing Specialist

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

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

Director of Development Services Sabrina Minshall advised there is a request for a continuance on an item and the Commissioner can amend the agenda or address it when they get to that case. Acting Chairman Sheets asked if there was a motion to amend the agenda. Commissioner Nevill stated they could amend the agenda to discuss if they are going to continue it and if the decision is they will hear the case then put the case back to where it originally was on the agenda. Acting Chairman Sheets stated the agenda has been set and noticed and would not be in favor of amending the agenda, if there is good reason to continue the case, those will be brought up during that portion of the hearing. The issue of continuance died due to lack of a motion by the commission.

Item 1A:

Case No. CU2022-0036- AK Feeders - Approval of revised FCO's.

Commissioner Nevill stated he has a suggested change on page 13 finding 9, it is a quote, there needs to be a closed quotation mark. Acting Chairman Sheets agrees.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts. Motion seconded by Commissioner Dorsey. Commissioner Williamson and Commissioner Mathews abstained. Voice vote, motion carried.

Item 2A:

Case No. SD2021-0058- Ridgeline Vistas Subdivision: The applicant, Ridgeline Vistas, LLC, represented by KM Engineering, LLP, is requesting approval for a Preliminary Plat, Irrigation Plan, Grading and Drainage Plan, and Hillside Development Plan subject to conditions of development in DA-21-033 recorded as instrument #2021034824. The proposed development, Ridgeline Vistas Subdivision on

isn't sure why the dairies weren't on the map staff provided. Commissioner Williamson advised that not all dairies are reported.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Dorsey. Voice vote, motion carried. Hearing adjourned at 12:51 am.

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

Approved this 18th day of January, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist



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



PROJECT DESCRIPTION:

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

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

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

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

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

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

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

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

CCZO 07-02-03: Definitions Enumerated:

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

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

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

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

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

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

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

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

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

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

ZONING AND LAND USE MATRIX

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. The inside bottom of the dairy storage and containment facility shall be a minimum of two (2) feet above the high water table, bed rock, gravel, or permeable soils. For an earthen dairy storage and containment facility, a soil liner shall be installed such that the specific discharge rate of the containment structure meet 1 x 10⁻⁶ cm³/cm²/sec or less. Concrete or synthetic liners must be constructed to ASAE and Appendix 10D specifications. (3-31-22)

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

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

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

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

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



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

PROJECT OVERVIEW:

Existing Conditions:

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

Surrounding Land Use Cases:

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

Character of the Area:

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

Access and Traffic:

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

Facilities:

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

- Hours of Operation-The applicant initially submitted the land use worksheet with the hours of operation from 6:00 a.m. to 8:00 p.m. daily. Although this may be the typical hours that employees are working at the facility and the cattle are on the facility 24 hours per day; many situations can arise causing the facilities to be in operation outside of the typical day-to-day operating hours. Staff requested the applicant modify the land use worksheet to reflect a 24-hour operation typically expected for animal facilities. Typical hours of daily operation would be 6 a.m. to 8 p.m. (Exhibit 22)

Essential Services:

- Staff notified the City of Wilder, Wilder Fire District, Canyon County Sheriff, CC Paramedics/EMT, Riverside Irrigation District, Southwest District Health, the Soil Conservation District, DEQ, IDWR, Idaho Fish and Game, ISDA of the proposed CAFO application. Staff received comments from GGHD (Exh 18), IDEQ (Exh 20), IDWR & ISDA (Exh 8,9,10 Siting Report) and the Soil Conservation District (Exh 19). The proposed facility operations do not propose a significant increase in staffing to manage the facility on a daily basis and services including sheriff, fire and EMS are currently provided to the facility and surrounding area with access via the public road systems. Staff did not receive comments from the fire district, sheriff’s office, paramedics, City of Wilder, or SWDH.

COMPREHENSIVE PLAN ALIGNMENT:

The conditional use application for a confined animal feeding operation (CAFO) is consistent with the 2020 Canyon County Comprehensive Plan adopted by County Resolution No. 11-098, as amended. The Plan contains the planning Components as required by I.C. § 67-6508. The applicable plan, the 2020 Comprehensive Plan, designates the proposed CAFO application area as Agriculture. The proposed use as a CAFO is an agricultural use. The Plan describes the land use classification ‘Agriculture’ as follows:

The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.

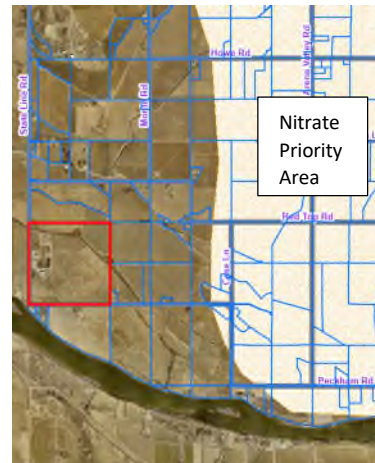
The proposed use and application aligns with many components, goals and policies within the plan and is consistent with the Plan as a whole. Staff has provided the Commission with a thorough analysis of each component of the 2020 Comprehensive Plan for the Commission’s consideration in the Findings of Fact, Conclusions of Law attached hereto as see Exhibit 2.

POTENTIAL IMPACTS:

- The feedlot currently exists on the property and has for many years as evidenced by the chronology of aerial photos taken from Google Earth Pro for the years 1994, 2002, 2004, 2006, 2009, 2011, 2013, 2015, 2017, 2018, 2019, 2021 and 2022. The applicant upgraded and expanded a portion of the feedlot to accommodate the animal units entitled on the properties not to exceed 1000 head until a CAFO permit is approved.
- The CAFO Advisory Siting Team has evaluated the environmental aspects of the permit location scoring this location as ‘high’ risk. The team also indicates in the report that the risks

can be mitigated with Best Management Practices and permitting. In an email the ISDA representative, Pradip Adhikari, PhD, indicates that “*factors such as soil permeability, thickness of clay, aquifer geology, depth of water etc... play a vital role for high score. However, these factors can be easily mitigated by implementing available best management practices which are suggested in the AK feeders siting report.*” He states further, “*Risk score that are determined based on the physical environmental factors of the CAFO site cannot be reduced but definitely can be mitigated.*” (Exhibit 8.3 10/17/23 email Wilke/Pradip)

- CAFO’s by nature, animal quantity in a confined area, are inherently a more intensive agricultural use and concerns regarding dust, noise, pests, and odor are frequently cited concerns. The applicant has proposed mitigation techniques and plans for minimizing the impacts to the surrounding properties (see Exhibit 12 Waste Management and Nuisance Control Plan) in compliance with regulations reviewed, approved and monitored by the ISDA for CAFO operations. The animal units originally proposed by the applicant were reduced from 6000 head to 3700 head and the feedlot facility was consolidated to one property south of the Allen Drain to reduce the potential impact to existing residential properties in the predominantly agricultural zone. There are agriculturally zoned residential properties in the predominantly agricultural area but there is not a residential trend of development in the area.
- The site is not located in a designated Nitrate Priority Area. The Ada Canyon Nitrate Priority Area is located approximately 3300 feet east of the property. The topography map indicates that the subject property is down gradient from the nitrate priority area. ISDA requires soil testing (Exhibit 13) and monitoring wells are located as identified in Exhibit 12.2 provided to the Siting Team for the site review analysis. Neighbors to the south of the property have expressed concerns with nitrates and water contamination. Nutrient Management Plans and application of nutrients to the properties are the jurisdictional responsibility of the Idaho State Department of Agriculture (ISDA). Staff has proposed conditions (Exhibit 2) to mitigate the concerns expressed by the immediately adjacent properties including a 300-foot buffer from the Cardoza property, R37348, restricting the land application of nutrients and a 500-foot buffer to restrict composting or stockpiling of nutrients/waste within that buffer along Peckham Road on the southern boundary of the subject property and around parcel R37348 (Cardoza).
- Wildlife Concerns: The area in and around the proposed and existing facility is predominately in agricultural livestock and cultivated crop production. The proposed CAFO facility as conditioned is not anticipated to significantly impact the wildlife including migratory birds in the area.



COMMENTS:

Public:

Staff received many comment letters from the neighbors including fourteen (14) submissions in opposition or voicing concerns about the process and/or potential impacts to their properties and the surrounding area inclusive of traffic and roadway safety, noise, dust, flies, water contamination, odors, light contamination, interference with wildlife, property value impacts, and overall diminishment of enjoyment of their properties. The following are exhibits submitted in opposition/concern:

Letters of Concern/Opposition:

Exhibit #:

Glenis Christopherson 10/10/23	47
Raleigh and Dee Hawe 10/12/23	48
Deidre and Randy Brown 10/26/23	49
Susan Isaak (includes snow geese photo) rec. 10/27/23	50
Danny and Debbie Cardoza w/photos rec. 10/27/23	51
Brad and Victoria Case 09/15/2023	52
Debbie Cardoza inquiry & staff response 02/28/23	53
Dee Dee Alderson 10/24/2023	54
Staff Response to Ms. Alderson 10/24/2023	55
Susan Isaak and Debbie Cardoza 10/27/23	56
Christina Marston 10/27/2023	57
Danny and Debbie Cardoza 10/25/23	58
Debbie Cardoza 10/28/2023	59
Arena Valley citizens submitted by Isaak 10/25/23	60
Susan Isaak and Debbie Cardoza 10/27/23 Peckham CAFO and attachments	61
a. Isaak Cardoza submission CU2020-0001 PZ FCOs	61A
b. Isaak Cardoza submission Petition for Judicial Review CV14-21-10123	61B
c. Isaak Cardoza submission Petitioners' Reply Brief CV14-21-10123	61C
d. Isaak Cardoza submission Remittitur CV14-21-10123	61D

Staff received 155 forms expressing support for the AK Feeders CAFO facility from individuals or businesses. (See list of names and submitted forms in Exhibits 45 & 46).

Letters of Support:

Exhibit #:

Support forms Last name: A - M	45
Support Forms Last Name and miscellaneous: N - Z	46

Additionally, staff received a letter provided by Andy Bishop, dated 5/24/23 detailing property history of the AK Feeders' site as a former property owner. Exhibit # 6

Agencies:

AGENCY LIST	EXHIBIT #
Oregon Department of Transportation District 14	17
Golden Gate Highway District No. 3 submitted by JUB Engineers	18
Canyon Soil Conservation District	19
Department of Environmental Quality	20
IDWR-8-16-23 AK Feeders CAFO stockwater permit Permit No. 63-35421	21
Idaho State Department of Agriculture (ISDA): NMP Approval 3/15/23	13
ISDA-Pradip Adhikari email accompanying Siting Team Report 9-15-23	8.1
ISDA CAFO SITE ADVISORY TEAM AK Feeders Report 9-14-23	8
ISDA CAFO Siting Team Map submitted with 9-14-2 report	10
ISDA CAFO Siting Team Environmental Risk Form submitted with 9-14-2 report	9
ISDA-Pradip Adhikari email 10-17-21 risk score mitigation to Wilke	8.3
ISDA-Pradip Adhikari email 10-23-23 to staff Mitigation BMP questions	8.2
ISDA-DSD staff to ISDA communication on siting team application 12/27-28/22	66
ISDA-Adhikari response to applicant rep to provide NMP study to Siting Team 7-20-23	64

RECOMMENDATION:

Staff recommends approval of the Confined Animal Feeding Operation (CAFO) case No. CU2022-0036 subject to the conditions of approval or as amended.

DECISION OPTIONS:

In accordance with CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:

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

The Planning and Zoning Commission may:

- **Approve** case CU2022-0036 as recommended or as amended by the hearing body
- **Deny** case CU2022-0036 and direct staff to revise the FCOs to support the decision.
- **Continue/Postpone** case CU2022-0036 and request the applicant provide additional information

EXHIBITS:

Exhibit # 1	Parcel Tool Information Sheet
Exhibit # 2	DRAFT FCOs
Exhibit # 3	Site Plan & Grading Plan
Exhibit # 4	Applicant Rep. Matt Wilke Comp Plan Analysis
Exhibit # 5	Wilke AK Feeders Presentation
Exhibit # 6	Andy Bishop Property History
Exhibit # 7	staff-Google Earth Pro Chronology 1994-present
Exhibit # 8	CAFO SITE ADVISORY TEAM REPORT
Exhibit # 8.1	ISDA email synopsis of report-Adhikari
Exhibit # 8.2	ISDA Adhikari to staff BMP-storage effluent
Exhibit # 8.3	ISDA Adhikari to Wilke risk score mitigation
Exhibit # 9	SITING TEAM SCORE SHEET
Exhibit # 10	SITING TEAM MAP
Exhibit # 11	Custom Soil Research Report
Exhibit # 12	Waste Management Plan-Waste Management and Nuisance Control
Exhibit # 12.1	Waste Management Narrative
Exhibit # 12.2	#18-Characteristics of Proposed Operation
Exhibit # 13	ISDA Nutrient Management Plan approval 3-15-23
Exhibit # 14	CAFO Lighting Plan-location of lights
Exhibit # 15	Traffic Narrative Calculations
Exhibit # 16	Traffic Narrative
Exhibit # 17	Oregon Department of Transportation
Exhibit # 18	Golden Gate Highway District No. 3 (submitted by JUB Engineers)
Exhibit # 19	Canyon Soil Conservation District
Exhibit # 20	Idaho Department of Environmental Quality (IDEQ)
Exhibit # 21	Idaho Department of Water Resources--Stockwater permit approval
Exhibit # 22	AK Feeders, LLC Master Application documents
Exhibit # 23	Revised Site Plan 4-24-23 --Wilke email
Exhibit # 24	Confirmation --Site Acreage and entirely south of Allen Drain
Exhibit # 25	DSD Staff Courtesy Notice--site construction
Exhibit # 26	Applicant response to Courtesy Notice
Exhibit # 27	Applicant/Staff-Potato Cake slab
Exhibit # 28	Area Property Map-staff review
Exhibit # 29	Assessor AK Feeders for Analysis of Acres/Animal Units
Exhibit # 30	Residences/properties within one mile (staff review request)
Exhibit # 31	Lot Report for one mile radius 72 lots-48 residential
Exhibit # 32	Case Map: Small ortho with Flood Overlay
Exhibit # 33	Case Map: Small ortho
Exhibit # 34	Case Map: Zoning
Exhibit # 35	Case Map: Dairy, Feedlot, Gravel Pits
Exhibit # 36	Case Map: Soil Map

Exhibit # 37	Case Map: Prime Farmlands
Exhibit # 38	Case Map: Soil and Farmland Report
Exhibit # 39	Case Map: Nitrate Priority Area
Exhibit # 40	Case Map: Small Vicinity Map
Exhibit # 41	Case Map: Subdivision
Exhibit # 42	Case Map: Subdivision Lot Report 600 feet
Exhibit # 43	Case Map: Lot Classification
Exhibit # 44	Case Map: Contour Map
Exhibit # 45	Letters of Support 155 individuals list and letters A-M
Exhibit # 46	Letters of Support list and letters N-Z and miscellaneous
Exhibit # 47	Glenis Christopherson 10/10/23
Exhibit # 48	Raleigh and Dee Hawe 10/12/23
Exhibit # 49	Deidre and Randy Brown 10/26/23
Exhibit # 50	Susan Isaak (includes snow geese photo) rec. 10/27/23
Exhibit # 51	Danny and Debbie Cardoza w/photos rec. 10/27/23
Exhibit # 52	Brad and Victoria Case 09/15/2023
Exhibit # 53	Debbie Cardoza inquiry & staff response 02/28/23
Exhibit # 54	Dee Dee Alderson 10/24/2023
Exhibit # 55	Staff Response to Ms. Alderson 10/24/2023
Exhibit # 56	Susan Isaak and Debbie Cardoza --Alderson email 10/27/23
Exhibit # 57	Christina Marston 10/27/2023
Exhibit # 58	Danny and Debbie Cardoza 10/25/2023
Exhibit # 59	Debbie Cardoza 10-28-23
Exhibit # 60	Arena Valley citizens submitted by Isaak 10/25/23
Exhibit # 61	Susan Isaak and Debbie Cardoza 10/27/23 Peckham CAFO and attachments
#61 A	a. Isaak Cardoza submission CU2020-0001 PZ FCOs
#61 B	b. Isaak Cardoza submission Petition for Judicial Review CV14-21-10123
#61 C	c. Isaak Cardoza submission Petitioners' Reply Brief CV14-21-10123
#61 D	d. Isaak Cardoza submission Remittitur CV14-21-10123
Exhibit # 62	BOCC Resolution and request for Siting Team Review
Exhibit # 63	Staff Review of Area Property History (land divisions)
Exhibit # 64	ISDA to staff question: Cattle in waterways
Exhibit # 65	Related/Reviewed Statutes (not all inclusive)
Exhibit # 66	December ISDA communications
Late Exh.	These exhibits were accepted by the PZ with an affirmative motion/vote:
#67	Debbie Cardoza email dated Nov. 8, 2023 and Nov. 6, 2023
#68	Statement in support of AK Feeders CAFO--Jamie Johupp?
#69	Statement in support of AK Feeders CAFO--R. Gallegos
#70	Statement in support of AK Feeders CAFO--Ray and Vickie Rueth

R37348

PARCEL INFORMATION REPORT

11/5/2023 5:46:06 PM

PARCEL NUMBER: R37348

OWNER NAME: CARDOZA DANNY W

CO-OWNER: CARDOZA DEBRA L

MAILING ADDRESS: 31252 PECKHAM RD WILDER ID 83676

SITE ADDRESS: 31252 PECKHAM RD

TAX CODE: 0530000

TWP: 4N RNG: 6W SEC: 14 QUARTER: NE

ACRES: 2.00

HOME OWNERS EXEMPTION: No

AG-EXEMPT: No

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: GOLDEN-GATE HWY

FIRE DISTRICT: WILDER FIRE

SCHOOL DISTRICT: PARMA SCHOOL DIST

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE 2011-2022 : AG

FLU Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: INTENSIVE AGRICULTURE OVERLAY \ AG

IRRIGATION DISTRICT: RIVERSIDE IRRIGATION DISTRICT

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0175F

WETLAND: Freshwater Emergent Wetland

NITRATE PRIORITY: NO Nitrate Prio

FUNCTIONAL Classification: Major Collector

INSTRUMENT NO. : 2019046099

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 14-4N-6W NE TAX 2 IN SENE

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



**EXHIBIT
1**

DISCLAIMER:

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

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



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

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

The Canyon County Planning and Zoning Commission considers the following:

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

Summary of the Record

1. The record is comprised of the following:

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

Applicable Law

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

- e. In accordance with CCZO §07-01-15 The applicant conducted a neighborhood meeting on July 11, 2022 at 6 p.m. having provided notice to property owners within 600 feet of the subject property and having met the minimum 10-day notification period. The sign-in sheet indicates 19 people were in attendance. (Exhibit 22)
- (2) The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
- (3) There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Commrs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
- (4) The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
- (5) In accordance with CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:
 - (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.
 - (6) Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles, and factual information contained in the record.
 - (7) The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CU2022-0036) was presented at a public hearing before the Canyon County Planning and Zoning Commission on (November 16, 2023). Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

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

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

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

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

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

2. What is the nature of the request?

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

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

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

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

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

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

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

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

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

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

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

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

- (3) **Chapter 2: Population Component:** The subject property and surrounding area is not located within an area of city impact and is not located within five or more miles of any Canyon or Owyhee County cities. The city of Adrian, Oregon is located approximate four miles to the northwest. Within a one-mile radius of the subject property there are 48 residential homes on 72 total agriculturally zoned land parcels with an average lot size of 25.92 acres. This component considers growth trends, encourages economic expansion and population growth that is guided to enhance the quality and character of the County. Policies 2 and 3 encourage future high-density development to locate within incorporated cities and/or areas of impact and encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses. The predominant land use of properties within a one mile radius is agricultural production. There is no evidence to suggest that population growth trends are occurring in this area of the county. There are no platted subdivisions within one mile of the subject property as evidenced by the aerial photo and the subdivision map (Exhibits 41 & 42). The land use and zoning is agricultural and the proposed feedlot will support the agricultural beef industry providing the applicant and producers within the county a viable location to sell and feed out their beef crop.
- (4) **Chapter 3: School Facilities and Transportation Component:** The focus of this component is primarily on ensuring the development of school facilities to support population growth. There are no schools located in Canyon County within five miles of the property. The Commission finds that the proposed use and application does not directly relate to this section of the plan as it does not create increase in population and/or affect development plans of the transportation systems in and around the area schools.

(5) Chapter 4: Economic Development Component:

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

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

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

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

The Board in its future land use map has designated this area for future agricultural use. Although some residential uses exist in the area, the Commission believes the Plan directs the hearing body to mitigate conflicts between those two uses--not to exclude agricultural uses where residential uses exist. The conditional use process allows for the Commission to apply enforceable conditions with the intent of mitigating conflicts by restricting and monitoring the use of the subject parcel as a feedlot where existing residential uses exist in the agricultural zone. These include, but are not limited to, shielded lighting, setbacks, animal numbers, protection of water sources, compliance with odor and pest control plans, and compliance with state and federal and other county regulations related to the CAFO permit. The Commission believes that the goals as stated encourage the County to find a balance between the uses and that the conditions have accomplished that.

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

The Land Use Component also includes a section specific to Agriculture. The Plan states that the “County’s policy is to encourage the use of these lands for agriculture and agriculturally-related uses...” with four additional policies including the protection of agricultural land for the production of food, voluntary mechanisms for the protection of agricultural land, support of the Idaho Right to Farm laws (Idaho Code §22-4501-22-4504), as amended. Policy 4 is of specific note and is as follows: Recognize that confined animal feeding operations (CAFOs) may be more suitable in some areas of the County than in other areas of the County. The Commission finds that the subject property has encompassed a feedlot component for many years and that this is a predominantly agricultural area of the county with limited residential development, no residential subdivisions or residential development trends as evidenced by written testimony, aerial maps, and lack of concentrated development. The Commission also finds that there are several feedlots and dairies in the vicinity within 1.5 to 5 miles in Canyon County and Owyhee County as evidenced by the Siting Team Map, aerial maps, and staff analysis. The Commission also finds that the Siting Team indicates that the noted environmental risks can and will be mitigated through compliance with the IDAPA 02.04.15 “Rules Governing Beef Cattle Animal Feeding Operations,” and finds that this predominantly agricultural area of the county is suitable for a feedlot operation (Exhibits 8-8.3, 10, 28, 34, 39, & 41).

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

(7) Chapter 6: Natural Resources Component:

The Commission finds that the Plan recognizes the attributes of agricultural land as a natural resource in the county and that the Agricultural / residential interface areas often create

conflicts between residents. The Commission recognizes that one of the most significant policy directives of this Plan is supporting, protecting, and development of the County's agricultural resources.

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

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

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

(8) Chapter 7: Hazardous Areas Component

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

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

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

(10) Chapter 9: Transportation Component

The Plan's transportation component has many broad goals and policies as well as specific goals and policies for various types of development. The county is reliant on the highway districts, the Idaho Transportation Department, and other agencies with jurisdictional authority to provide comment on any impacts to the County's roadways. In this case, Golden Gate Highway District No. 3 (GGHD) and the Oregon Department of Transportation (ODOT) are the transportation agencies with jurisdiction over the roadways in the area of this project. The GGHD and the ODOT have reviewed and provided comment in response to the application information (Exhibit 17 & 18). The Commission acknowledges that area residents are concerned about an increase in truck traffic to and from the proposed facility and as evidenced in the aerial maps there are a number of ninety degree or 'sharp' turns in Peckham and Red Top Roads (Exhibit 33 and 48 & 52). The Commission also acknowledges that this is an agricultural area that is expected to have agricultural traffic including tractors, harvesting equipment, semi-trucks and trailers as well as residential vehicles. The applicant estimates that if approved there could be a net increase of eleven (11) daily vehicle trips in the traffic analysis (provided to GGHD inclusive of employees, trucks and service providers. Consistent with Policy No. 13 the site has access to maintained public roads, State Line Road and Peckham Road, for fire protection and emergency services access. The applicant must comply with GGHD access requirements (Exhibit 15 & 16). The Commission finds the application and noticing processes consistent with applicable goals and policies in this component.

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

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

(12) Chapter 11: Housing:

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

(13) Chapter 12: Community Design Component:

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

(14) Chapter 13: Agriculture Component:

The goals and policies of this component are specific to agriculture. The reviews of the other specific agriculture sections in the Land Use Component and Natural Resources Component are also pertinent to this section as well. The first statement in this component reads, "Canyon County is a highly productive agricultural area as a result of good soils, a long growing season, and the delivery of water by irrigation districts and canal companies. Agriculture and farming provide the economic and social foundation of our communities. It

is therefore essential for the county to support agriculture through the land use planning process. Canyon County's policy is to support agricultural use of agricultural land and to protect agricultural lands from inappropriate and incompatible development." The following goals and policies in this component address the needs and expectations for agriculture and agricultural activities.

Goals:

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

Policies:

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

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

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

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

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

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

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

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

- Findings:**
- (1) The property is located in an “A” (Agricultural) zone (Exhibit 1). The character of the area is predominantly agricultural and the property has contained a feedlot element for many years (Exhibits 6, 7, 22). Expansion of the feedlot portion of the agri-business in an “A” (Agricultural) zone does not alter the agricultural character of the area.
 - (2) The applicant modified the site plan of the facility to construct the expansion area of the feedlot to buffer the existing residential properties with open agricultural fields as evidenced by the site plan. The applicant shall conform to the site plan as conditioned. (see FCO Conditions of Approval #3,4, & 5)
 - (3) Mitigation measures to address odors, pests, lighting, and environmental concerns are conditioned and will be implemented by the operator in accordance with state and federal regulations including grading and retention of drainage water in lined evaporation ponds and as regulated by ISDA.
 - (4) The applicant possesses ownership of the majority of properties in the immediate vicinity of the proposed feedlot expansion as identified in County Assessor records and presented in area map (Exhibit 28).
 - (5) There are multiple feedlot and dairy operations in the near vicinity of the proposed facility including a feedlot/dairy operation 1.5 miles to the east at 21351 Arena Valley Road, Wilder, ID. Three feedlot/dairies located within three (3) miles or less in Owyhee County on the south side of the Snake River and a large 145 acre sheep/lambing operation approximately 2.5 miles northeast of the subject property at 23503 Roswell Road as evidenced by the Siting Team map and aerial review of county properties. (Exhibits 10 & 35)
 - (6) The proposed facility is not located in an identified nitrate priority area. The Ada Canyon nitrate priority area as identified on the case map is located approximately 3300 feet (more than a half mile) to the east of the subject property. State regulatory agencies require mitigation measures and best practice management to protect the surface and groundwater as outlined in the Siting Team Advisory Report (Exhibits 8, 13, 20, 39).
 - (7) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
 - (8) Evidence includes associated findings and evidence supported within this document.

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

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

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

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

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

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

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

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

- Findings:**
- (1) GGHD reviewed the application proposal and provided comment with conditions requiring a paved approach in accordance with ACCHD requirements as evidenced by Exhibit 18. As conditioned the applicant will comply with GGHD (condition #6)
 - (2) The Oregon Department of Transportation as an affected agency also made comment indicating that permitting authority on the east side of State Line Road and they do not have

specific concerns with the traffic generation estimated in the applicant's traffic narrative (Exhibit 17)

- (3) The subject property has road frontage on and access to a public road, State Line Road as evidenced by aerial map.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
- (5) Evidence includes associated findings and evidence supported within this document.

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

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

- Findings:**
- (1) The proposed CAFO is not anticipated to impact essential services as there is not expected to be a significant increase in population, residential development, or need for additional police, fire or ambulance response to the feedlot facility. Irrigation facilities will continue to be maintained and preserved on the subject property.
 - (2) The City of Wilder, Canyon County Sheriff, Riverside Irrigation District, Canyon County Paramedics/EMT, and Wilder Fire Protection District were notified of the request and did not provide responses to indicate that the proposed use would have a negative impact. No mitigation measures are proposed at this time.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0036.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

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

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

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

A. General Requirements:

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

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

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

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

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

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

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

Conclusion: The Commission finds and concludes that the applicant made upgrades to the current cattle operations on the subject property including the addition of cattle feeding pens and alleys. Staff indicated that the facilities could only be constructed to manage the entitled animal units (<1000 head) in the feedlot facility. The applicant complied and has not constructed facility improvements beyond the entitlement requirements for the current business operations.

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

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

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

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

B. Animal Waste:

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

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

Findings: (1) See AK Feeders Site Advisory Team Report (Exhibits 8-10).

(2) See ISDA letter dated March 15, 2023 approval of AK Feeders NMP (Exhibit 13)

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

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

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

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

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

C. Site Setbacks:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the

criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.

Order

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

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use. Including but not limited to:
 - a. Compliance with Idaho State Department of Agriculture
 - b. Compliance with Idaho Department of Environmental Quality
 - c. Compliance with Idaho Environmental Protection Agency
 - d. Compliance with Idaho Department of Water Resources
2. Pursuant to Canyon County Code Chapter 8, CAFO Regulations, §08-01-14: Construction of the new or expanding CAFO must commence within three (3) years of the issuance of the CAFO siting permit and be completed within five (5) years of the same date. If construction has not commenced within three (3) years and/or completed within five (5) years from the date the CAFO siting permit was approved, the permit holder may request an extension. Application for extension must be filed at least sixty (60) days prior to the expiration of the three (3) year or five (5) year period. A renewal extension, if granted, may be limited to three hundred sixty-five (365) calendar days, which shall commence at the expiration of either period. The applicant bears the burden of persuasion on an extension request.
3. The development shall comply with all site setbacks as provided in the County CAFO Ordinance (Canyon County Code Section 08-01-012(1)C), as follows:
 - a. The locating of animal waste systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
 - b. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
 - c. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
 - d. The animal waste system shall not be located closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
 - e. No animal waste system shall be located closer than one hundred feet (100') from a domestic or irrigation well. *Definition of animal waste system: structure or system that provides for the collection, treatment, or storage of animal waste, including composting.*
 - f. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
 - g. The setbacks contained herein shall not apply to land application (except as provided for parcel R37348 specifically). *Land application is the spreading on or incorporation of liquid or solid waste into the soil mantle primarily for beneficial purposes.*

4. Prior to commencement of operation expansion, the feedlot shall be developed in substantial conformance the site plan dated 4-24-23 (Exhibit 3 and Attached hereto as Attachment A). If the site plan needs to be adjusted to meet the setback requirements of the CAFO ordinance, then a revised site plan meeting the setback requirement the other conditions contained herein shall be submitted to the Development Services Department prior to commencement of construction of the proposed improvements on the site. The facility shall be constructed in substantial conformance with and in conformance with all setback requirements for a CAFO facility as required in CCZO §08-01-11(1) C. *Note: Feedlot receiving and processing pens are noted to be reconfigured.*
5. Prior to expansion, lagoons shall be lined and constructed in accordance with state and federal regulations.
6. Two existing feedlot pens (*constructed in or around September 2022*) adjacent to Stateline Road shall be reconfigured to meet the required 50 foot setback from the public right of way and as shown on the CAFO site plan dated 4-24-23 from AGPRO in compliance with CCZO §08-01-012(1)C. (attached hereto as Attachment A) The identified pens must be reconfigured prior to the applicant expanding the current cattle numbers to accommodate the CAFO permit. The applicant shall provide proof of the reconfiguration and compliance with the CAFO setbacks to Development Services Department in the form of pictures and/or setback inspection before CAFO operations (>1000 head of cattle in feedlot) begin.
7. The applicant shall comply with applicable Golden Gate Highway District No. 3 access requirements. The applicant shall obtain a permit prior to expansion of the existing feedlot facility. The applicant shall provide proof of compliance by providing Development Services with an approved highway district permit for improvements. (Exhibit 18)
8. Lighting (existing and new) shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area. CAFO facility lighting shall be utilized only on an as needed basis after dusk at the facility. Existing night sensor, photoelectric/photo cell light(s) typical for residential/farm/barnyard lighting may remain on throughout the night. Existing lighting must be shielded to direct the light down and inside the property.
9. The feedlot, waste systems, and support facility (barnyard) shall be kept weed free and/or maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
10. The applicant shall not impede or disrupt existing irrigation structures, i.e. drains, laterals, supply ditches, on and adjacent to the subject property.
11. The applicant shall not discharge CAFO process water or stormwater from the feedlot and/or settling lagoons to the Allen Drain. Comply with ISDA rules and regulations.
12. The operator shall process and dispose of waste in a manner consistent with the requirements of the Nutrient Management Plan for AK Feeders as approved and regulated by the Idaho State Department of Agriculture.
13. The operator shall not land apply nutrients within 300 feet of parcel R37348 (two acres) at site address 31252 Peckham Road, Wilder, Idaho.
14. The operator shall not place a composting facility or stage/stockpile nutrients within 500 feet of any existing residential parcel [R37351, R37351011, R37351010, R37350] along/near the southern boundary (Peckham Road) of subject property R37348010 (163.23 acres) inclusive of residential parcel R37348.
15. The CAFO shall comply with the odor, waste, dust, and pest best management practices in compliance with the approved nutrient management plan and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements.
16. Signage shall meet CCZO §07-10-13 requirements, and shall not exceed 32 sq. feet as proposed by the applicant unless an additional sign permit is applied for and approved by the Director.
17. The feedlot operation shall not exceed the maximum 3700 head of cattle at any given point in time within the feedlot facility without applying for and receiving approval through an amended or new conditional use permit.

18. The CAFO shall comply with the nutrient management plan as approved by the Idaho State Department of Agriculture.
19. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements
20. The CAFO shall also comply with Idaho State Department of Agriculture rules regarding dead animal disposal.
21. The facility shall comply with the recommendations in the Mitigation section of the CAFO Siting Team report, to minimize potential water source contamination (Exhibit 8 and attached hereto as Attachment B).
22. The CAFO shall comply with stock water and/or commercial water right requirements (Idaho Department of Water Resources).
23. All employee, delivery-including cattle trucks, facility-related parking of vehicles shall be onsite--not in the public right-of-way and/or along the shoulders of State Line Road in the vicinity of the facility.
24. Comply with all Fire District requirements by State adopted IFC and as evidenced by review and approval documentation prior to issuance of a certificate of occupancy.
25. The Applicant shall submit a copy of the annual inspection report provided by the Idaho State Department of Agriculture to the Development Services Department (DSD) commencing December 31, 2023. Each annual inspection report shall be submitted to DSD no later than December 31st of each calendar year unless the report is received by the Applicant after that date in which case the report shall be submitted to DSD within ten business days of its receipt.

DATED this _____ day of _____, 2023.

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

Robert Sturgill, Chairman

State of Idaho)

SS

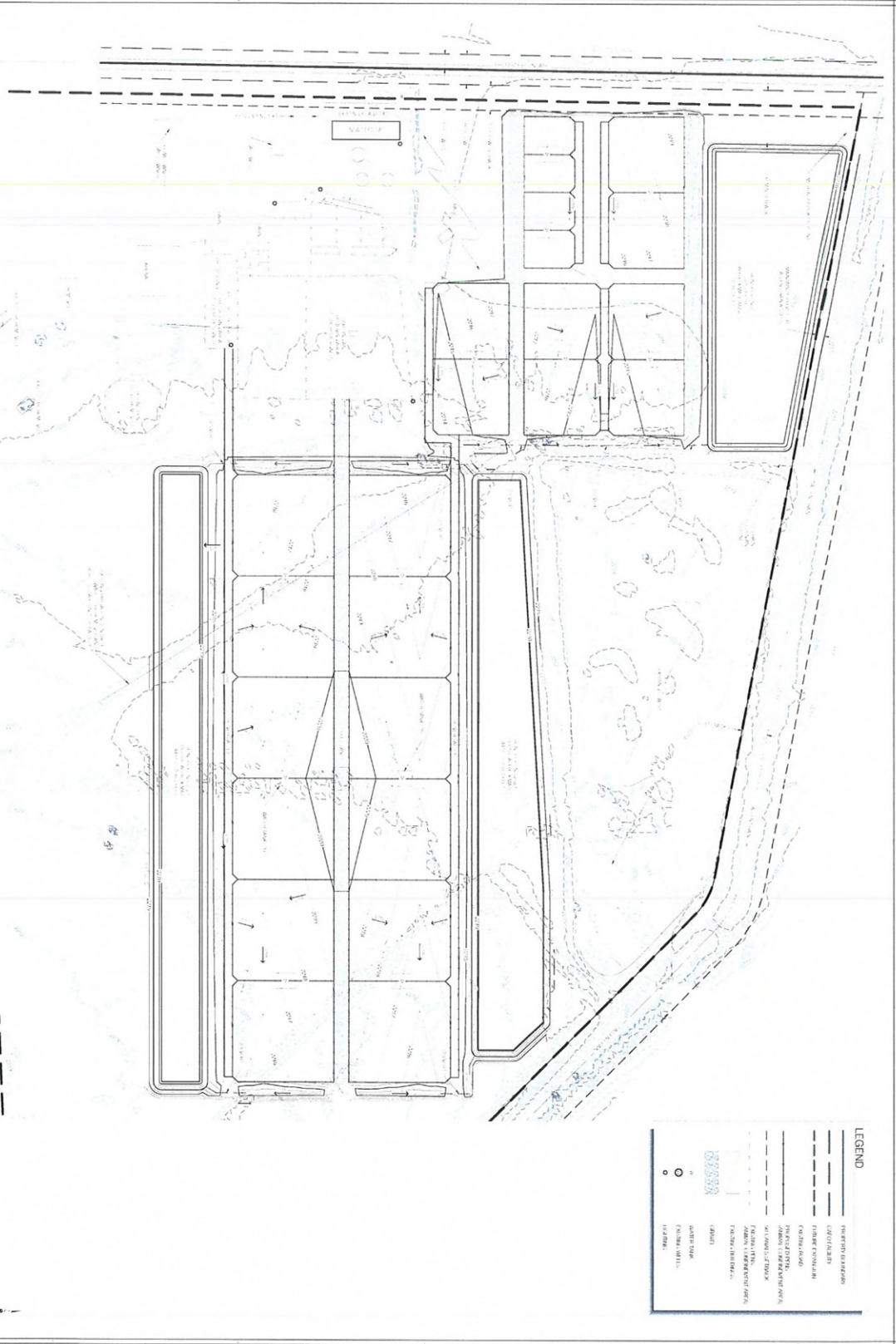
County of Canyon County)

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: _____

GRADING PLAN



LEGEND

	PROPOSED CONSTRUCTION
	EXISTING CONSTRUCTION
	EXISTING FOUNDATION
	PROPOSED FOUNDATION
	EXISTING ELEVATION
	PROPOSED ELEVATION
	PROPOSED GRADING
	PROPOSED ROAD
	PROPOSED DRIVEWAY
	PROPOSED UTILITY
	PROPOSED STORM DRAIN
	PROPOSED SEWER LINE
	PROPOSED WATER LINE
	PROPOSED GAS LINE
	PROPOSED CABLE TV LINE
	PROPOSED FIRE HYDRANT
	PROPOSED MANHOLE
	PROPOSED VALVE
	PROPOSED METER
	PROPOSED SIGN
	PROPOSED FENCE
	PROPOSED WALL
	PROPOSED DECK
	PROPOSED STAIR
	PROPOSED RAMP
	PROPOSED SLOPE
	PROPOSED AREA
	PROPOSED POINT
	PROPOSED LINE
	PROPOSED CURVE
	PROPOSED INTERSECTION
	PROPOSED JUNCTION
	PROPOSED END

<p>GR-1</p> <p style="font-size: 8px;">SHEET</p>	<p>AK FEEDERS</p> <p>GRADING PLAN</p> <p style="font-size: 8px;">WJDR ID</p>		<p>AGPROProfessionals</p> <p>DEVELOPERS OF AGRICULTURE</p> <p style="font-size: 8px;">3055 E 7th Avenue, Suite 200 Denver, CO 80612 (970) 439-9318 - FAX (970) 435-9854</p> <p style="font-size: 8px;">213 Canyon Blvd Dr., Suite 100 Twin Falls, ID 83301 (208) 585-5311</p>	
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Attachment B: Siting Advisory Team Report



IDAHO STATE DEPARTMENT OF AGRICULTURE



CAFO SITE ADVISORY TEAM

September 14, 2023

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

RE: CAFO Siting Advisory Team Review Report of AK Feeders

Dear Commissioners,

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

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

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

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

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

I. Risk Category

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

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Page 1 of 4

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

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

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

II. Description of Factors

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

High Risk Factors

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

Moderate Risk Factors

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

Low Risk Factors

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

III. Mitigation

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

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

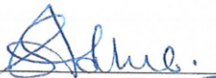
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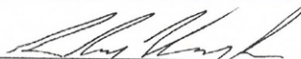
The following individuals were present at the CAFO Site Advisory Team evaluation. The names depicted in bold type are the individuals responsible for the suitability determination.

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

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



Pradip Adhikari, ISDA
(208) 332-8541



Gus Womeldorph, IDWR
(208) 287-4963



Kathryn Elliott, IDEQ
(208) 373-0191

ATTACHMENTS

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

"Serving consumers and agriculture by safeguarding the public, plants, animals and the environment through education and regulation."

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AK Feedlots

21696 Stateline RD, Wilder,

Map Legend

- Dairy Locations (ISDA)
- Feedlots (ISDA)
- Schools (GIS)
- Township and Range
- PLS (Sections)
- ▲ Public Water Systems

Source Water Delineations

Time of Travel

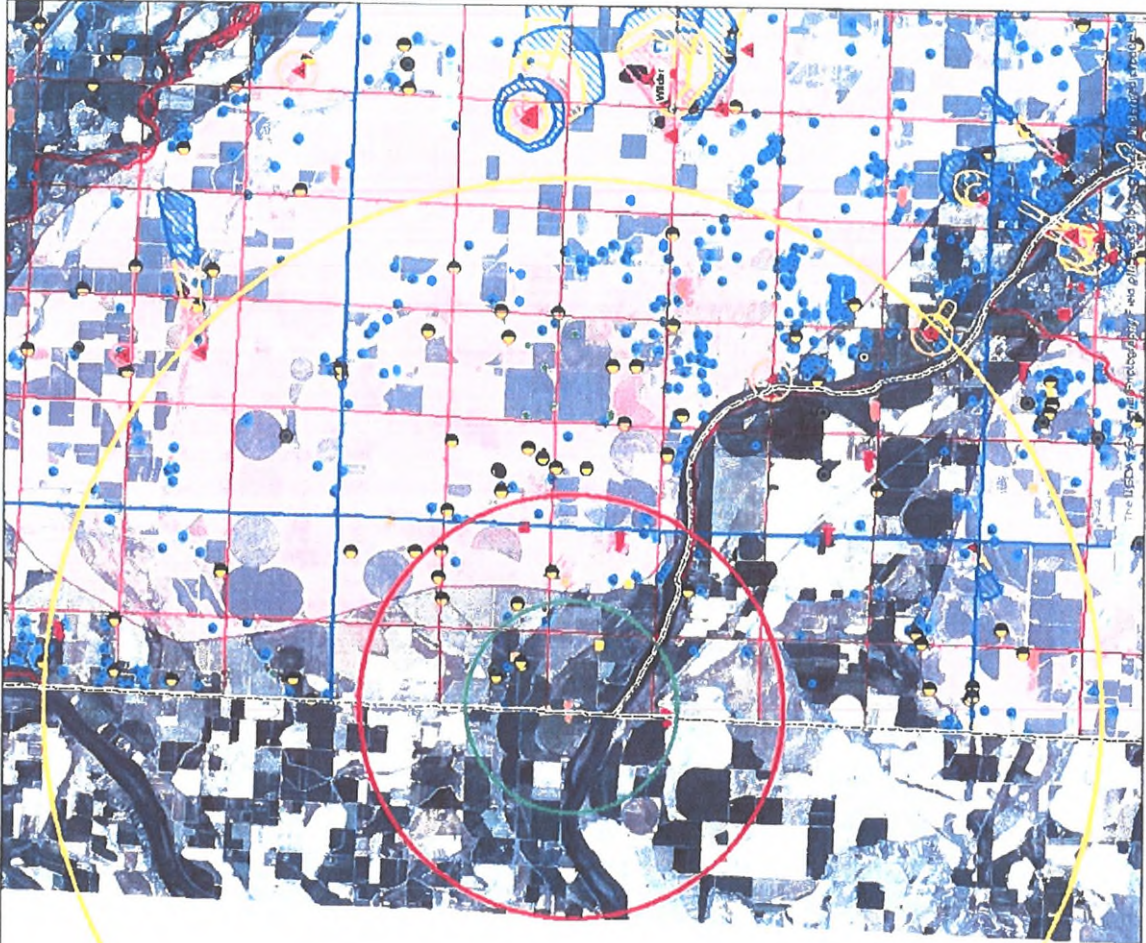
- SWA 3 Year To T
- SWA 6 Year To T
- SWA 10 Year To T
- Surface Water Buffer
- Fixed Radius
- Watershed Boundary

Wells

- Isda Wells (Males)
- Deep Injection Wells (Non-Permit)
- Deep Injection Wells (IDWR)
- Deep Monitoring Wells (IDWR)
- State Monitoring Wells (IDWR)
- Domestic Wells (IDWR)
- Springs (IHD)

Nitrate Priority Areas (2020)

- Animal Units = 5 Miles = ~ 11,740
- Public Water Systems = 5
- Residential Wells = 320
- State Monitoring Wells = 56
- Deep Injection Wells = 1
- Population 2020 = 7,669
- Irrigated Acres = 27,868
- USGS (NH) Springs = 1
- Schools = 1



Obtain a copy of the map from the Department of Environmental Quality, 1000 East University Avenue, Boise, Idaho 83725. The map is provided for informational purposes only. The Department of Environmental Quality is not responsible for the accuracy, completeness, or timeliness of any information or data provided. The data could be updated at any time. The data is provided as-is. The Department of Environmental Quality is not responsible for any errors or omissions. The data is provided as-is. The Department of Environmental Quality is not responsible for any errors or omissions.

State of Idaho CAFO Site Advisory Team Environmental Risk Form

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

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

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

Waste Management Plan

Waste Management and Nuisance Control

For

*AK Feeders
Canyon County, Idaho*

Prepared by



HQ & Mailing: AGPROfessionals
3050 67th Avenue
Greeley, CO 80634 (970) 535-9318

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

Developed in Accordance with Generally Accepted Agricultural Best Management Practices

March 2023

Introduction

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

Legal Description

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

Odor Control

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

1. Pen Management
 - *Drainage and Regular Manure Removal*
Dry manure is less odorous than moist manure. Standing water can increase microbial digestion and odor-producing by-products. AK Feeders will conduct proper pen maintenance and surface grading to reduce standing water. In between pen cleanings, the manure will be mounded in the pens prior to being exported.
2. Manure/Stormwater Pond Management
 - *Aerobic Designed Ponds*
The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in accordance with the *Nutrient Management Plan* for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.

Dust Control

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

1. Pen Density
 - Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.
2. Regular Manure Removal
 - AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.
3. Water Trucks
 - Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions.

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

Pest Control - Insects and Rodents

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

1. Habitat Management

○ *Regular Manure Removal and Lot Management*

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

○ *Reduce Other Fly Habitats*

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

2. Controls – Biological and Chemical

○ *Biological Control*

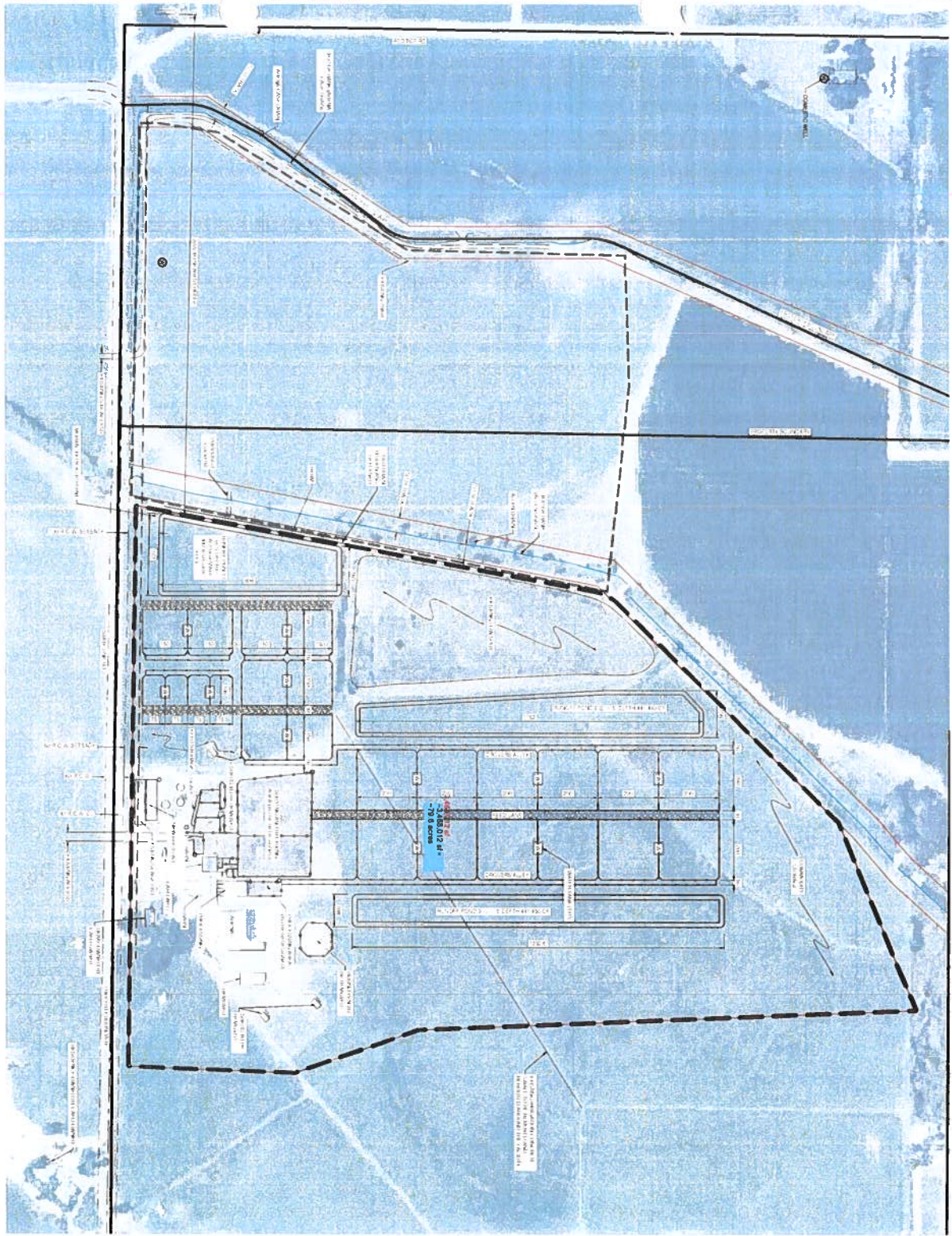
Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.

○ *Baits and Chemical Treatments*

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

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

SITE PLAN



LEGEND

EXISTING UTILITIES
 - - - - - ELECTRICITY
 - - - - - GAS
 - - - - - WATER
 - - - - - SEWER
 - - - - - TELEPHONE
 - - - - - CABLE

PROPOSED UTILITIES
 - - - - - ELECTRICITY
 - - - - - GAS
 - - - - - WATER
 - - - - - SEWER
 - - - - - TELEPHONE
 - - - - - CABLE

PROPOSED CONSTRUCTION
 - - - - - EXCAVATION
 - - - - - FILL
 - - - - - GRADE
 - - - - - DRIVEWAY
 - - - - - DRIVEWAY CURB
 - - - - - DRIVEWAY PAVEMENT
 - - - - - DRIVEWAY SIDEWALK
 - - - - - DRIVEWAY DRIVEWAY
 - - - - - DRIVEWAY DRIVEWAY
 - - - - - DRIVEWAY DRIVEWAY
 - - - - - DRIVEWAY DRIVEWAY

PROPOSED LANDSCAPE
 - - - - - TREES
 - - - - - SHRUBS
 - - - - - GRASS
 - - - - - MULCH
 - - - - - ROCK

PROPOSED FENCE
 - - - - - FENCE
 - - - - - FENCE
 - - - - - FENCE

PROPOSED SIGNAGE
 - - - - - SIGN
 - - - - - SIGN
 - - - - - SIGN

PROPOSED LIGHTING
 - - - - - LIGHT
 - - - - - LIGHT
 - - - - - LIGHT

PROPOSED PAVEMENT
 - - - - - PAVEMENT
 - - - - - PAVEMENT
 - - - - - PAVEMENT

PROPOSED DRIVEWAY
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PROPOSED SIDEWALK
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 - - - - - SIDEWALK

PROPOSED DRIVEWAY DRIVEWAY
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 - - - - - DRIVEWAY DRIVEWAY
 - - - - - DRIVEWAY DRIVEWAY

EXHIBIT 3



SP-1

SHEET

AK FEEDERS
SITE PLAN
WILDER, ID



AGPROprofessionals
 DEVELOPERS OF AGRICULTURE
 3397 E. Pro Avenue, Suite 200
 Green, CO 80434
 (970) 535-8338 Fax: (970) 535-9654
 213 Canyon Drive, Suite 100
 Twin Falls, ID 83301
 (208) 576-5391



DATE	NO. OF SHEETS	SHEET NO.



White Barn Ventures, Inc.

Canyon County Development Services
ATTN: Debbie Root
111 N. 11th Avenue
Caldwell, ID 83605
RE: 2020 Comp Plan Analysis

10/23/2023

Hi Debbie,

Please see the attached 2020 comp plan analysis and review of the applicable conditional use permit criteria under CCC 07-07-05 and 08-01-11 I am submitting on behalf of my clients, AK Feeders, for their CAFO CU2022-0036 application. This CAFO application is in conformance with the 2020 Comprehensive Plan. The proposed application for the expansion of this cattle operation meets many of the goals, policies, and implementation actions in the Plan, some of which I have listed below.

- **Pg 34 Goals:**

1. To diversify and improve the economy of Canyon County in ways that are compatible with community values.
2. To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities.
3. Create new jobs that are sustainable and lasting.
4. Provide an economically viable environment that builds and maintains a diverse base of business.
5. To ensure that land use policies, ordinances and processes allow for a viable economic environment for development

- **Page 34 & 35 Policies:**

1. Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
2. Support existing business and industry in the county.
- 3a. Encourage broad-based economic development programs that include natural resources such as agriculture.
8. Set aside suitable sites for economic growth and expansion that are compatible with the surrounding area.

- **Page 36 states:**

Agriculture and natural resource management is important to Canyon County and each of the cities and outlying communities as a whole. Eighty four percent of the total land area of Canyon County is agricultural. According to the Bureau of Reclamation, between 2002-2007 Canyon County lost 25% of its productive agricultural lands to development.

EXHIBIT
4



This rapid urbanization has made it difficult for existing Agricultural operations to continue with generally recognized agricultural practices without public scrutiny. Farming continues to be an economic stability to the County and the use of agricultural land for the production of food and fiber continues to serve as a constant need as a land and economic base. A more detailed discussion of agricultural trends can be found in Chapter 13. Conflicts may arise between raising crops and animals amidst residential or transitional type uses.

*More recent studies were included in the 2030 Comp Plan, According to American Farmland Trust's "Farms Under Threat: The State of the States" 2020 report, 8,800 acres, or almost fourteen square miles of County farmland was converted to low and high-density development between 2001-2016. That's close to one square mile per year. Boise State University Land Use Lab estimates the current conversion rate has accelerated to 1,113 acres per year, or almost two square miles per year, as Canyon County continues to be the path of growth in the Treasure Valley.

- **Page 37: Agriculture:**

The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value. This proposed use is "Agriculture" by definition.

- **Page 38: Goals:**

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

- **Page 39: Agriculture:**

The County's policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide, fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.

- **Page 40: Policies:**

1. Encourage the protection of agricultural land for the production of food.



3. Canyon County supports Idaho's Right to Farm laws (Idaho Code § 22-4501-22-4504), as amended.

4. Recognize that Confined Animal Feeding Operations ("CAFO's") may be more suitable in some areas of the county than in other areas of the county. **The site borders Oregon, which has strict land use laws deterring residential development, as well as very low residential density in the immediate vicinity on the Idaho side. The site is also isolated from much more densely populated residential areas in the county towards the east in Wilder, Greenleaf, Caldwell and Nampa.**

- **Page 42: Implementation Action for CAFO's:**

Review and refine the siting standards and regulations for Confined Animal Feeding operations.

- **Page 43: Goals:**

1. Encourage the protection of agricultural land, fish and wildlife habitat, clean water and air, and desirable vegetation for use by future generations.

2. This Plan recognizes the attributes of agricultural land as natural resources in the county. An important planning challenge in development of land is balancing natural resources against the impacts of population growth.

- **Page 44: Goals: A. Agricultural Land:**

1. To support the agricultural industry and preservation of agricultural land.

- **Page 44: Policies: A. Agricultural Land:**

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

- **Page 46: A. Agricultural Land:**

Implementation Action: Establish preservation standards and incentives that protect the long-term use of land with agricultural soils, used for existing agricultural operations and designated for rural use.

Implementation Action: Review and refine the siting standards and regulations for Confined animal feeding operations.

- **2030 Comp Plan**

Although the application was submitted under and subject to the 2020 Comp plan, many attributes of the new 2030 Comp Plan would also apply to this CAFO permit request including the items listed below.

Agriculture

Agriculture is a significant economic driver. According to the USDA 2017 Census of Agriculture, Canyon County Profile, the total market value of agricultural products sold was \$574,757,000, \$314,467,000 in crops and \$260,290,000 in livestock. This ranked fifth in Idaho and seventy seventh in the United States.



The County has the second-highest annual average of agricultural workers at 5,668. This robust agricultural economy is the product of investment of multiple generations of family farms and ranches to produce a volume of crops and livestock that has in turn, driven the location of many food processing and distribution facilities in Canyon County. The Idaho Department of Labor estimates 5,668 employees of the agricultural industry in the County in 2021. This large agricultural economic hub is a direct result of the unique combination of good soil quality, reliable irrigation water supply, climate, and transportation corridors in Canyon County. These factors are not easily relocated or recreated in other areas of Idaho.

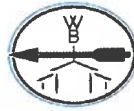
Agriculture Description The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value.

The AK Feeders Site lies under an Intensive Agriculture overlay in the 2030 Comp Plan. This overlay is applied to protect working lands and operations. These areas may have higher quality soils, water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, **concentrated animal feeding operations, grazing,** and other agriculturally based uses. This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety.

Agriculture Land Use The majority of farms in the County consist of cropland at eighty percent, followed by pastureland at fourteen percent. A total of 213,410 acres were irrigated, coming out to seventy-eight percent of farmland. **The top crops in acres were forage (hay/haylage) 49,359, wheat for grain 31,647, corn for grain 21,012, corn for silage 20,293,** and vegetables harvested 19,314.

The AK Feeders operation relies heavily on Hay, Corn Grain, and Corn Silage for the majority of the feed ration. The location of this CAFO is in an area where these crops are grown in the immediate vicinity. Locally sourcing these crops is an economic benefit to the area's farms, and this area is well suited for Corn Silage and Haylage production that is not easily transported long distances. Many times hay crops are rained on, making dry hay difficult to produce. Chopping haylage allows for quicker removal of the crop from the field, and ultimately more crop production. Not only is this another option for local hay producers to market their feed, it is also better for crop yields.

Manure and compost produced by this operation will also bolster crop yields in the area, reducing the reliance on chemical fertilizers that are more prone to leaching into aquifers and surface waters than organic fertilizers. CAFOs are a necessary part of Canyon



Counties Agriculture community, and will help to insure the Counties strong foothold in Agriculture for generations to come.

Commodity Crops

According to USDA's CropScape and the National Agricultural Statistics Service, the top nine commodity crops grown in the County are **alfalfa, hay**, spring and winter wheat, **corn**, sugar beets, beans, potatoes, and onions. Secondarily, the alfalfa, hay, and corn crops grown are a significant source of the feed supply for the dairies and feed lots in the County.

Livestock

According to the 2017 Census of Agriculture County Profile for the County, livestock is ranked number six in the state, with fourteen percent of land in farms identified as pastureland. The County has several feedlots and dairies.

Additional Goals and Policies from the 2030 Comp Plan that support the application:

P3.04.01 Build Canyon County as the premier location for agricultural-based businesses of all sizes.

G12.01.00 Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.

P12.01.01 Preserve and maintain agriculturally designated lands for agricultural use.

P12.01.04 Prioritize the protection of agriculture and farmlands in Canyon County as an essential part of the County's economy, identity, and sense of place.

G12.02.00 Support farmers and enhance local farmland.

P12.02.01 Encourage soil and water stewardship to ensure that agriculture remains an essential and sustainable part of Canyon County's future.

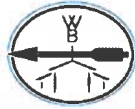
County Ordinance Criteria For Approval – CCC 08-01-11 and 07-07-05

This CAFO is evaluated under CCC 08-01-11 as a CAFO and 07-07-05 for conditional use permits. I would like to address how our application complies with those applicable criteria.

08-01-11: CRITERIA FOR APPROVAL AND DEVELOPMENT STANDARDS FOR NEW FACILITIES:

(1) Prior to approval of a CAFO siting permit for a new CAFO, and after public hearing, the commission shall find that the proposed new CAFO meets the following requirements:

A. General Requirements:



1. The new CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate. **The AK Feeders site is within an Agriculture Zone. This is an agricultural use.**

2. The new CAFO shall comply with and not be in violation of any federal, state or local laws or regulatory requirements. This cattle feeding operation has submitted and received approval of their nutrient management plan by the Idaho Department of Agriculture. The facility will also be subject to regular inspections by the Idaho Department of Agriculture to ensure compliance with applicable laws and regulations and the approved nutrient management plan. **The AK Feeders CAFO application is utilizing the best management practices and a dry scape modern design and engineering and will comply with laws and requirements set forth by the governing agencies.**

3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit. **Any past onsite construction was to support the existing feedlot which is under the 1000 Animal Unit threshold, and not directly related to the CAFO expansion request.**

4. A new CAFO shall comply with IDAPA rules governing dead animal disposal. **The site will comply with these rules.**

B. Animal Waste:

1. The new CAFO shall comply with the terms of its nutrient management plan for land application. **The site will comply with these rules.**

2. The new CAFO shall be in compliance with all applicable environmental regulations and requirements. **The site will be subject to regular Department of Agriculture inspections and will comply with the governing environmental rules and regulations for this CAFO.**

3. All new lagoons shall be constructed in accordance with state and federal regulations. **The design and construction of these lagoons is and will be in compliance. Lagoons will be built utilizing a clay liner that meet the 1 x 10-6 cm/sec seepage requirement. Prior to the lagoon/ponds being implemented they will be tested and approved by ISDA as required.**

C. Site Setbacks: An expansion of an existing CAFO, other than a simple expansion of the number of animals, shall comply with the following site setbacks. If the expansion requires a change in only one or more of the following, the particular item shall comply with the particular setback listed below. The site shall not be required to meet new setback requirements unless the requested expansion requires a change in that particular item. For example, if there is no



change in the size or location of the ensilage process, an operator need not bring that particular use into conformance with the requirements of subsection C2 of this section regarding setback from an existing residence. **The site plan satisfies the setback requirements listed in items 1-3 below.**

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

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

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

4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area. **The site plan satisfies the lighting requirements and lighting for the facility will be directed downward.**

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

(A) Whether the proposed facility will be injurious to or negatively change the essential character of the vicinity. **The proposed site will not negatively change the character of the area, or be injurious to neighboring properties. This property has a long history of raising cattle since the early 1900s. From the 1950s through the 1980s there were approximately 1100 to 1500 head of cattle in the operations on this property. The current owners have approximately 800-1000 head they raise on the property. This is a longstanding agricultural use in the AG zone. This historic use of this property and the many other AG uses in this Ag zoned area generate dust, noise, odors, truck and tractor traffic. All of those things are part of the agricultural character of the area. This modern feedlot will be compatible with the other primary agricultural uses in the area. The facility and its various components will be designed and constructed in accordance with the site plan and applicable regulations. The applicant will comply with the approved Nutrient Management Plan and the proposed Waste Management Plan. The potential risks associated with the physical nature of the site area are easily mitigated through design and operation of the CAFO facility.**



The operation will be regularly inspected by the Department of Agriculture for compliance. The applicant will follow the recommendations of the CAFO siting as noted in their report. All of the foregoing will put the actual risk of the operation at a low or minimal level. The additional traffic from this facility will be minimal. The number of trips generated by this operation does not come anywhere near the level required to conduct a traffic study. The additional annual average trips per day only increases by 11 per day as noted in the traffic narrative in the submittal materials. This operation does not result in a significant additional impact on the road system in the area.

(B) Whether the proposed facility would cause adverse damage, hazard and nuisance to persons or property within the vicinity. **The proposed site will not cause adverse damage, hazards or be a nuisance to person or property within the vicinity. The proposed use is similar in nature to the current feedyard operation. The permit approval will allow the site to be updated to include runoff ponds to further modernize the operation and mitigate risks associated with weather events. This will be a modern dry scrape operation so standing water which contributes to insect breeding and odor will not be a significant issue. The applicant will utilize various methods which are described in more detail below to help control insects, dust and odors. Storm water retention ponds on the site are designed in accordance with necessary capacity standards and will be clay lined in accordance with applicable environmental regulations to protect the aquifer. The CAFO siting team looked solely at the physical nature of the site in calculating a high risk score for the site. The physical characteristics of the site are what they are – they can't be changed but they certainly can be addressed and mitigated so the actual risk is low or minimal. The team's evaluation and calculation does not include or consider in any way the design and operation of the facility and its various components and practices used to address potential risks. The Siting Team leader Dr. Pradip Adhikari with the Idaho Department of Agriculture stated that the risks noted at the site report can be easily mitigated using the recommendations in the team's report and the design and management practices utilized in this facility.**

(C) Whether studies should be ordered at the CAFO applicant's expense to aid the commission/board in determining what additional conditions should be imposed as a condition of approval to mitigate adverse damage, hazard and nuisance effects. **The applicant has prepared the necessary analysis and complied with all requests, and will be utilizing the best management practices described herein and further outlined in the Nutrient Management Plan, Waste Management Plan, and Nuisance Control plan.**



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

7. No animal waste system shall be located and/or operated closer than one hundred feet (100') from a domestic or irrigation well. **The site plan satisfies the setback requirements listed.**

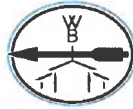
8. No animal waste system shall be located closer than one hundred feet (100') from a public right of way. **The site plan satisfies the setback requirements listed.**

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

D. Exemption To Subsection (1)C Site Setbacks: Certain land parcels may not be conducive to setback requirements due to unique locations, demographics and technology. Where appropriate, the commission may grant an applicant a variance to setback requirements pursuant to section 07-08-01 (variance) of this code. If this setback includes animal waste systems, the systems shall meet all state and federal regulations and be approved by the regulatory agency exercising authority. (Ord. 07-002, 1-18-2007)

The application meets the hearing criteria contained in 07-07-05:

- (1) Is the proposed use permitted in the zone by conditional use permit? **Yes a CAFO is permitted by CUP in the AG zone.**
- (2) What is the nature of the request? **To increase the number of head in this historic cattle operation and operate a modern CAFO as described in the application.**
- (3) Is the proposed use consistent with the comprehensive plan? **Yes. See the analysis above.**
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area. **No. The response to this question has also been described above under the specific CAFO provisions. Cattle have been raised on this property since the early 1900s and there have historically been 1000-1500 hundred head on the property since the 1950s. The current operation has approximately 800 head of cattle. This is an historic**



agricultural operation in area with many other agricultural operations that generate noise, dust, odors and truck and tractor traffic. Although the physical characteristics of the site yielded a high risk score from the CAFO siting team this report does not consider the actual operation design and practices of the facility in any way. The site physical risk factors are easily mitigated so the actual risk is low or minimal. This low risk is achieved by implementing the site and facility design and management practices noted in the application and the siting team report and by complying with applicable regulations and plans. The site has an approved nutrient management plan and as well as a waste management plan and nuisance control plan. The applicant will operate a modern dry scrape facility that is designed, constructed and operated as provided in this application and in accordance with applicable law, the Department of Agriculture's regulations and requirements and any conditions of approval established by the County in this CUP. The facility will be regularly inspected by the Idaho Department of Agriculture. The additional traffic generated from this facility will not be significant and fits with the type and volume of agriculturally related traffic that exists in the area.

(4) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use. **Yes the site plan conforms with applicable requirements and regulations. The property owner owns proper and adequate water rights for the property and the operation.**

(6) Does legal access to the subject property for the development exist or will it exist at the time of development. **Yes – the property accesses on to State Line Road for its existing cattle operation and will continue to use that access.**

(7) Will there be undue interference with existing or future traffic patterns. **No. The property is and has been the location for a historic agricultural cattle operation since the early 1900s. As noted in the submitted documentation the additional traffic generated by the expanded operation on the site will only increase the average daily trips by 11. The number of trips generated by the operation does not come anywhere near the number required to generate a traffic study. The proposed use will not result in a significant increase in traffic or interfere with existing or future traffic patterns. The type of traffic generated by the current operation, the expanded operation and the other agricultural operations in the area are all consistent with agricultural traffic in the area.**

(8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016). **No. This is expanded agricultural operation does not generate any impact on schools. Other services also will be minimally impacted. The demand for emergency services is low with the current operation and will not significantly increase with the expansion of the existing operation. There are no**



ditches running through the expanded operation on the site and this expansion will have no negative impact on irrigation facilities.

How AK Feeders will Mitigate Risks and Potential Impacts

AK Feeders will take steps to protect the land and water as required by local/state/federal regulations in concert with the ISDA requirements and by implementation of the Nutrient Management Plan, Waste Management Plan, and Nuisance Control plan.

The facility operates an open lot dry scrape manure system. There is no commercial water produced on the facility. The only process water that will be captured in the containment ponds is precipitation runoff from the corrals and feed storage areas. Runoff from precipitation is directed to one of the three runoff containment ponds. The site has been graded to ensure proper drainage. Runoff containment ponds will be built utilizing a clay liner that meets the ISDA requirements for seepage.

The Wastewater Storage and Containment facilities will be in compliance with 02.04.15.020 Wastewater Storage and Containment Facilities. The runoff lagoons were designed for the 25 year, 24 hour rainfall event and the runoff from the winter precipitation from a one in five year winter. There will be no process wastewater generated on the facility and therefore, it was not used in the calculations of the sizing of the runoff lagoons.

IDAPA02.04.14 Rules Governing Dairy Byproducts is used for the installation of liner for both dairy and beef CAFOs. AK Feeders ponds will be constructed in accordance with 022.04.14 Dairy Storage and Containment Facility Criteria stating “The inside bottom of the dairy storage and containment facility shall be a minimum of two (2) feet above the high water table, bed rock, gravel, or permeable soils. For an earthen dairy storage and containment facility, a soil liner shall be installed such that the specific discharge rate of the containment structure meet 1×10^{-6} cm³/cm²/ sec or less. Concrete or synthetic liners must be constructed to ASAE and Appendix 10D specifications.”

Odor Control

AK Feeders will use the following methods and management practices for odor control:

1. Pen Management

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

2. Manure/Stormwater Pond Management

Aerobic Designed Ponds The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in



accordance with the Nutrient Management Plan for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.

Dust Control

Management methods AK Feeders will use to control dust are:

1. **Pen Density:** Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.
2. **Regular Manure Removal:** AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.
3. **Water Trucks:** Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions. If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

Pest Control

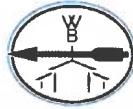
AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary

1. Habitat Management

- **Regular Manure Removal and Lot Management** Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.
- **Reduce Other Fly Habitats** Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.

2. Controls – Biological and Chemical

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



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

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

Proposed Conditions of Approval. The following proposed conditions will help provide the mitigation of potential risks related to the physical site. They will also help ensure compliance in the facility design and operation so that the actual risk of the operation is low and potential impacts of the expanded cattle operation are addressed and consist with the of the AG operations in the area.

- The facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA 02.04.15 "Rules Governing Beef Cattle Feeding Operations". The Nutrient Management Plan will be modified if/when the facility expands to accurately reflect the current operation. The footprint of the animal housing waste containment area will increase (as shown on Exhibit "A" Site plan) if the county approves the proposal. In the event the county approves the proposed expansion, the waste system improvements/modifications will take place before the increase in animal units.
- Care will be taken to prevent solid waste products and storage area runoff from entering surface water bodies, or ponding and entering the groundwater. The facility will ensure setback distances listed in IDAPA 02.02.30 subchapter D "Stockpiling of Agricultural Waste". This would include setbacks from any domestic or irrigation well or downgradient surface water of the state of Idaho.
- Care will be taken when applying solid waste/manure to the facility-controlled fields to ensure runoff does not occur from a weather related event. Timely incorporation of solid manure applications into the soil will also assist in minimizing runoff potential. Also, animal manure shall be incorporated into the soil prior to irrigation, and ideally will be incorporated within 72 hrs of application.

Care will be taken when handling liquid and solid waste in the facility. To protect groundwater, effluent associated with the CAFO facility and standing effluent in the corrals and low areas of the facility must be stored/transferred in an ISDA approved structure. Furthermore, frequent removal of solid waste, and precipitation runoff stored in a clay lined surface will help to prevent groundwater pollution.

- Applicant will comply with the applicable Idaho Department of Agriculture rules and regulations regarding operation of the facility.



- Applicant will comply with the Nutrient Management Plan approved by the Department of Agriculture.
- Applicant will comply with the Waste Management Plan (See attached Exhibit B) - they would probably attach that as an exhibit so everyone knows what this is).
- The facility will be developed in substantial conformance with the Site Plan (See attached Exhibit A)

Summary

For these reasons, we feel this location and type of CAFO fit well in the area, and no better site could be had in Canyon County for the production of cattle while minimizing potential conflicts with urban developments. This site has produced cattle for well over a hundred years and this is a responsible and modern expansion of those historic operations. Approving the CAFO permit for AK Feeders at this location will help protect and support the success of the Ag community, deter residential growth in this agricultural zone, and allow AK feeders and other related Ag operators to thrive for many years to come.

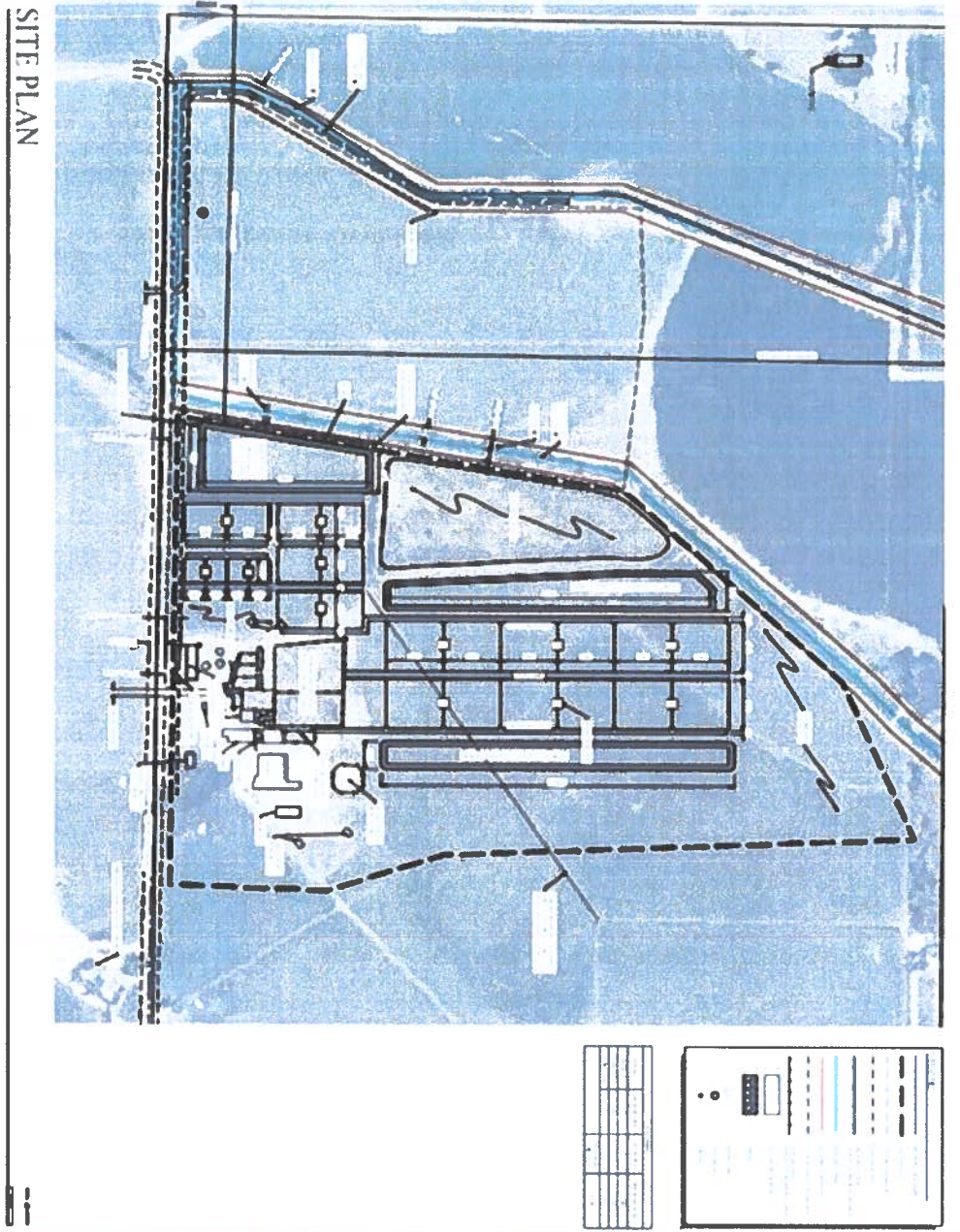
Thank you,

Matt Wilke

White Barn Ventures Inc.~ Applicant Representative for AK Feeders, LLC



Exhibit "A" consisting of 1 page.



SP-

AK FIELDS
SITE PLAN



AGPROfessionals



AGPRO



**Exhibit “B” Waste Management Plan
Consisting of 4 pages**

Waste Management Plan

***Waste Management
and
Nuisance Control***

For

***AK Feeders
Canyon County, Idaho***

Prepared by



HQ & Mailing: AGPROfessionals
3050 67th Avenue
Greeley, CO 80634 (970) 535-9318

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

Developed in Accordance with Generally Accepted Agricultural Best Management Practices

March 2023

1

Page 1 of 4.



Introduction

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

Legal Description

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

Odor Control

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

1. Pen Management

○ *Drainage and Regular Manure Removal*

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

2. Manure/Stormwater Pond Management

○ *Aerobic Designed Ponds*

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



Dust Control

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

1. Pen Density

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

2. Regular Manure Removal

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

3. Water Trucks

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

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

Pest Control - Insects and Rodents

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



1. Habitat Management

○ *Regular Manure Removal and Lot Management*

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

○ *Reduce Other Fly Habitats*

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

2. Controls – Biological and Chemical

○ *Biological Control*

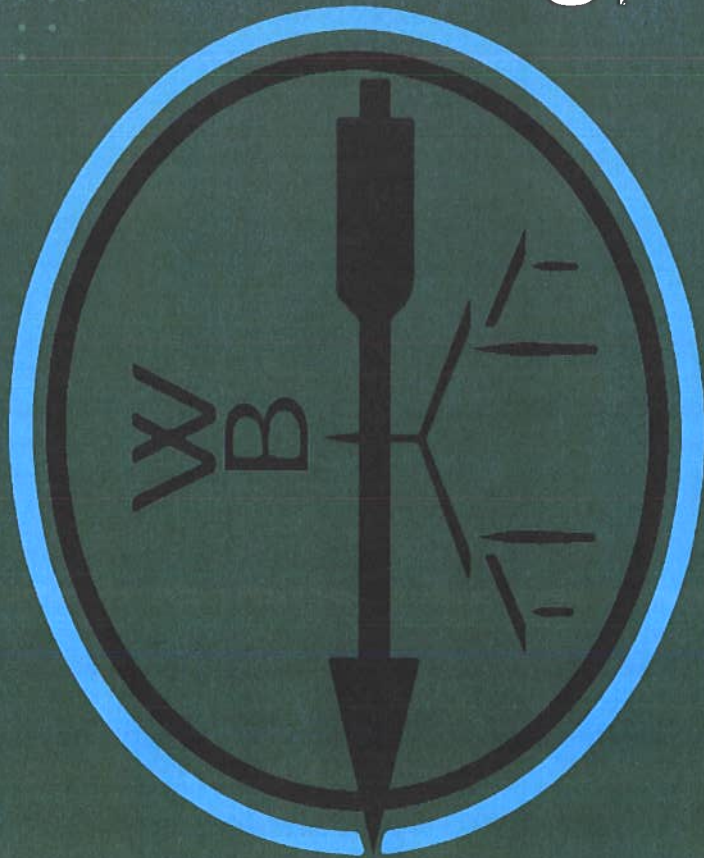
Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.

○ *Baits and Chemical Treatments*

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

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

AK FEEDERS, LLC
CU2022-0036



P&Z HEARING 

CAFO PRESENTATION

Presented by Matt Wilke
White Barn Ventures, Inc.

www.mywhitebarn.com

Intro

AK FEEDERS, WILDER, ID

Good evening Honorable Commissioner's, Staff, Neighbors, and Friends. I am proud to present our CAFO application and sincerely appreciate the time and effort each of you has taken to be here tonight. Your dedication to ensuring our Ag community thrives is ever-present, and I am grateful for the opportunity to present this application before you.

Our proposed site consists of approximately 79.6 acres, and will have a 3,700 cow capacity with an average weight of 750 pounds upon approval.

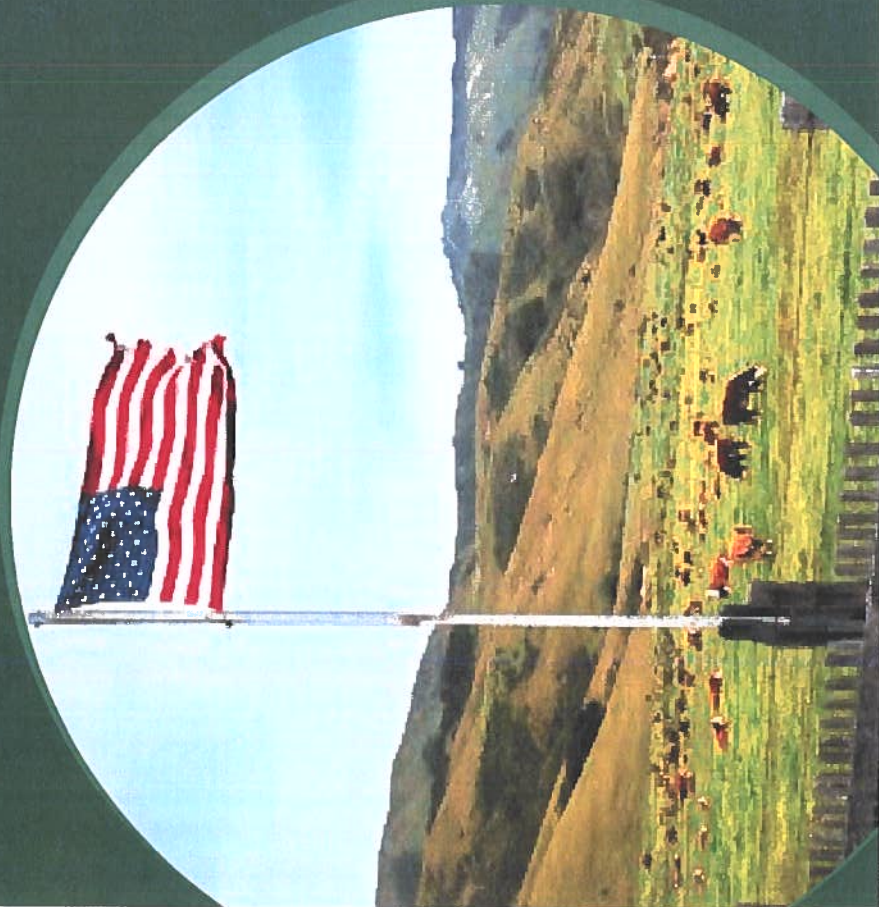


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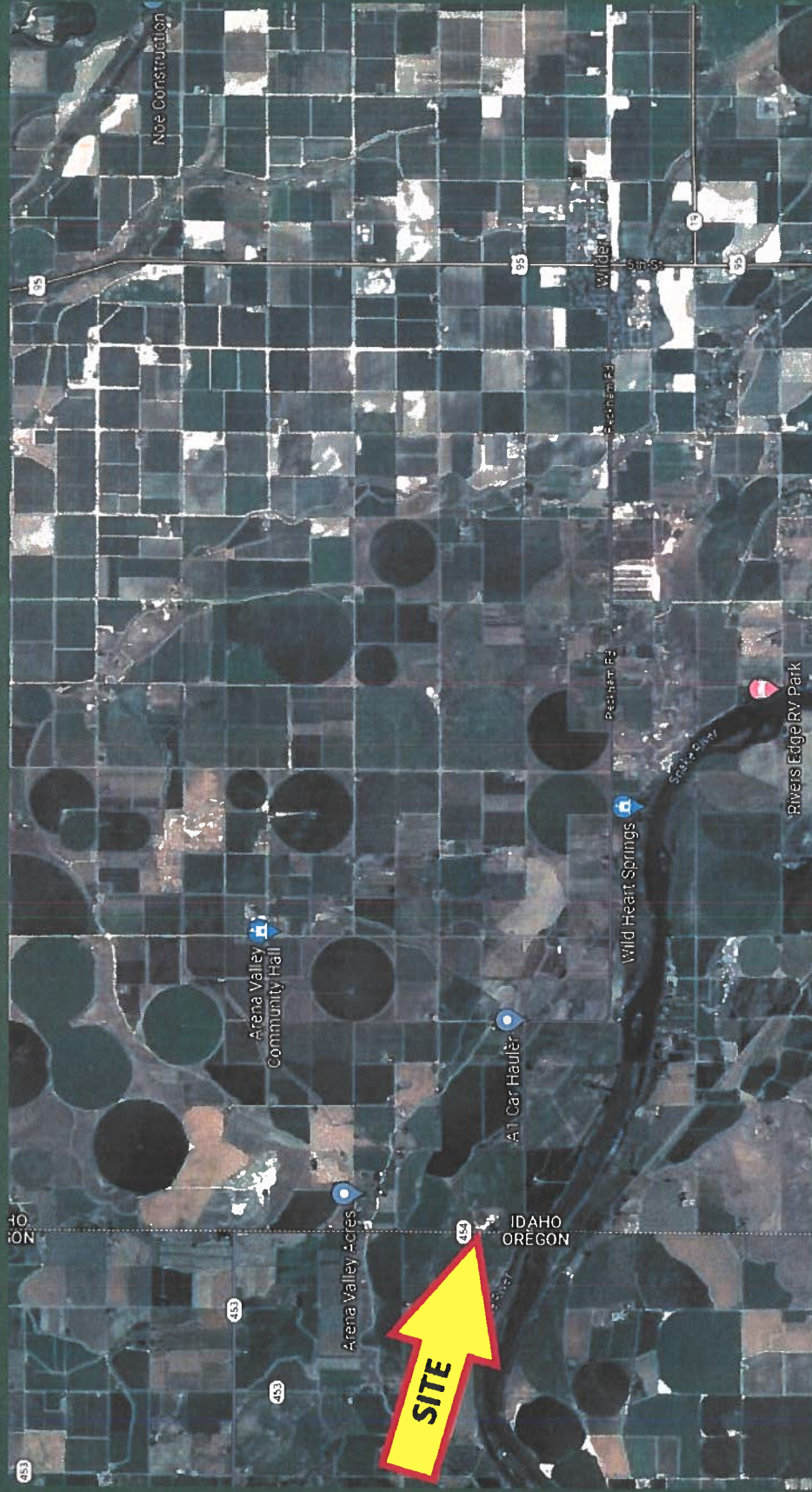
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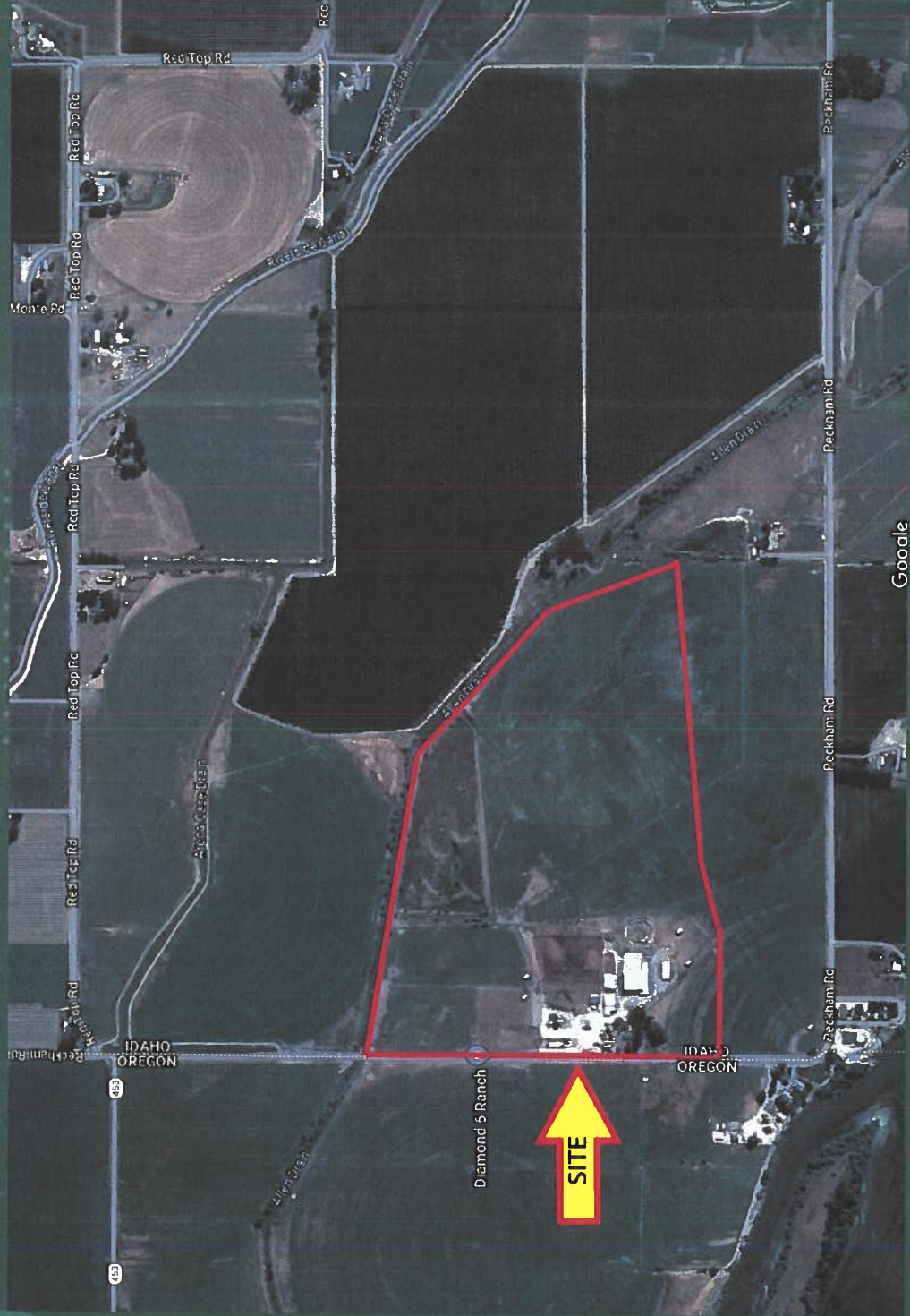
WMP

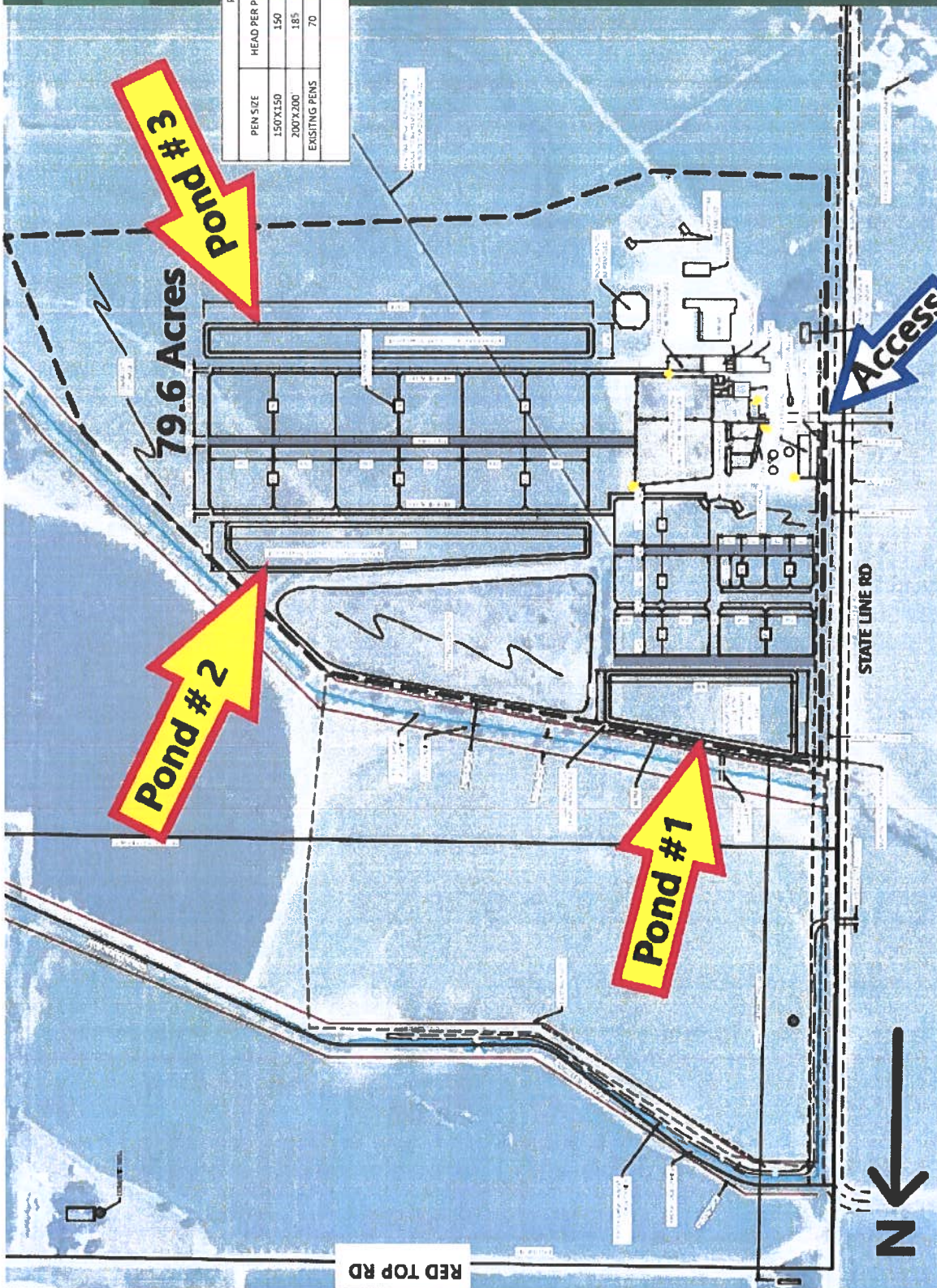
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History & Support

SITE LOCATION





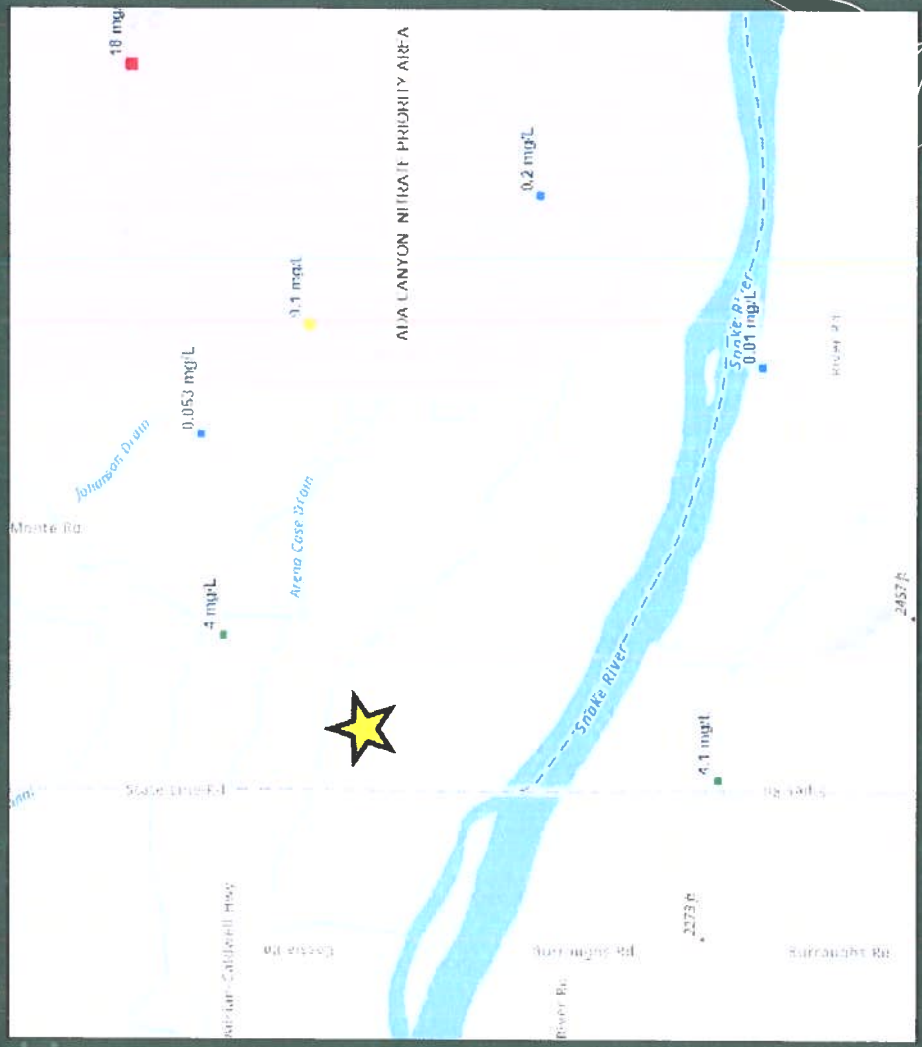
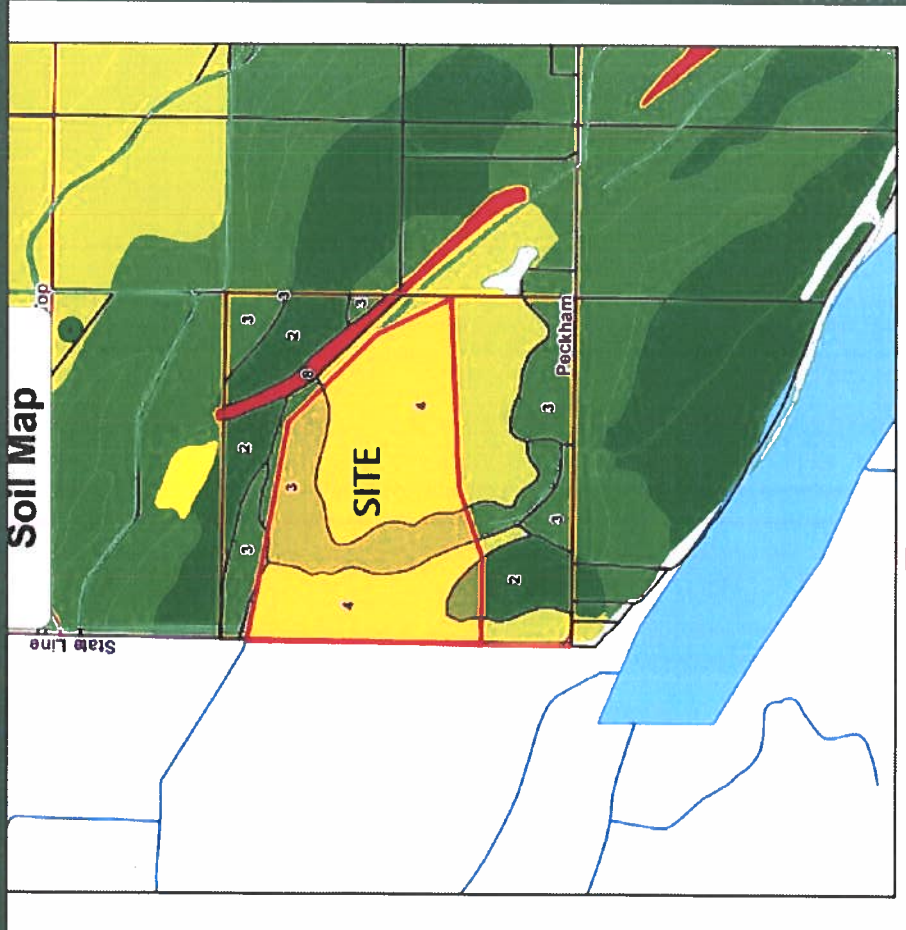


PEN SUMMARY

PEN SIZE	HEAD PER PEN	QTY OF PEN	PEN HEAD TOTAL
150'X150	150	8	1200
200'X200	185	12	2220
EXISTING PENS	70	4	280
TOTAL HEAD PER SITE			3700

SOIL MAP / NP AREA

04



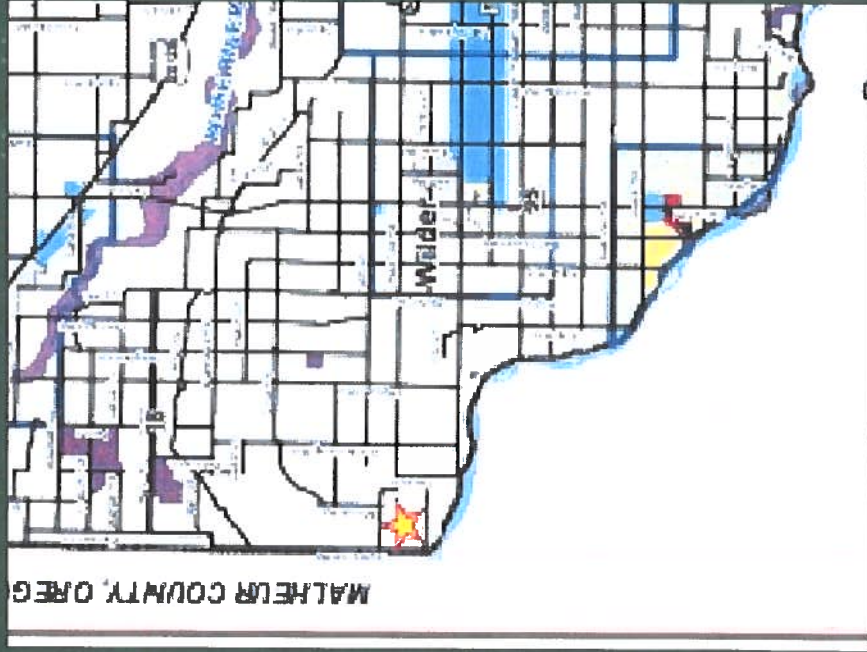
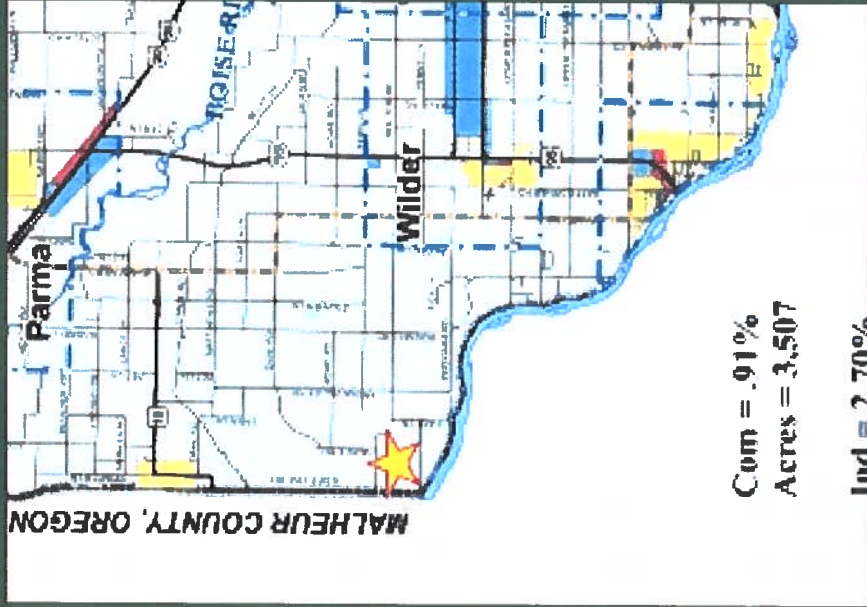
FUTURE LAND USE MAPS

FEMA FLOOD MAP

FLOOD MAP

2030 FLUM

2020 FLUM



STOCK WATER PERMIT APPROVAL

06

Attachment to Permit to Appropriate Water

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Permit to Appropriate Water

Maximum Diversion Rate: 0.81 CFS
No. 63-35421

This is to certify that AK PEPPERS LLC, 21886 STATE LINE RD, WILDER ID 83276-5099 has applied for a permit to appropriate water from

Source: GROUND WATER
Source: GROUND WATER

and a permit is APPROVED for development of water as follows

Period of Use	Rate of Diversion
Continuous	0.81 CFS

Location of Point of Diversion
GROUNDWATER L11 NW/4 NW/4, Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County
GROUNDWATER SW/4 NE/4, Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County

Place of Use: STOCKWATER	NE	NW	SW	SE	SW	SE
14	X	X	X	X	X	X
15	X	X	X	X	X	X
16	X	X	X	X	X	X

Conditions of Approval

- Proof of application of water to beneficial use shall be submitted on or before August 01, 2028.
- Subject to all permit requirements, the applicant shall install a suitable measuring device to allow water to be diverted and shall annually report the information to the Department.
- Water diverted and shall annually report the information to the Department.
- Stockwater shall be used for 3700 head cattle.
- Right holder shall comply with the drilling permit requirements of Idaho Code § 42-335 and applicable Water Conservation Rules of the Department.
- The Director reserves jurisdiction to require the right holder to improve, purchase or leased natural flow wells within the Stockwater place of use boundary for the purpose of increasing the amount of water required to be released into the Snake River or a tributary if needed for this purpose. This determination will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

OFFICE OF THE DIRECTOR
DIVISION OF WATER RESOURCES
PERMITS SECTION

DATE: May 25, 2023
SUBJECT: Maximum Diversion Rate for Stockwater Response

No. of Stock (head)	Rate (cfs)	Value (cfs)	Rate (cfs)	Value (cfs)
0	0.02	0.7	0.07	0.7
1	0.05	0.4	0.06	0.4
2	0.08	0.3	0.08	0.3
3	0.11	0.2	0.11	0.2
4	0.14	0.1	0.14	0.1
5	0.17	0.1	0.17	0.1
6	0.20	0.1	0.20	0.1
7	0.23	0.1	0.23	0.1
8	0.26	0.1	0.26	0.1
9	0.29	0.1	0.29	0.1
10	0.32	0.1	0.32	0.1
11	0.35	0.1	0.35	0.1
12	0.38	0.1	0.38	0.1
13	0.41	0.1	0.41	0.1
14	0.44	0.1	0.44	0.1
15	0.47	0.1	0.47	0.1
16	0.50	0.1	0.50	0.1
17	0.53	0.1	0.53	0.1
18	0.56	0.1	0.56	0.1
19	0.59	0.1	0.59	0.1
20	0.62	0.1	0.62	0.1
21	0.65	0.1	0.65	0.1
22	0.68	0.1	0.68	0.1
23	0.71	0.1	0.71	0.1
24	0.74	0.1	0.74	0.1
25	0.77	0.1	0.77	0.1
26	0.80	0.1	0.80	0.1
27	0.83	0.1	0.83	0.1
28	0.86	0.1	0.86	0.1
29	0.89	0.1	0.89	0.1
30	0.92	0.1	0.92	0.1

- The amounts shown are based on 22 additional stock units and are based on the following: (1) for range cattle, based on the number of head up to the limit when the number of head is 20 or less; (2) for dairy cows, based on the number of head up to the limit when the number of head is 10 or less. (3) for annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

2. The amount shown are based on 45 gpd/head water for each animal of the appropriate class. The amount shown are based on the following: (1) for dairy cows, based on the number of head up to the limit when the number of head is 10 or less; (2) for annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

- for 22-stock unit 0.12 gpd/head, R (0.0176),
- for dairy cow 0.35 gpd/head, R (0.0361),

3. For annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

4. The amount shown are based on the following: (1) for dairy cows, based on the number of head up to the limit when the number of head is 10 or less; (2) for annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

APPROVED: _____

GGHD

ODOT



March 20, 2023
Canyon County Development Services Department
Alyn Debbie Root, Planner
111 North 11th Ave., 516 310
Caldwell, ID 83605
Phone: (208)455-6034
Email: alyn@jubb.com

REF: CWP Name: AK Forestry, Case Number: CU2022-0016, Parcel # 8171380.0

Ms. Root

On behalf of the Golden Gate Highway District No. 3 (GGHD), JUB Engineers, Inc. has reviewed the Traffic Narrative and Site Plan associated with the subject Conditional Use Permit application submitted to GGHD on an email dated March 20, 2023. The subject parcel is located approximately 0.20 miles north of the intersection of State Line Rd intersection in the N1/2 of Section 14, T4N, R6W, DM, Canyon County, ID.

The documents submitted for review to GGHD will support the Conditional Use Permit application. The subject property currently contains pens, feed storage, indoor riding arena, and center pivot fields. Additional pens, feed storage, gravel roads to pens, runoff ponds, and access paving are proposed. Proposed access will be at the existing access location on State Line Road, which is under the jurisdiction of GGHD and classified as a local road according to the GGHD's 2019 Functional Classification Map.

- Based upon the information provided, the following findings and conditions of approval apply:
1. The estimated peak hour and average annual daily traffic (AADT) volume of 10 and 25 are below the Traffic Impact Study (TIS) rural thresholds of 50 and 500, respectively, shown in Section 310.010 of the 2022 Association of Canyon County Highway Districts Highway Standards & Development Procedures (ACCCHD Standards).
 2. Proposed access on State Line Road to meet the rural roadway driveway spacing requirements of Section 305.1020 and Standard Drawing ACCCHD-106 of the ACCCHD Standards.
 3. A site visit by GGHD is required to address possible site distance issues, if any.

GGHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available. GGHD requests Canyon County Development Services incorporate these comments and any subsequent comments into proposed Conditions of Approval for consideration/approval by Canyon County. Respectfully,

Christopher S. Pettigrew, PE
Professional Engineer
Professional Engineer License No. 1716022

C.C. Bob Watkins, GGHD Director of Highways
Matt Wilke, White Barn Real Estate
Valerie Cauthorn, AgPro



Department of Transportation
Permit 14 Maintenance
111 N. 11th Avenue
Caldwell, ID 83605
541.389.9115

Tim Kueck, Governor

March 20, 2023

Canyon County Development Services
111 N. 11th Avenue
Caldwell, ID 83605

SUBJECT: CAFO Permit CU2022-0036

To whom it may concern,

Oregon Department of Transportation (ODOT) staff has completed a review of the submitted site plan for permit CU2022-0036. We have determined that ODOT does not have permitting authority for the frontage on the east side of State Line Road and we have no specific concerns with the traffic generation estimated in the applicant's traffic narrative.

If you have any questions regarding ODOT permits or the content of this letter, please feel free to contact me at 541-216-1246 or john.w.eden@odot.oregon.gov.

Sincerely,

John Eden, Permit Specialist
ODOT District 14 Maintenance Office

Table T-5
YEARLY TRAFFIC ESTIMATE

Traffic Source	Number of Vehicles to Facility by Frequency			Trips ³ Generated Per Day	
	Existing	Proposed	Amount Frequency	Existing	Proposed
Owner/Manager	1	1	Per Day	2	2
Employees (vehicles not # of employees)	5	9	Per Day	10	18
Milk Trucks	0	0	Per Day	0	0
Milk Replacer (calves)	0	0	Per Week	0.0	0.0
Cows/Calves In & Out	1	2	Per Month	0.1	0.1
Buyers	0	0	Per Month	0.0	0.0
AI Delivery/ Service	0	0	Per Week	0.0	0.0
Vet visit	1	1	Per Month	0.1	0.1
Govt. Inspectors	1	1	Each Year	0.0	0.0
Medicine Delivery	1	1	Per Month	0.1	0.1
Mechanical Parts/ Repairs	1	1	Per Week	0.3	0.3
Utilities	1	1	Per Month	0.1	0.1
Fuel Delivery	2	2	Per Month	0.1	0.1
Dry hay, Commodities and Mineral In	14	182	Each Year	0.1	1.0
Silage In	26	338	Each Year	0.1	1.9
Straw In	3	40	Each Year	0.0	0.2
Manure Out	47	621	Each Year	0.3	3.4
Shirry Hauling	0	0	Each Year	0	0
Farming (significant changes)	0	0	Each Year	0	0.0
Miscellaneous Visitors (salesman, mailman, etc.)	0	0	Per Weekday	0	0
Double Haul Adjustment ⁴	-47	-621	Each Year	-0.25753	-3.40274
TOTAL Vehicle Trips per day estimate				13	24

Trip Generation

The expected hours for outgoing and incoming semi-trucks and other vehicles and equipment will be Monday through Sunday 6:00 A.M. to 5:00 P.M. The highest traffic volumes will be generated during the morning hours of 7:00 A.M. to 9:00 A.M. and in the evening between 3:00 P.M. to 5:00 P.M when employees enter and exit the property. During peak traffic hours no more than five vehicles are expected to be going in and out. Occasional operations outside of the expected hours may be required due to CAFO industry needs.

The site will include a shipping and receiving area for cattle and commodities. Parking for employees will be gravel spaces located near the entrance.

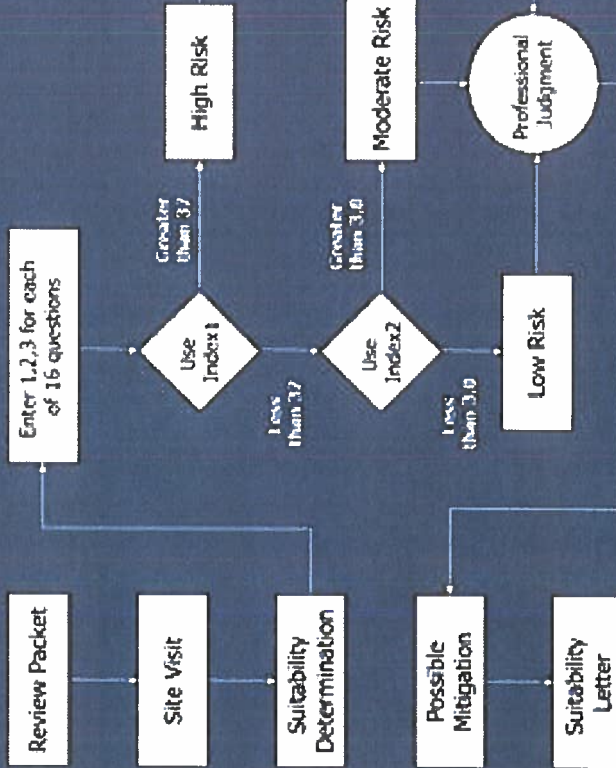
The CAFO expansion only increases the number of employee vehicles from five to nine. The number of trips per day increased from 13 to 24 for the proposed site averaged over the year. The following traffic volumes are anticipated for this proposed site:

- 6 roundtrips per day
- 18 roundtrips per day

Commercial Vehicles/Equipment
Owner/Employee Vehicles

The arrival and departure of vehicles is expected to be staggered throughout the day. Employee traffic, which accounts for the majority of the traffic, will arrive in the morning and then depart in the evening.

CAFO Siting Process Flowchart



State of Idaho CAFO Site Advisory Team Environmental Risk Form

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

Risk Scoring System

- Low Risk - Ideal goal for environmental protection
- Moderate Risk - Provides reasonable resource protection
- High Risk - Poses a high risk for health and/or for contaminating ground or surface water

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



Index1 – High Risk Equation

$$1.5 \cdot \text{Perm} + \text{DepthShall} + 5 \cdot \text{Vadose} + 3 \cdot \text{FirstHOH} + 2.5 \cdot \text{Clay} + \text{Precip} + 2.5 \cdot \text{Flood100} + 0.5 \cdot \text{DistStream} + \text{NO3prior} + \text{AvgNO3} + 2 \cdot \text{Wells} + 0.5 \cdot \text{RunOn} + 6 \cdot \text{SurfaceRun} + 0.5 \cdot \text{DistSurf}$$

Weight	Variable	Weight	Variable
6	Runoff	1	Precipitation
5	Aquifer Geology	1	Soil Depth
3	Depth to Water	1	Wells over 5 mg/L
2.5	Clay Thickness	1	Mean Nitrate
2.5	100-yr Floodplain	0.5	Stream Distance CAFO
2	Domestic Well Distance	0.5	Run-on
1.5	Permeability	0.5	Stream Distance Land App

Index2 – Low-Moderate Equation

$$2 \cdot \text{Perm} + \text{Vadose} + \text{FirstHOH} + \text{Clay} + 0.5 \cdot \text{Precip} + 1 \cdot \text{Spring} + 2 \cdot \text{Flood100} + 0.5 \cdot \text{SourceHOH} + \text{NO3prior} + 0.5 \cdot \text{AvgNO3} + 0.5 \cdot \text{SurfaceRun} + 0.5 \cdot \text{DistSurf}$$

Weight	Variable	Weight	Variable
2	Permeability	1	Wells over 5 mg/L
2	100-year Floodplain	0.5	Precipitation
1	Aquifer Geology	0.5	Source Water Delineation
1	Depth to Water	0.5	Mean Nitrate
1	Clay Thickness	0.5	Runoff
1	Spring Time of Travel	0.5	Stream Distance Land App



IDAHO STATE DEPARTMENT OF AGRICULTURE



CAFO SITE ADVISORY TEAM

September 14, 2023

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

RE: CAFO Siting Advisory Team Review Report of AK Feeders

Dear Commissioners,

The Idaho State Concentrated Animal Feeding Operation (CAFO) Siting Team has completed its review of the proposed Livestock Confinement Operation expansion of AK Feeders located at 21696 Stateline Rd, Wilder, Idaho. This facility is proposing to extend the existing operation to 3,700 head of beef cattle. The review was completed in response to a request made by Canyon County in accordance with IDAPA 02.04.30, subchapter H.

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

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

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

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

I. Risk Category

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

Serving consumers and agriculture by safeguarding the public, plants, animals and the environment through education and regulation.

Idaho State CAFO Site Advisory Team • PO Box 7249 • Boise, Idaho 83707 • (208) 372-8550 • (208) 374-4661 FAX

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

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

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

II. Description of Factors

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

High Risk Factors

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

Moderate Risk Factors

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

Low Risk Factors

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

III. Mitigation

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

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

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modified if when the facility expands to accurately reflect the current operation. The footprint of the animal housing/waste containment area will increase if the County approves the proposal. In the event, the county approves the proposed expansion the waste system improvements/modifications will need to take place, prior to the increase in animal units.

Other Best Management Practices recommendations include:

- Care should also be taken to prevent solid waste products and solid waste storage area runoff from entering surface water bodies, or ponding and entering the ground water. The facility should ensure appropriate setback distances as listed in IDAPA 02 04 30 sub-chapter D "Stockpiling of Agricultural Waste" from the stockpiling of solid waste to any domestic or irrigation well or down-gradient surface water of the state of Idaho.
- Care should be taken when applying solid waste/nutrient to the facility-controlled fields to ensure that runoff does not occur as a result of a weather event. Timely incorporation of solid manure applications into the soil will also assist in minimizing runoff potential. Also, animal manure should be incorporated into the soil prior to irrigation and ideally within 72 hours of application.
- Care should be taken when handling liquid and solid waste in the facility. To protect groundwater, effluent associated with the CAFO facility and standing effluent in the corrals and low areas of the facility must be stored/transferred in a USDA-approved structure. Furthermore, frequent removal of solid waste and storage in a concrete/clay-lined (>15% clay) surface will help to prevent groundwater pollution.

IV. Additional Information

Canyon County may issue "special use conditions" in their permit to the applicant. Special use conditions, if not required by existing State or Federal law, would be the county's responsibility to enforce.

CAFO operations require stock water and/or commercial water rights. A review of IDWR records indicates the operation has appropriate water rights.

Facilities that employ chemigation systems must have those systems inspected and approved by ISDA prior to use. Additionally, approved backflow prevention must be in place to prevent back siphoning of wastewater into the aquifer or irrigation laterals/canals.

The CAFO Site Advisory Team did not:

- Review any information regarding air quality. For a more specific evaluation of air quality concerns, please contact the regional IDFQ office.
- Evaluate any increase in the number of lights or light pollution due to the expansion.
- Evaluate the roads in the local area. For a more specific evaluation, please contact the county highway district or the Idaho State Department of Transportation.

The site suitability determination is based on the information supplied to the team from the county and site-specific conditions at the time of the evaluation. This assessment does not consider practices not described during the site visit.

.IDAHO.GOV>

To: Matt Wilk

Cc: Stemmke,

Hello Mike,

Thank you very much for the questions. The calculated risk score is totally based on physical environmental factors that can impact surface and groundwater quality in the case of AK feeders factors such as soil permeability, thickness of clay, aquifer geology, depth of water etc... play a vital role for high score. However these factors can be easily mitigated by implementing available best management practices which are suggested in the AK feeders siting report. Risk score that are determined based on physical environmental factors of the CAFO site cannot be reduced but definitely can be mitigated.

Please let me know if you have any further question.

Thanks
Pradip

From: Matt Wilke <matt@whitebarn.com>

Sent: Friday, October 13, 2023 3:01 PM

To: Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>

Cc: Stemmke, Amy <Amy.Stemmke@idwr.idaho.gov>; Kathryn Elliott <kathryn.elliott@idwr.idaho.gov>

Subject: Re: Siting Team Report: AK Feeders

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi CAFO team,

I was wondering if your team considers design factors or management practices in your calculations and whether implementing certain design elements and management practices can substantially reduce the risk and help our risk score?

Have a great weekend everyone

Thank you,



Matt Wilke

Owner | Broker

White Barn Real Estate

White Barn Ventures

Tue 10/17/2023 7:15 AM

Waste Management Plan

Waste Management and Nuisance Control

For
AK Feeders
Canyon County, Idaho

Prepared by



HQ & Mailing: AGPROfessionals
3050 67th Avenue
Greedy, CO 80634 (970) 535-9318

Idaho: 213 Canyon Crest Drive, Suite 100
Twin Falls, ID 83301 (208) 595-5301

Developed in Accordance with Generally Accepted Agricultural Best Management Practices

March 2023

Introduction

This *Management Plan for Waste and Nuisance Control (MPWNC)* has been developed and implemented to identify methods AK Feeders will use to minimize the inherent conditions that exist in confined feeding operations. The management plan outlines management practices generally acceptable and proven effective at odor and pest management and minimizing nuisance conditions. This narrative is a proactive measure to assist integration into local communities. AK Feeders management will use practices to their best and practical extent.

Legal Description

The concentrated animal feeding facility described in this MPWNC is located directly on the Idaho and Oregon border, on the west side of State Line Road in Section 14, Township 4 North, Range 6 West.

Odor Control

Odors result from the natural decomposition processes that start as soon as the manure is excreted and continue as long as any usable material remains as food for microorganisms living everywhere in soil, water and the manure. Odor strength depends on the kind of manure, and the conditions under which it decomposes. Although occasionally unpleasant, the odors are not dangerous to health in the quantities one customarily notices around animal feeding operations and fields where manure is spread for fertilizer. AK Feeders will use the following methods and management practices for odor control:

1. Pen Management
 - o *Drainage and Regular Manure Removal*
Dry manure is less odorous than moist manure. Standing water can increase microbial digestion and odor-producing by-products. AK Feeders will conduct proper pen maintenance and surface grading to reduce standing water. In between pen cleanings, the manure will be mounded in the pens prior to being exported.
2. Manure/Stormwater Pond Management
 - o *Aerobic Designed Ponds*
The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in accordance with the *Nutrient Management Plan* for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.

Dust from pen surfaces is usually controlled by intensive management of the pen surface by routine cleaning and harrowing of the pen surface. The purpose of intensive surface management is twofold: to keep cattle clean and to reduce pest habitat. The best management systems for dust control involve moisture management. Management methods AK Feeders will use to control dust are:

1. Pen Density
 - o Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.
2. Regular Manure Removal
 - o AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.
3. Water Trucks
 - o Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions.

If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

Pest Control - Insects and Rodents

Insects and rodents inhabit environments that have an adequate-to-good food supply and that foster habitat prime for breeding and living. AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary.

1. Habitat Management

- o *Regular Manure Removal and Lot Management*
Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys, and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.
- o *Reduce Other Fly Habitats*
Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.
- 2. Controls - Biological and Chemical
 - o *Biological Control*
Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.
 - o *Baits and Chemical Treatments*
Baits and treatments are generally very effective. If additional pest prevention is necessary, AK Feeders will use USDA approved fly sprays and baits, such as Pyganic. Application levels and methods of such will be warranted by the results of the other control measures previously outlined.

In the event it is determined that nuisance conditions from pests such as flies and rodents persist, AK Feeders will initially increase the frequency of the housekeeping and management practices outlined previously. If further action is necessary, AK Feeders will increase use of USDA approved chemical controls and treatments, such as fly sprays and baits, and rodenticide for pest control.



May 24, 2022

To Whom it May Concern:


RE: History of Stark/Bishop/4-Sum Company/Present Day owner AK Feeders

The ranch was homesteaded by the Stark's in 1907. The Stark's had a cow/calf operation and feedlot, utilizing horse drawn equipment.

The Bishop's purchased this property in the mid 1950's, where they also ran a cow/calf and feedlot operation, approximately 1, 100 head of feeder cattle annually. The feedlot operation consisted of 800 beef cattle that were fed up for butcher. Also yearly there were approximately 300 Holstein calves raised on the property and then finished in the feedlot, until around 900 lbs., and sold to J.R. Simplot Company in Caldwell, Idaho. The seed stock cattle were purchased and or raised on the property, and the cattle pairs were pastured on BLM land in the Owyhee's. Many individuals were involved in the cattle drives averaging about 15 miles.

The property was then owned by the 4-Sum Company (Darwin and Sharon Schweitzer) in the late 1980's. They also raised cattle on this property, around 400 pairs. All of the cattle were retained on this property, and an annual bull sale was held. There were always at least 1,500 head of cattle on this property, consisting of replaced heifers, bulls for breeding stock.

The present day owner, David DeBenedetti owner of AK Feeders, also has 800 head of breeding stock cows and the property is also being utilized as a feedlot operation.


Andy Bishop

As of 10/24/2023, we have received over 100 letters of support from Neighbors, Businesses, and area Farmers & Ranchers. Here are a few examples.

AK Feeders LLC
21006 State Line Road
Wildier, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 1,700 head feeder on the Idaho/Oregon state line located between Wildier, ID and Adrian, OR. The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Feed Store and AgJobs.com, to have the proper environmental regulations, certain permits, and processes in place to ensure the success of this project. AK Feeders LLC will have a hearing on November 1st, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feeder, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please sign and sign the letter below and mail to the County Planning & Zoning Commission with the compliments stamp out envelope provided before October 28th.

We thank you for your support.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC is ensuring the process to develop a 1,700 head feeder on the Idaho/Oregon state line located between Wildier, ID and Adrian, OR. The goal is to provide the smaller producer a place to grow their stock for sale.

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Name: Deed Wilson Wildier, Idaho

Phone: 208 486 2585 Email: Wildier@state.net

We thank you for your consideration and support.

AK Feeders LLC
21006 State Line Road
Wildier, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 1,700 head feeder on the Idaho/Oregon state line located between Wildier, ID and Adrian, OR. The goal is to provide the smaller producer a place to grow their stock for sale.

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If you are in support of this project, please sign and sign the letter below and mail to the County Planning & Zoning Commission with the compliments stamp out envelope provided before October 28th.

We thank you for your support.

Dear Citizens (County Development Services Department (Planning & Zoning Commission))

Under Case No. 23-024-0016, AK Feeders LLC is applying for a conditional use permit for a Combined Animal Feeding Operation (CAFO) that will support 1,700 head of beef cattle on Property 21006 State Line Road, Wildier, ID 83676.

I, Deed Wilson, am in favor of this project and application. This is an agreed upon operation that will support area agricultural operations.

Name: _____ Email: _____

We thank you for your consideration and support.

AK Feeders LLC
21006 State Line Road
Wildier, ID 83676

Dear cattle producers, farmers, family, and friends,

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Name: _____ Email: _____

We thank you for your consideration and support.

08-01-12: CRITERIA FOR APPROVAL OF EXPANDING CAFOs:

(1) Prior to approval of a CAFO siting permit for an expanding CAFO, the commission shall find that the expanding CAFO meets the following requirements:

A. General Requirements:

1. The expanding CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.
2. The expanding CAFO shall comply with and not be in violation of any federal, state or local law or regulatory requirements.
3. An applicant shall not begin construction of an expanding CAFO prior to approval of the CAFO siting permit.
4. An expanding CAFO shall comply with IDAPA rules governing dead animal disposal.

B. Animal Waste:

1. The expanding CAFO shall comply with the terms of its nutrient management plan for land application.
2. The expanding CAFO shall be in compliance with all applicable environmental regulations and requirements.
3. All new lagoons shall be constructed in accordance with state and federal regulations.

C. Site Setbacks:

1. The locating of animal waste systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
 2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
 3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
 4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the expanding CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.
 5. The animal waste system shall not be located closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
 6. No animal waste system shall be located closer than one hundred feet (100') from a domestic or irrigation well.
 7. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
 8. The setbacks contained herein shall not apply to land application.
- D. Exemption To Subsection (1)C Site Setbacks: Existing agricultural buildings, feed bunks, feed racks, corrals and feed storage areas, including feed products resulting from the ensilage process, are exempt from the setback requirements provided they are not being expanded. Certain land parcels



THANK YOU!

(208) 412-9803

www.mywhitebarn.com

matt@mywhitebarn.com

May 24, 2022

To Whom It May Concern:

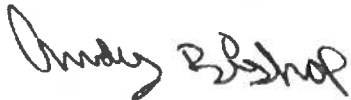
RE: History of Stark/Bishop/4-Sum Company/Present Day owner AK Feeders

The ranch was homesteaded by the Stark's in 1907. The Stark's had a cow/calf operation and feedlot, utilizing horse drawn equipment.

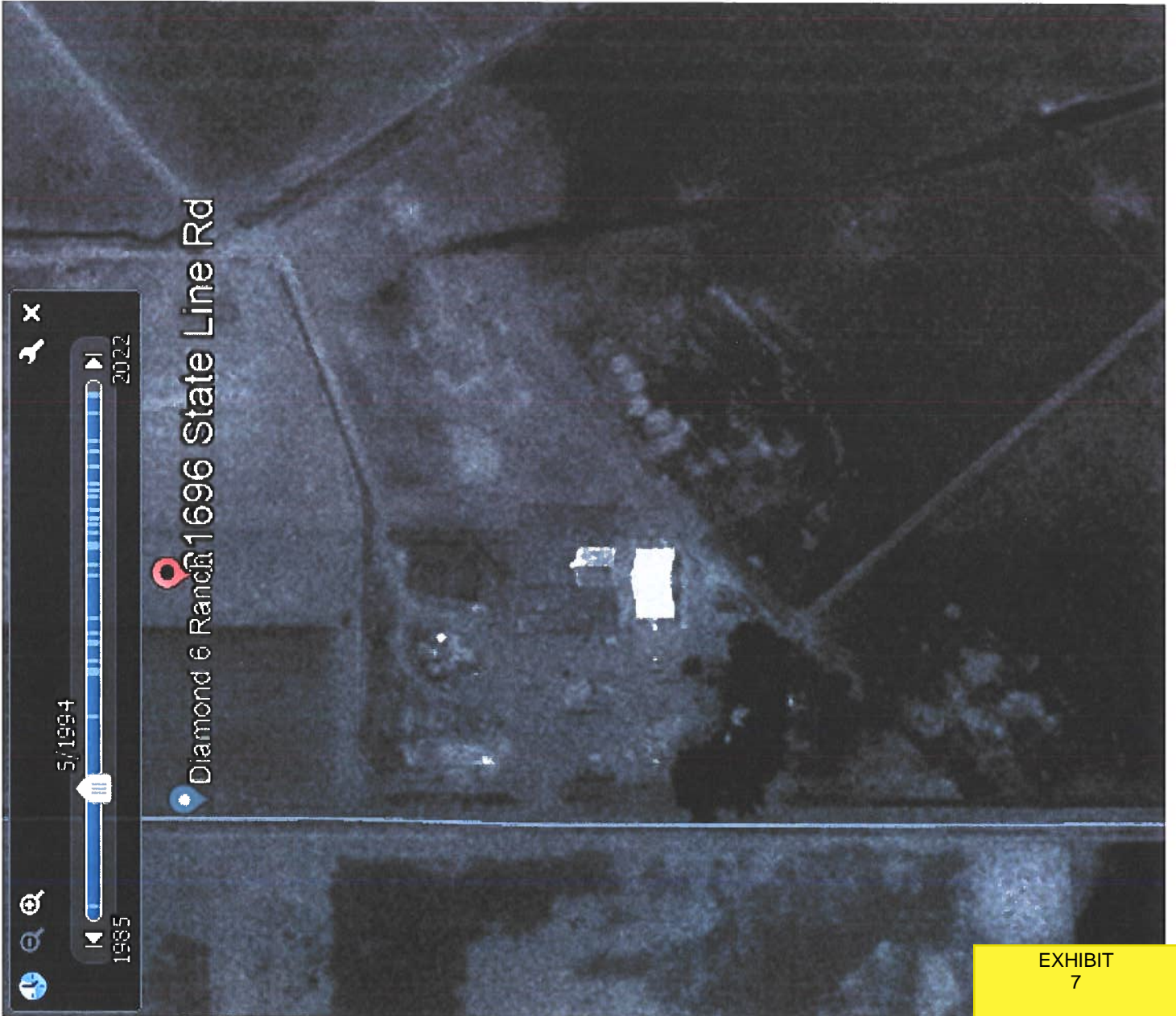
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Andy Bishop

Google Earth Pro
image date
5-9-1994



Google Earth Pro
image date
8-22-2002



8/2002

21696 State Line Rd

Diamond 6 Ranch

Google Earth Pro
image date
6-15-2004



9/2004 2022
1985

Diamond 6 Ranch 21696 State Line Rd

Google Earth Pro
image date
6-16-2004



Diamond 6 Ranch
21696 State Line Rd

8/2006

Google Earth Pro
Mileage data
6-23-2009



Google Earth Pro
image date
8-31-2011
Note: A Lot of Staged feed
haystacks, silage pit



8/2011

Diamond 6 Ranch
21696 State Line Rd

*Google Earth Pro
image data
5-9-2013*



*Spag Earth Pro
image date
4-29-2015*





↑
Cattle
Grazing

Google Earth Pro
image date 6-29-2017

Google Earth Pro
image date
6-29-2017
(cropped from grazing image)

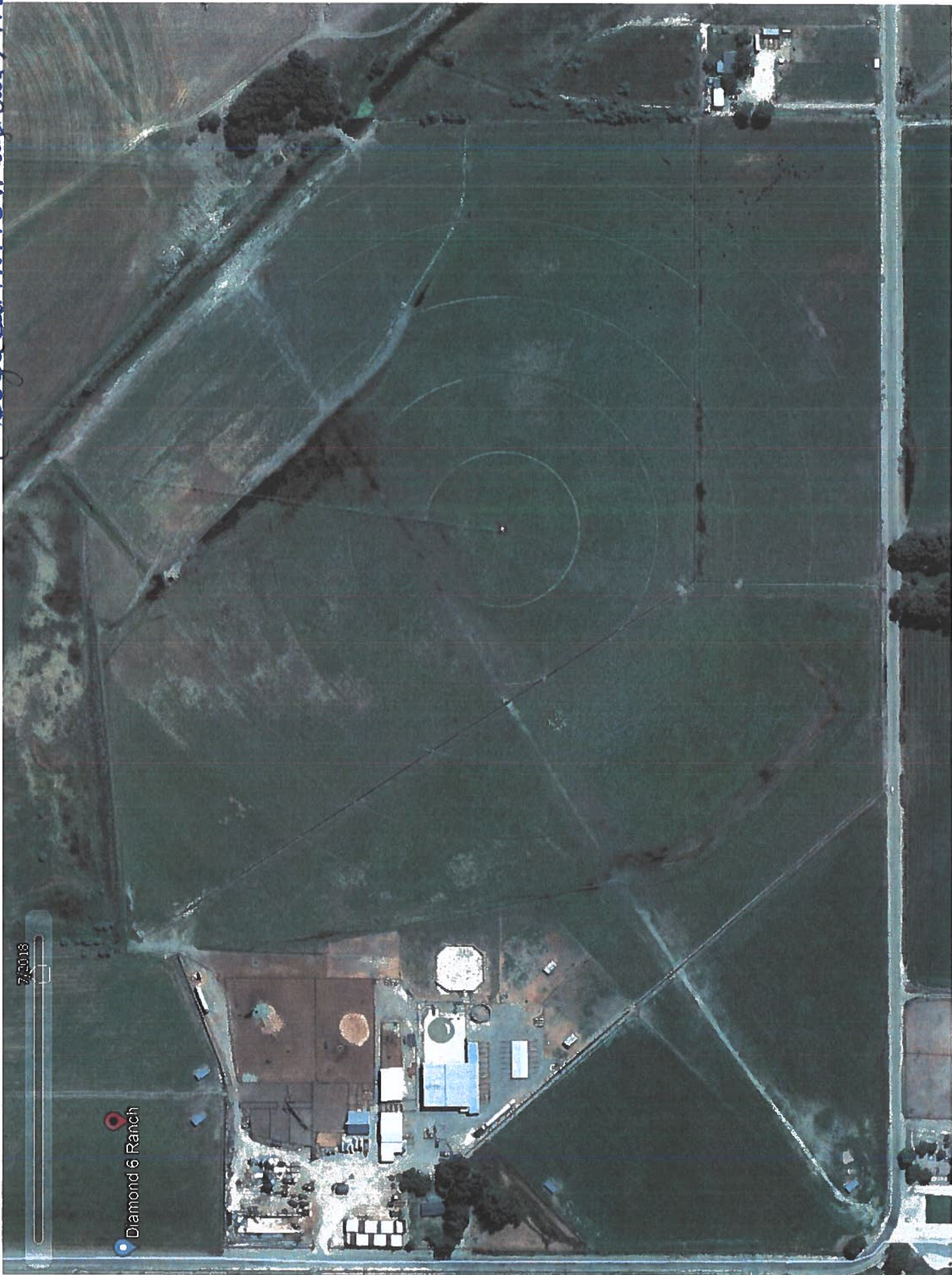


6/2017

Diamond 6 Ranch
21696 State Line Rd

OREGON

Google Earth Pro image date 7-19-2018



7/2018

Diamond 6 Ranch

Google Earth Pro
image date
4-27-2019



4/2019

Diamond 6 Ranch 21696 State Line Rd

OREGON

Google Earth Pro
image date
3-26-2021



Google Earth Pro
image date 9-5-2022

Shows expansion of pens
under construction
- facility not to exceed 999 head





IDAHO STATE DEPARTMENT OF AGRICULTURE



CAFO SITE ADVISORY TEAM

September 14, 2023

Canyon County Board of Commissioners
Commissioner Leslie Van-Beek
Commissioner Brad Holton
Commissioner Zach Brooks
Canyon County, Caldwell Idaho

RE: CAFO Siting Advisory Team Review Report of AK Feeders

Dear Commissioners,

The Idaho State Concentrated Animal Feeding Operation (CAFO) Siting Team has completed its review of the proposed Livestock Confinement Operation expansion of AK Feeders located at 21696 Stateline Rd. Wilder, Idaho. This facility is proposing to extend the existing operation to 3700 head of beef cattle. The review was completed in response to a request made by Canyon County in accordance with IDAPA 02.04.30, subchapter B.

The Team, consisting of representatives from the Idaho Department of Environmental Quality (IDEQ), Idaho Department of Water Resources (IDWR), and the Idaho State Department of Agriculture (ISDA) performed a site evaluation on September 9, 2023.

The information evaluated for this facility included the application package provided by Canyon County, IDWR ground water information and water right records, IDWR Statewide Ambient Ground Water Quality Monitoring Program network data, IDEQ map and data, ISDA Regional Agricultural Ground Water Quality Monitoring Program data, Natural Resources Conservation Service soil data, well driller reports, discussions with county officials and the owner, and an onsite evaluation by the team.

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- **Description of Factors.** A description of the factors that contribute to the environmental risks.
- **Mitigation.** Any possible mitigation of the environmental risks.

I. Risk Category

The following determination is based on the information supplied to the team through the county and site-specific conditions at the time of the site visit. However, information used for evaluating the ground water,

"Serving consumers and agriculture by safeguarding the public, plants, animals and the environment through education and regulation."

geology, and soils may be based on regional information and may not fully characterize the local conditions of the specific facility.

The Environmental Risk, as determined by the CAFO Site Advisory Team, is **High Risk**.

Any changes or modification in the application or at the site may alter the Environmental Risk. Risk is determined through a point-based scoring system (attached) that utilizes and accounts for a combination of environmental factors. Management and mitigation are not factored into this determination; it is a physical characterization of the site only.

II. Description of Factors

The Environmental Risk is based on physical characteristics of the site. The following technical factors contributed to the environmental risk rating:

High Risk Factors

- Dominant soil texture in the area is fine sandy loam, with high saturated hydraulic conductivity (K_{sat}) between 0.57 and 2 inches/hour.
- Clay layers in the unsaturated zone are discontinuous. Driller's reports indicate 0-10 ft. of clay layers in the unsaturated zone
- The depth to first encountered groundwater is generally shallow at 0-25 ft.
- The aquifer geology is composed of sand and gravel.

Moderate Risk Factors

- The average soil depth in the area is approximately 60 inches.
- The most recent mean nitrate level in groundwater within a 5-mile radius is 5.3 mg/L.
- The percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 25%.
- Downgradient distance to the closest domestic well is cross-gradient, however less than 100 feet away.

Low Risk Factors

- The time of travel to the nearest downgradient spring is greater than 10 years.
- The CAFO site is not located within a source water delineation capture zone.
- Downgradient distance from the CAFO to the nearest surface water body (Snake River) is greater than 200 feet.
- The facility exports all manure off site to a third party, presenting low risk to downgradient surface water bodies from land application at the proposed CAFO site.
- The CAFO site is not within a 100-year floodplain.
- Surface run-on potential to the CAFO site is low due to moderately sloped topography next to CAFO site.
- NRCS run off index indicated low risk of surface runoff from the CAFO facility.
- The average annual precipitation is approximately 9.1 inches/year.

III. Mitigation

The CAFO Site Advisory Team's environmental risk assessment process is focused on water quality.

The facility will operate as a licensed CAFO. ISDA has regulatory jurisdiction over the facility per IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations". The Nutrient Management Plan will be

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modified if/when the facility expands to accurately reflect the current operation. The footprint of the animal housing waste containment area will increase if the County approves the proposal. In the event, the county approves the proposed expansion the waste system improvements/modifications will need to take place, prior to the increase in animal units.

Other Best Management Practice recommendations include:

- Care should also be taken to prevent solid waste products and solid waste storage area runoff from entering surface water bodies, or ponding and entering the ground water. The facility should ensure appropriate setback distances as listed in IDAPA 02.04.30 subchapter D "Stockpiling of Agricultural Waste" from the stockpiling of solid waste to any domestic or irrigation well or down-gradient surface water of the state of Idaho.
- Care should be taken when applying solid waste/manure to the facility-controlled fields to ensure that runoff does not occur as a result of a weather event. Timely incorporation of solid manure applications into the soil will also assist in minimizing runoff potential. Also, animal manure should be incorporated into the soil prior to irrigation and ideally within 72 hours of application.
- Care should be taken when handling liquid and solid waste in the facility. To protect groundwater, effluent associated with the CAFO facility and standing effluent in the corrals and low areas of the facility must be stored/transferred in a ISDA-approved structure. Furthermore, frequent removal of solid waste and storage in a concrete/clay-lined (>15% clay) surface will help to prevent groundwater pollution.

IV. Additional Information

Canyon County may issue "special use conditions" in their permit to the applicant. Special use conditions, if not required by existing State or Federal law, would be the county's responsibility to enforce.

CAFO operations require stock water and/or commercial water rights. A review of IDWR records indicates the operation has appropriate water rights.

Facilities that employ chemigation systems must have those systems inspected and approved by ISDA prior to use. Additionally, approved backflow prevention must be in place to prevent back siphoning of wastewater into the aquifer or irrigation laterals/canals.

The CAFO Site Advisory Team did not:

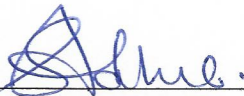
- Review any information regarding air quality. For a more specific evaluation of air quality concerns, please contact the regional IDEQ office.
- Evaluate any increase in the number of lights or light pollution due to the expansion.
- Evaluate the roads in the local area. For a more specific evaluation, please contact the county highway district or the Idaho State Department of Transportation.

The site suitability determination is based on the information supplied to the team from the county and site-specific conditions at the time of the evaluation. This assessment does not consider practices not described during the site visit.

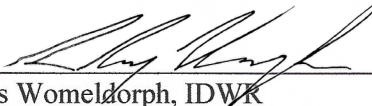
The following individuals were present at the CAFO Site Advisory Team evaluation. The names depicted in bold type are the individuals responsible for the suitability determination.

1. **Pradip Adhikari**, Soil Scientist, ISDA
2. **Gus Womeldorph**, IDWR, Hydrogeologist
3. **Kathryn Elliott**, IDEQ, Ground Water Coordinator
4. Debbie Root, Canyon County Representative
5. David DeBenedetti, Facility Owner
6. Coortney Rueth, Owner Representatives
7. Valene Cauhorn, AgPro/Owner Representatives
8. Mat Wilke, Owner Representatives

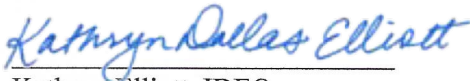
If you require further information regarding this site determination, please feel free to contact us.



Pradip Adhikari, ISDA
(208) 332-8541



Gus Womeldorph, IDWR
(208) 287-4963



Kathryn Elliott, IDEQ
(208) 373-0191

ATTACHMENTS

1. CAFO Site Advisory Team Environmental Risk Form
2. IDEQ produced map (including animal units in the area, public water systems, residential wells, irrigated acres and population)

Debbie Root

From: Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>
Sent: Friday, September 15, 2023 10:59 AM
To: Debbie Root
Cc: Womeldorph, Gus; Susan Beattie; Kathryn Elliott
Subject: RE: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application
Attachments: AK Feeders Siting Report_final.pdf; AK Feeders CAFO Siting Team Map FY2024.jpg; AK Feeders Scoresheet.xlsx

Hello Debbie,

Idaho State CAFO siting team has completed the siting of AK feeders. Please find the details reports along with the siting team map and score sheet attached with this email.

Some physical factors such as depth to water, lack of clay in the unsaturated zone and soil type, could create potential hazards to groundwater quality by the proposed CAFO expansion. Therefore the CAFO siting team has rated this facility as High Risk. This risk can be mitigated by implementing best management practices such as storing liquid effluent, carol runoff in the ISDA approved containments, increased frequency of manure removal and storing in the concrete /clay lined (clay >15%) surface.

We also included statement related to this issue in the Best Management Practice Recommendation in the report.

Please let me know if you have any questions.

Thanks
Pradip

Pradip Adhikari, PhD
Soil Scientist/Nutrient Management Specialist
Idaho State Department of Agriculture
Animal Industries/Dairy/Nutrient Management
2270 Old Penitentiary Road
Boise, ID 83712
Email: Pradip.adhikari@isda.idaho.gov
Phone: 208-332-8541 ext 541 (O)
208-917-0275 (C)



EXHIBIT
8.1

From: Pradip Adhikari
Sent: Wednesday, August 23, 2023 2:55 PM
To: Debbie Root <Debbie.Root@canyoncounty.id.gov>; Womeldorph, Gus <Gus.Womeldorph@idwr.idaho.gov>; Susan

Beattie <susan.beattie@deq.idaho.gov>

Cc: Valene Cauhorn <vcauhorn@agpros.com>; Matt Wilke <matt@mywhitebarn.com>

Subject: RE: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

Hello Debbie,

Idaho State CAFO siting team has scheduled the siting of the AK Feeders on September 6th Wednesday at 10:30 AM. Please send the county representative as well as inform facility owner/representatives to be present @ **21696 State Line Rd, Wilder, ID 83676** during the siting. Please let me know if you have any questions.

Sincerely,

Pradip Adhikari, PhD

Soil Scientist/Nutrient Management Specialist

Idaho State Department of Agriculture

Animal Industries/Dairy/Nutrient Management

2270 Old Penitentiary Road

Boise, ID 83712

Email: Pradip.adhikari@isda.idaho.gov

Phone: 208-332-8541 ext 541 (O)

208-917-0275 (C)



From: Debbie Root <Debbie.Root@canyoncounty.id.gov>

Sent: Wednesday, July 19, 2023 9:01 AM

To: Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>

Subject: FW: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Pradip,

I am forwarding these two site drawings for your case file –I do not believe that I included the grading plan drawing in the packet that was sent.

Apologies,

Deb Root, MBA

Canyon County Development Services

debbie.root@canyoncounty.id.gov

208-455-6034

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Debbie Root

Subject: FW: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

From: Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>
Sent: Monday, October 23, 2023 10:35 AM
To: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: RE: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

Hello Debbie,

Thanks for the questions. All the earthen liquid storage should meet the ISDA standards that is included in the IDAPA 02.04.14 and should be inspected and approved by ISDA. You can find details in the link and a section of code copied below.

<https://adminrules.idaho.gov/rules/current/02/020414.pdf>

Thanks
Pradip

IDAHO ADMINISTRATIVE CODE
Department of Agriculture

IDAPA 02.04.14
Rules Governing Dairy Byproduct

01. Dairy Storage and Containment Facility Criteria. (3-31-22)

a. Dairy storage and containment facilities shall be constructed to meet a minimum of one hundred eighty (180) days of holding capacity. Process water containment structures that are utilized as the secondary or final storage for effluent shall have a minimum two (2) vertical feet of freeboard. Process water and containment structures that are not the secondary or final storage for effluent shall have a minimum one (1) vertical feet of freeboard. (3-31-22)

b. Earthen dairy storage and containment facilities less than ten (10) vertical feet high with a maximum high water line of eight (8) vertical feet shall have a top embankment width of at least eight (8) feet. The combined embankment slopes must be at least five (5) horizontal to one (1) vertical, and shall not exceed two (2) horizontal to one (1) vertical slope. Earthen dairy storage and containment facilities greater than ten (10) vertical feet from the naturally occurring ground level shall meet the NRCS Idaho Conservation Practice Standard Waste Storage Facility Code 313 December 2004 embankment requirements. (3-31-22)

c. The inside bottom of the dairy storage and containment facility shall be a minimum of two (2) feet above the high water table, bed rock, gravel, or permeable soils. For an earthen dairy storage and containment facility, a soil liner shall be installed such that the specific discharge rate of the containment structure meet 1×10^{-6} cm³/cm²/sec or less. Concrete or synthetic liners must be constructed to ASAE and Appendix 10D specifications. (3-31-22)

d. Storage areas for dairy byproduct, including compost and solid manure storage areas, shall be appropriately protected to prevent run on, run off, and contamination of ground and surface water. (3-31-22)

e. Dairy environmental management systems shall be maintained in a condition that allows the producer to regularly inspect the integrity of the systems. (3-31-22)

Pradip,

For the BMPs that are listed in the siting report: When the Dept of Ag reviews and permits effluent storage facilities does the ISDA require the applicant to construct the clay/concrete lined facilities?

Deb Root, DSD Planner

Pradip 
Adhikari <Pradip.Adhikari@ISDA
.IDAHO.GOV>

To: Matt Wil

Tue 10/17/2023 7:15 AM

Cc: Steimke,

Hello Mike,

Thank you very much for the questions. The calculated risk score is totally based on physical environmental factors that can impact surface and groundwater quality. In the case of AK feeders factors such as soil permeability, thickness of clay, aquifer geology, depth of water etc.. play a vital role for high score. However these factors can be easily mitigated by implementing available best management practices which are suggested in the AK feeders siting report. Risk score that are determined based on physical environmental factors of the CAFO site cannot be reduced but definitely can be mitigated.

Please let me know if you have any further question.

Thanks
Pradip

From: Matt Wilke <matt@mywhitebarn.com>
Sent: Friday, October 13, 2023 3:01 PM
To: Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>
Cc: Steimke, Amy <Amy.Steimke@idwr.idaho.gov>; Kathryn Elliott <Kathryn.Elliott@deq.idaho.gov>
Subject: Re: Siting Team Report: AK Feeders

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.



Hi CAFO team,

I was wondering if your team considers design factors or management practices in your calculations and whether implementing certain design elements and management practices can substantially reduce the risk and help our risk score?

Have a great weekend everyone.

Thank you,



Matt Wilke
Owner | Broker
White Barn Real Estate
White Barn Ventures
208.412.9803

EXHIBIT
8.3

State of Idaho CAFO Site Advisory Team Environmental Risk Form

Name & Date of Siting: AK Feeders. 9/6/2023

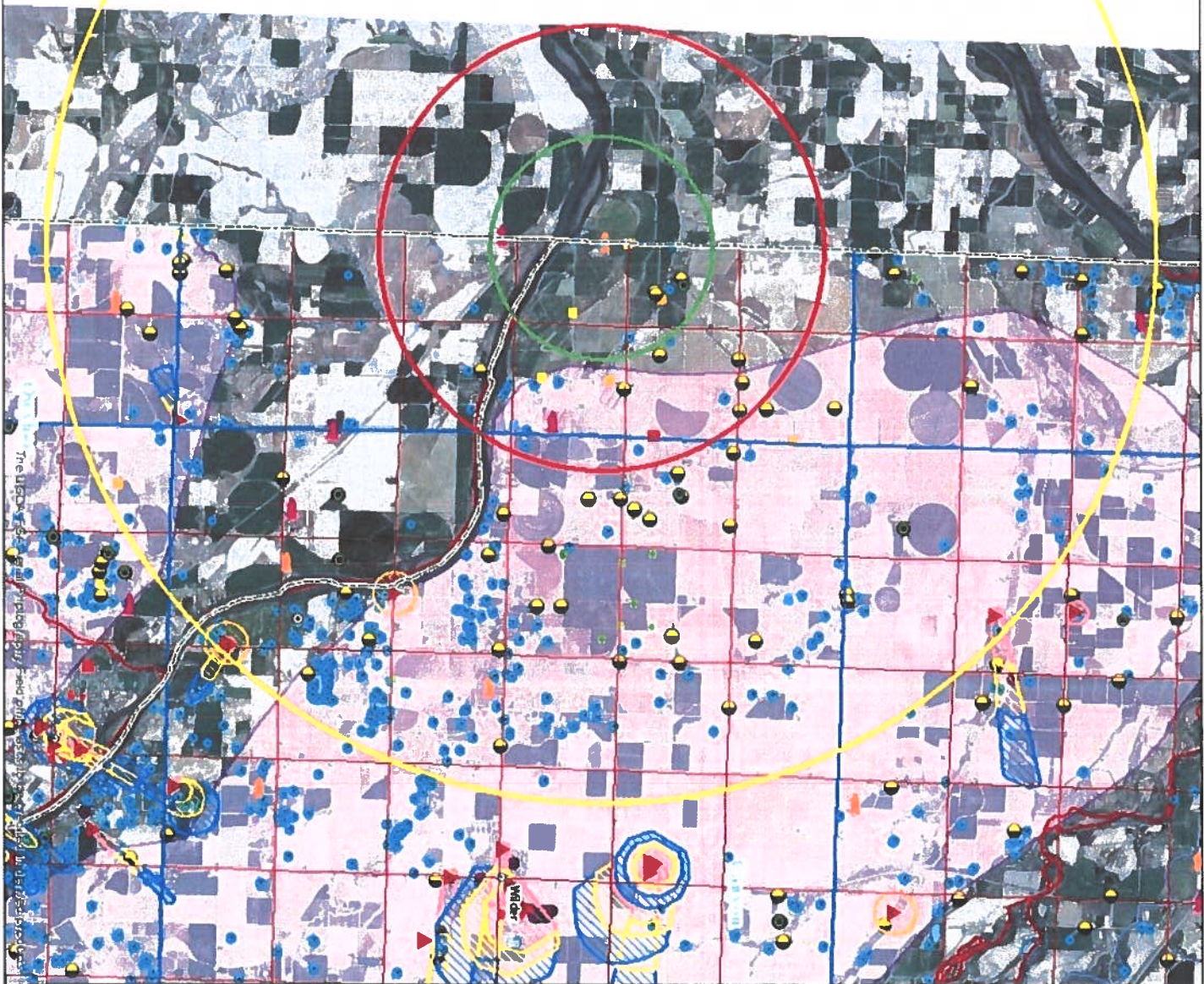
Risk Scoring System

- 1 = Low Risk = Ideal goal for environmental protection
- 2 = Moderate Risk = Provides reasonable resource protection
- 3 = High Risk = Poses a high risk for health and/or for contaminating ground or surface water

Category	Result	Risk Score
Soil		
1. Soil permeability	High. Fine sandy loam with Ksat 0.57 to 2.00 in/hr.	3
2. Soil depth	Moderate. Typical soil profile depth 60 inches.	2
3. Thickness of clay in unsaturated zone	High. Driller's reports indicate 0-10 ft of clay typical in unsaturated zone.	3
Ground Water		
4. Depth to first encountered water	High. Depth to first encountered water is generally shallow, 0-25 ft.	3
5. Mean nitrate level in ground water within a 5 mile radius	Moderate. Mean most recent nitrate levels are 5.3 mg/L within a 5-mile radius.	2
6. Percentage of wells over 5 mg/L nitrate within 5 miles	Moderate. 25% of wells within a 5 mile radius have a nitrate value over 5 mg/L.	2
7. Aquifer geology	High. Typical aquifer geology is sand and gravel.	3
8. Time of travel to a spring	Low. Time of travel to a spring is >10 years.	1
9. Downgradient distance to nearest domestic well	Moderate. Nearest domestic well is cross-gradient, but <100 ft away.	2
10. Within source water delineation area time-of-travel	Low. CAFO is not within a source water delineation area time-of-travel.	1
Surface Water		
11. Downgradient distance from CAFO to nearest surface water body	Low. Downgradient distance from CAFO to nearest surface water body (Snake River) is >200	1
12. Downgradient distance from land application to nearest surface water body	Low. All manure is third-party export.	1
13. 100-year floodplain	Low. Not within the 100 year floodplain.	1
Nutrient Transport		
14. Run-on	Low. Run-on risk is low due to low to moderately sloped topography next to CAFO site.	1
15. Surface Runoff	Low. NRCS surface run-off index is low.	1
16. Annual precipitation	Low. Average annual precipitation is 9.1 inches.	1
		Index 1 40.00
		Index 2 3.00
Final Risk Score		High



AK Feedlots
21696 Stateline RD, Wilder, ID



Map Legend

- ➡ Dairy Locations (ISDA)
- ➡ Feedlots (ISDA)
- ➡ Schools (GNIS)
- ➡ Township and Range
- ➡ PLS (Sections)
- ➡ Public Water Systems
- ➡ Source Water Delineations
- ➡ Time of Travel
 - ➡ SMA 3 Year ToT
 - ➡ SMA 6 Year ToT
 - ➡ SMA 10 Year ToT
 - ➡ Surface Water Buffer
 - ➡ Fixed Radius
- ➡ Watershed Boundary
- ➡ Isda Wells (Ntates)
- ➡ Deep Injection Wells (Non-Permitted)
- ➡ Deep Injection Wells (IDWR)
- ➡ State Monitoring Wells (IDWR)
- ➡ Domestic Wells (IDWR)
- ➡ Springs (NHD)
- ➡ Nitrate Priority Areas (2020)

Animal Units < 5 Miles = ~ 11,740
 Public Water Systems = 5
 Residential Wells = 350
 State Monitoring Wells = 56
 Deep Injection Wells = 1
 Population: 2020 = ~ 2,669
 km gated Acres = ~ 27,868
 USGS(NHD)Springs = 1
 Schools = ~ 0



Restriction of liability: Neither the State of Idaho nor the Department of Environmental Quality nor any of their employees make any warranty or assume any legal liability or responsibility for the accuracy, completeness or timeliness of any information provided on this map. The user assumes all technical responsibilities and typographical errors. DEQ may update, modify or re-use the data used at any time, without notice.

Debbie Root

From: Valene Cauhorn <vcauhorn@agpros.com>
Sent: Tuesday, July 18, 2023 4:35 PM
To: Pradip Adhikari
Cc: Matt Wilke; Hannah Dutrow; Debbie Root
Subject: [External] AK Feeders Siting Team Information
Attachments: AK Feeders NMP EMP approval letter.pdf; NRCS Soil Report - 07.18.23.pdf

Good Afternoon Dr. Adhikari,

I am assisting AK Feeders (Mr. David DeBenedetti – owner) and Mr. Matt Wilke (Planner) with the application and engineering for the expansion to the feedyard.

I have attached the NRCS Soils Report for the site you requested. Similar to the projects we have done with other counties and the Siting Team, we have already submitted a NMP for review and approval (see attached). It is my understanding that with Beef NMPs, ISDA does not hold onto a copy of them, but only a copy of the approval letter. We are happy to bring a copy to review on-site during the Siting Team meeting if needed, but it has already been reviewed and approved and we have not updated the site since then.

Let me know if you need anything else or have any further questions!

Thanks!

Valene Lickley Cauhorn, PE

Agricultural Engineer/Idaho Office Manager

AGPROprofessionals

213 Canyon Crest Dr, Suite 100

Twin Falls, ID 83301

970-571-9086 cell

208-595-5301 office

HQ/Mailing:

3050 67th Avenue, Suite 200

Greeley, CO 80634

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970-535-9854 fax

www.agpros.com





United States
Department of
Agriculture

NRCS

Natural
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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

AK Feeders



July 18, 2023

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

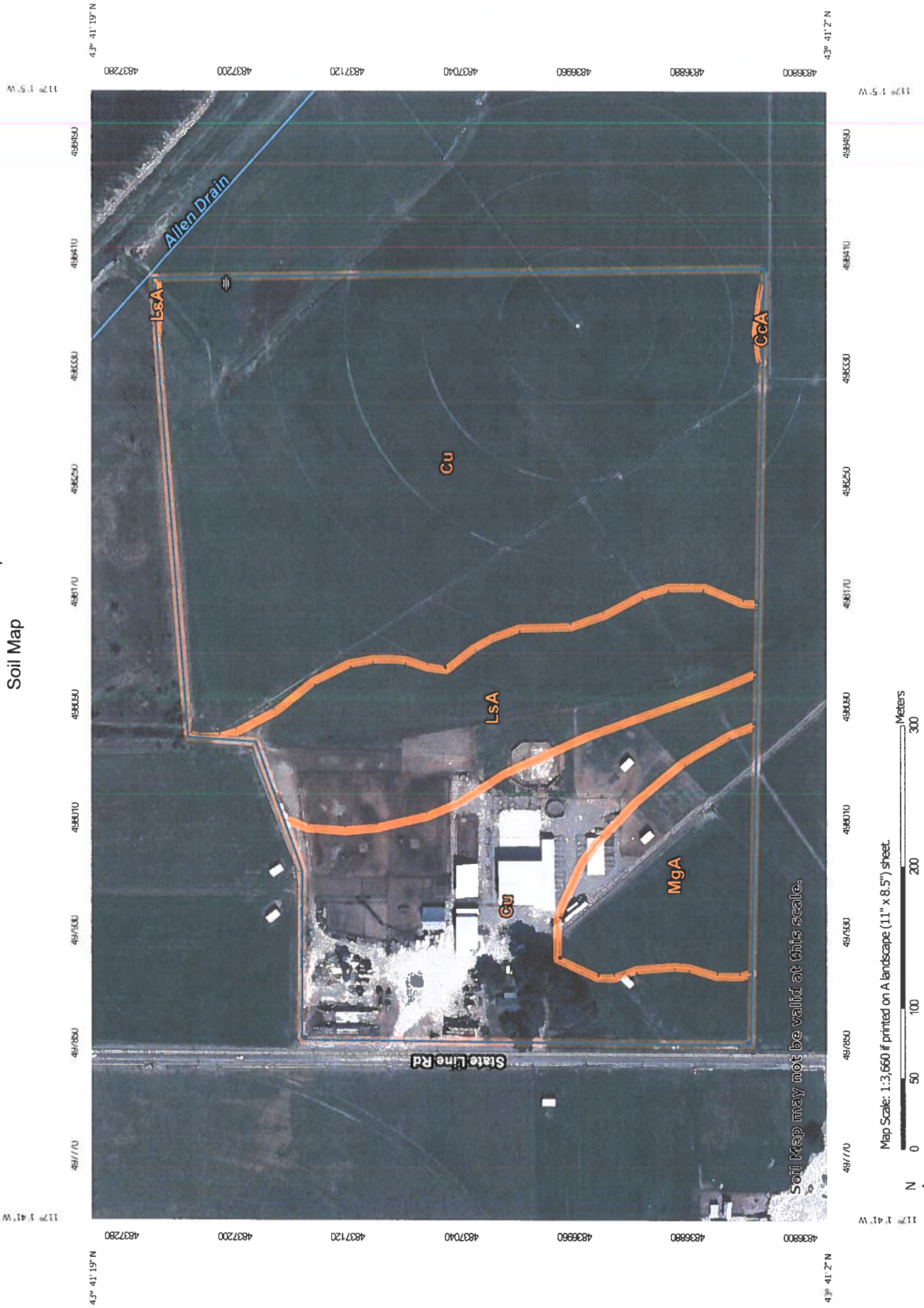
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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

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.

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Soil Map may not be valid at this scale.

Map Scale: 1:3,660 if printed on A landscape (11" x 8.5") sheet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points
- Special Point Features**
-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features
- Water Features**
-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning. Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho
 Survey Area Data: Version 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 31, 2020—Aug 2, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CcA	Cencove fine sandy loam, 0 to 1 percent slopes	0.0	0.1%
Cu	Cruickshank fine sandy loam	39.2	75.9%
LsA	Letha fine sandy loam, 0 to 1 percent slopes	8.0	15.6%
MgA	Marsing loam, 0 to 1 percent slopes	4.3	8.4%
Totals for Area of Interest		51.6	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate

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pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Canyon Area, Idaho

CcA—Cencove fine sandy loam, 0 to 1 percent slopes

Map Unit Setting

National map unit symbol: 2q09
Elevation: 2,000 to 4,500 feet
Mean annual precipitation: 7 to 11 inches
Mean annual air temperature: 45 to 52 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Cencove and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cencove

Setting

Landform: Terraces, fan remnants
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed alluvium

Typical profile

Ap - 0 to 9 inches: fine sandy loam
Bk - 9 to 32 inches: fine sandy loam
2C - 32 to 60 inches: gravelly sand

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 30 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.9 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 6c
Hydrologic Soil Group: A
Ecological site: R011XY010ID - Calcareous Loam 7-10 PZ ATCO-PIDE4/ACHY-ACTH7
Hydric soil rating: No

Cu—Cruickshank fine sandy loam

Map Unit Setting

National map unit symbol: 2q0h
Elevation: 2,000 to 4,500 feet
Mean annual precipitation: 7 to 12 inches
Mean annual air temperature: 45 to 52 degrees F
Frost-free period: 110 to 160 days
Farmland classification: Prime farmland if irrigated and drained

Map Unit Composition

Cruickshank and similar soils: 80 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cruickshank

Setting

Landform: Flood plains, stream terraces
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy alluvium and/or lacustrine deposits

Typical profile

Ap - 0 to 9 inches: fine sandy loam
Bk - 9 to 27 inches: fine sandy loam
C - 27 to 60 inches: fine sandy loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 2.00 in/hr)
Depth to water table: About 18 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 40 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 7.8 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 6c
Hydrologic Soil Group: B
Ecological site: R011XY016OR - Sandy 8-11 PZ
Hydric soil rating: No

LsA—Letha fine sandy loam, 0 to 1 percent slopes

Map Unit Setting

National map unit symbol: 2q24
Elevation: 2,000 to 4,000 feet
Mean annual precipitation: 8 to 13 inches
Mean annual air temperature: 45 to 52 degrees F
Frost-free period: 110 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Letha and similar soils: 90 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Letha

Setting

Landform: Terraces, stream terraces
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed alluvium

Typical profile

A - 0 to 5 inches: fine sandy loam
C1 - 5 to 40 inches: fine sandy loam
2C2 - 40 to 58 inches: sand

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 2.00 in/hr)
Depth to water table: About 36 to 48 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Slightly saline to moderately saline (4.0 to 8.0 mmhos/cm)
Sodium adsorption ratio, maximum: 8.0
Available water supply, 0 to 60 inches: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 6c
Hydrologic Soil Group: B
Ecological site: R011XA007ID - Semiwet Saline Meadow SAVE4/DISP
Hydric soil rating: No

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Minor Components

Chance

Percent of map unit: 5 percent

Landform: Depressions

Hydric soil rating: Yes

MgA—Marsing loam, 0 to 1 percent slopes

Map Unit Setting

National map unit symbol: 2q2d

Elevation: 2,200 to 4,500 feet

Mean annual precipitation: 7 to 11 inches

Mean annual air temperature: 45 to 52 degrees F

Frost-free period: 110 to 170 days

Farmland classification: Prime farmland if irrigated

Map Unit Composition

Marsing and similar soils: 85 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Marsing

Setting

Landform: Terraces

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Mixed alluvium

Typical profile

Ap - 0 to 9 inches: loam

Bk - 9 to 23 inches: loam

2C - 23 to 60 inches: gravelly coarse sand

Properties and qualities

Slope: 0 to 1 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

*Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 2.00 in/hr)*

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 15 percent

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water supply, 0 to 60 inches: Low (about 5.7 inches)

Interpretive groups

Land capability classification (irrigated): 2e

Land capability classification (nonirrigated): 6c

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Hydrologic Soil Group: B

Ecological site: R011XY016OR - Sandy 8-11 PZ

Hydric soil rating: No

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Waste Management Plan

*Waste Management
and
Nuisance Control*

For

*AK Feeders
Canyon County, Idaho*

Prepared by



HQ & Mailing: AGPROfessionals
3050 67th Avenue
Greeley, CO 80634 (970) 535-9318

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Twin Falls, ID 83301 (208) 595-5301

Developed in Accordance with Generally Accepted Agricultural Best Management Practices

March 2023

Introduction

This *Management Plan for Waste and Nuisance Control (MPWNC)* has been developed and implemented to identify methods AK Feeders will use to minimize the inherent conditions that exist in confinement feeding operations. The management plan outlines management practices generally acceptable and proven effective at odor and pest management and minimizing nuisance conditions. This narrative is a proactive measure to assist integration into local communities. AK Feeders management will use practices to their best and practical extent.

Legal Description

The concentrated animal feeding facility described in this MPWNC is located directly on the Idaho and Oregon border, on the west side of State Line Road in Section 14, Township 4 North, Range 6 West.

Odor Control

Odors result from the natural decomposition processes that start as soon as the manure is excreted and continue as long as any usable material remains as food for microorganisms living everywhere in soil, water and the manure. Odor strength depends on the kind of manure, and the conditions under which it decomposes. Although occasionally unpleasant, the odors are not dangerous to health in the quantities one customarily notices around animal feeding operations and fields where manure is spread for fertilizer. AK Feeders will use the following methods and management practices for odor control:

1. Pen Management
 - *Drainage and Regular Manure Removal*
Dry manure is less odorous than moist manure. Standing water can increase microbial digestion and odor-producing by-products. AK Feeders will conduct proper pen maintenance and surface grading to reduce standing water. In between pen cleanings, the manure will be mounded in the pens prior to being exported.
2. Manure/Stormwater Pond Management
 - *Aerobic Designed Ponds*
The runoff ponds are designed to capture runoff only and be rather shallow to keep aerobic conditions. Ponds will be dewatered when needed in accordance with the *Nutrient Management Plan* for AK Feeders. The shallow nature and large surface area of the ponds will promote evaporation as well.

Dust Control

Dust from pen surfaces is usually controlled by intensive management of the pen surface by routine cleaning and harrowing of the pen surface. The purpose of intensive surface management is twofold: to keep cattle clean and to reduce pest habitat. The best management systems for dust control involve moisture management. Management methods AK Feeders will use to control dust are:

1. Pen Density

- Moisture will be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions. Stocking rates are considered in the management of dust.

2. Regular Manure Removal

- AK Feeders will conduct regular manure removal. Manure removal and pen maintenance are conducted as needed.

3. Water Trucks

- Should nuisance dust conditions arise, water tanker trucks or portable sprinkling systems will be used for moisture control on pens and roadways to minimize nuisance dust conditions.

If it is determined that nuisance dust and odor conditions persist, AK Feeders may increase the frequency of the respective management practices previously outlined, such as pen cleaning, surface grading and pen maintenance.

Pest Control - Insects and Rodents

Insects and rodents inhabit environments that have an adequate-to-good food supply and that foster habitat prime for breeding and living. AK Feeders will manage insect and rodent habitat and available food supply by minimizing the existence of such environments through practicing routine good housekeeping, commodity storage cleaning, site grading and maintenance. Traps and chemical treatments are effective control methods and will be used, as necessary.

1. Habitat Management

○ *Regular Manure Removal and Lot Management*

Proper manure management removes both food sources and habitat for flies. AK Feeders manure management consists of routine lot harrowing, lot scraping, cleaning of alleys and removal of manure for land application. All manure will be routinely third party. Exporting the manure will eliminate odors associated with the manure composting process.

○ *Reduce Other Fly Habitats*

Standing water, weeds and grass are all prime habitats for fly reproduction and protection. AK Feeders tends each field and mows the grass and weeds, as appropriate, to control fly breeding conditions. Where practical, AK Feeders management of these areas will consist of ditch burning, mowing along roadways and waterways, and grading lot, pasture, and roadways to reduce standing water.

2. Controls – Biological and Chemical

○ *Biological Control*

Parasitic wasps make excellent biological fly control, and are widely used. AK Feeders will consider parasitic wasps as a biological control, as needed. This method will be warranted by the results of the other control measures previously outlined.

○ *Baits and Chemical Treatments*

Baits and treatments are generally very effective. If additional pest prevention is necessary, AK Feeders will use USDA approved fly sprays and baits, such as Pyganic. Application levels and methods of such will be warranted by the results of the other control measures previously outlined.

In the event it is determined that nuisance conditions from pests such as flies and rodents persist, AK Feeders will initially increase the frequency of the housekeeping and management practices outlined previously. If further action is necessary, AK Feeders will increase use of USDA approved chemical controls and treatments, such as fly sprays and baits, and rodenticide for pest control.

Waste Management Narrative

Prepared for AK Feeders

AK Feeders is a new feedlot near Wilder, Idaho. The feedlot is owned and operated by David DeBenedetti. The feedlot raises beef cattle and will be used for backgrounding. They will buy and/or breed their own stock, bringing the cattle into the feedlot between approximately 300 to 600 pounds. At approximately 1,000 pounds, they will be sent to a finishing feedlot. The feedlot has a capacity for 3,700 head of livestock. The average weight of the livestock will be between 500 to 1,000 pounds.

The facility operates an open lot dry scrape manure system. There is no commercial water produced on the facility. The only process water is precipitation runoff from the corrals and feed storage areas. Runoff from precipitation is directed to one of the three runoff containment ponds. The site has been graded to ensure proper drainage.

Manure is mounded in the pens and will be hauled either annually or bi-annually. All manure will be third party exported.

Land owned or operated by a CAFO, including all livestock (Bovidae, Suidae, Equidae, and other animals) that are on, or contiguous to, a cattle operation, and are owned or controlled by a cattle operation, are required to conform to the IDAPA 02.04.15 rule governing beef cattle animal feeding operations. The producer must ensure all livestock are restricted from the waters of the state (e.g., streams, rivers, canals, irrigation ditches).

18. A characterization of proposed operation, including estimated amount of water per animal unit required and any land application site(s) owned, leased, operated, or contracted by the applicant, which land is part of the nutrient management plan and includes the following information:

Existing Site

Annual precipitation was determined using the NOAA Atlas 2, Volume V Precipitation map. The average yearly precipitation for the site is approximately 9.56” inches.

There are multiple soil types with the majority of the soil being Cruickshank fine sandy loam, 0 to 3 percent slopes. Next, being Letha fine sandy loam, 0 to 1 percent slopes. Small amounts of Cencove fine sandy loam, Marsing loam, and Falk fine sandy loam all being from 0 to 12 percent slopes. The USDA-NRCS soils report is located in 18.a. – Soil Report.

There are two water wells that provide water to the property. The depth to static ground water varies but is between 60-120 feet. The underlying geologic structure includes topsoil, clay, gravel, sand, and cemented sand with gravel. The drill logs are in 18.b. – Well: Drill Logs.

The site is located within FEMA panel 16027C0175F and is not currently located within a 100-year floodplain. The FEMA map is located in 18.c. – FEMA Map.

Hydrogeological Factors

Water quality data was obtained from the Idaho Division of Water Resources (IDWR) online database. This data includes data from the Idaho Department of Agriculture (ISDA) and IDWR. The United States Geological Service (USGS), and the Idaho Department of Environmental Quality (IDEQ) had no additional data specific to this location. There is a map at the beginning of the IDWR data for the farm to show the three monitoring well locations. One well was located north about .3 miles away, another north-northeast about .2 miles away, and the last is northeast about .6 miles away. Water quality data for all three wells are attached. 18.d. – Water Quality Data

The site is located along the Treasure Valley Aquifer. The aquifer flows west from the proposed site, along the Snake River. From the on-site well logs, the static water level below the ground surface ranges about 60-120 feet.

Limited information was available to describe the groundwater and surface water relationships for this area. The IDWR (2017) referenced “A Groundwater-flow Model for the Treasure Valley and Surrounding Area, Southwestern Idaho”. This document indicates that as water is used from the Treasure Valley Aquifer it causes a depletion in available surface water sources, causing a reduction in ground water storage.

The USGS tracks the surface water usage for the nation. There are two monitoring stations near the project site. One station is located in Parma, ID, northwest of the project site, and the other in Malheur County, OR, northeast of the project site. There are graphs that show the approved daily-mean data for surface water usage. There was no information found in the USGS, IDEQ, or IDWR databases on the average groundwater levels at or near the subject property.

Most of the irrigation in the area is from deep wells. Recharge sources in the area are predominately irrigation, precipitation, and snowmelt. These serve as primary sources of recharge in the area.

The USGS indicates the Snake River may be degraded by a variety of pollutants. The waters are primarily impacted by runoff from irrigated crop production, rangeland, and pastureland. The project site is not located in a vulnerable water area and is not located in a nitrate priority area according to the IDWR.

Canyon County tends to be a windy area. The average wind speed is between 11 mph in March and 7 mph in August. The direction is typically south to northwest. 18.c.- Caldwell Industrial Airport Wind Speed and Direction.



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BRAD LITTLE, GOVERNOR
CHANEL TEWALT, DIRECTOR

March 15, 2023

AK Feeders
David DeBenedetti
21696 State Line Rd
Wilder, ID. 83676

Dear Mr. DeBenedetti,

I received the Environmental/Nutrient Management Plan for proposed AK Feeders from Brian Scarrow, Certified Nutrient Management Planner. I approved the Environmental/ Nutrient Management Plan on March 15, 2023. This Environmental/ Nutrient Management Plan is for your proposed facility located at 21696 State Line Road, Wilder, ID. 83676.

Key Points for EMP/NMP Compliance:

1. You are required to soil test all fields, annually, to which nutrients (commercial fertilizer or manure) will be applied that year and soil test records must be kept for 5 years. Soil tests need to be taken by a certified soil sampler.
2. Liquid effluent applications are to occur only within the growing period of the active crop. Fall application of liquid effluent must be completed prior to the non-growing season. The non-growing season will be determined each year by the ISDA Animal/Dairy Bureau. Permission to apply liquid effluent during the non-growing season will be considered on a case-by-case basis. Producers seeking permission to land apply nutrients outside of the application season must contact the Department of Agriculture, Animal/Dairy Bureau at (208) 332-8550 prior to application. Factors considered in granting approval will be, but are not limited to, the following:
 - Date
 - Existing and forecasted weather conditions
 - Moisture content of the soil
 - Frost layers in the soil
 - Water holding capacity of the soil
 - Crop needs
3. CAFO byproduct management is a key component to your ability to appropriately implement your environmental/nutrient management plan. It is important to remove accumulated solids and byproduct water from your containment facilities prior to the wet season to ensure that the byproduct containment facilities have the required 120-day storage capacity.

If you have any questions or concerns, please contact me at (208) 332-8550.

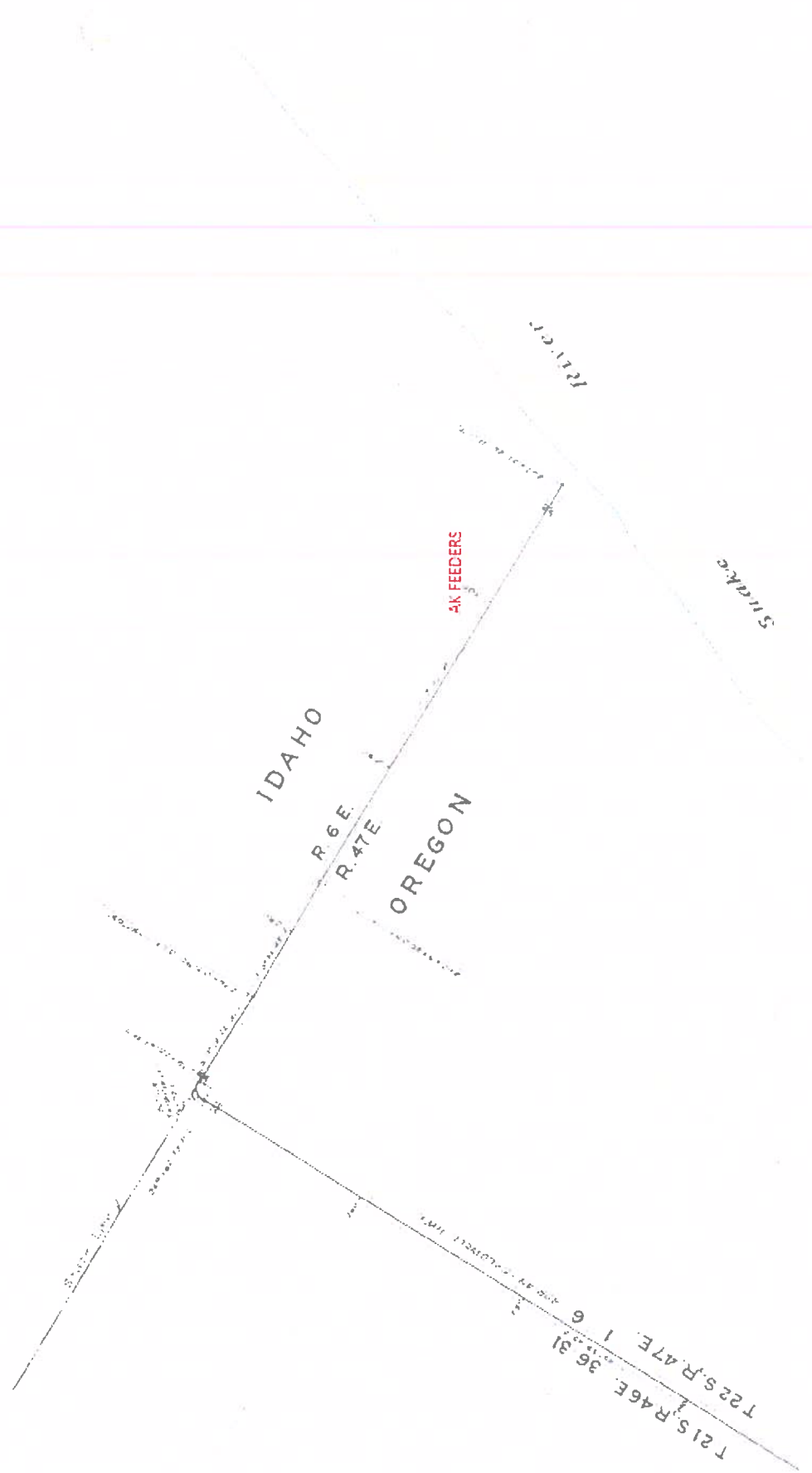
Sincerely,

Pradip Adhikari, PhD
Soil Scientist/Nutrient Management Specialist, Animal Industries

RECEIVED

MAR 20 2023

RECEIVED



IDAHO

OREGON

SNAKE RIVER

SNAKE

AK FEEDERS

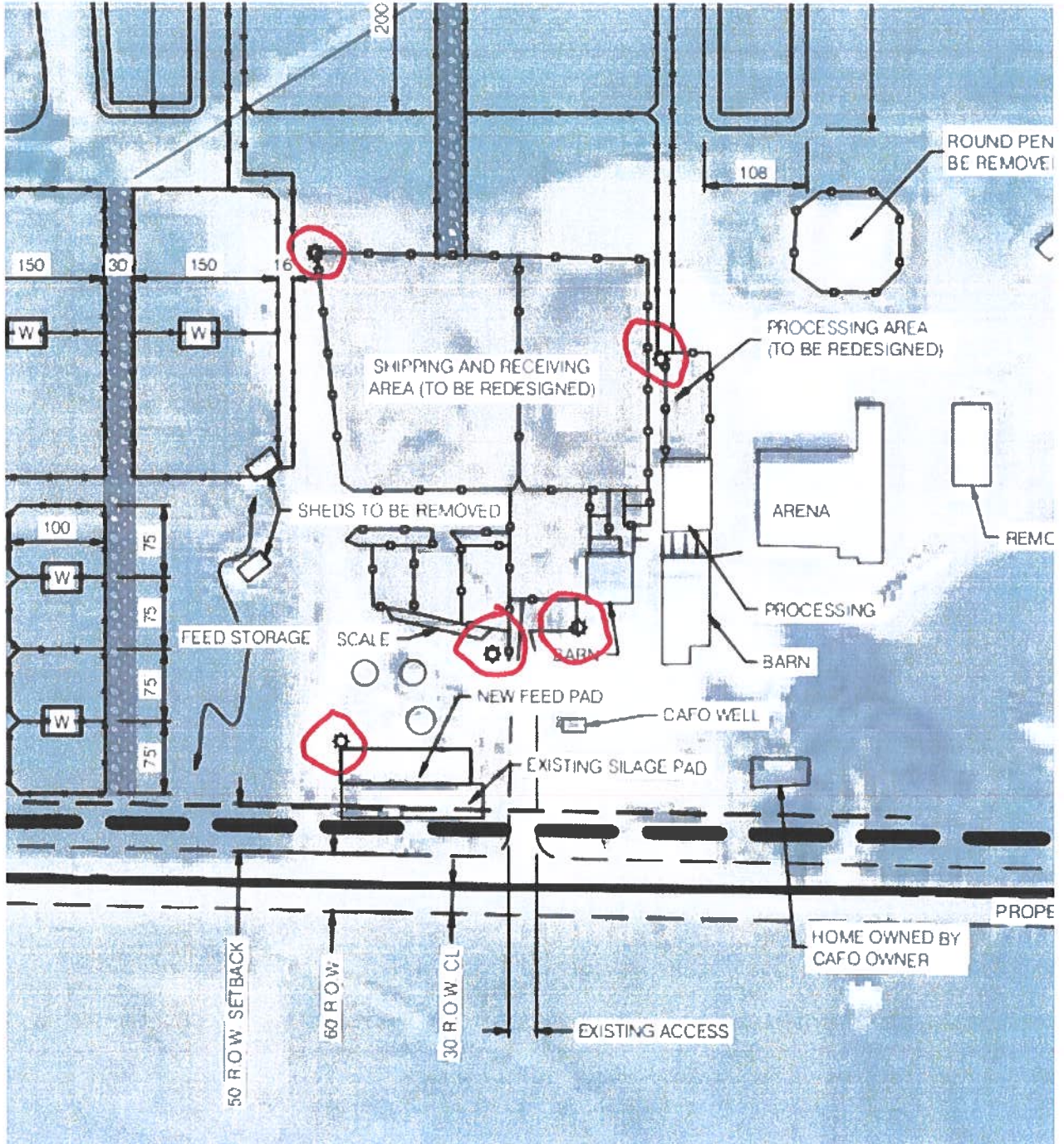
R. 6 E

R. 47 E

T21S, R46E, 36, 31

T22S, R47E, 1, 6

T23S, R47E, 1, 6



*downward facing
utilized when needed during
non-daylight hours.*

*Lighting locations
per. Oct 18, 2023 email*

Debbie Root

From: Matt Wilke <matt@mywhitebarn.com>
Sent: Wednesday, October 18, 2023 12:36 PM
To: Debbie Root
Cc: akfeeders@gmail.com
Subject: Re: [External] Re: Hearing Date: November 2, 2023
Attachments: Lights.jpg; Traffic Narrative Calculations.png

Hi Debbie,

Attached are the calculations the engineer used for the traffic narrative regarding the commercial traffic.

Lighting will be downward facing and only utilized when needed during non-daylight hours. There are 5 lights proposed on the site plan. I made a screenshot and circled them in red for reference.

I also wanted to confirm that the site will be year-round use.

Thank you,



Matt Wilke
Owner | Broker
White Barn Real Estate
White Barn Ventures
208.412.9803
matt@mywhitebarn.com
www.mywhitebarn.com

From: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Sent: Tuesday, October 17, 2023 9:10 AM
To: Matt Wilke <matt@mywhitebarn.com>
Subject: RE: [External] Re: Hearing Date: November 2, 2023

Matt,

Do you have more specific information with regards to actual cattle truck trips/day? The narrative indicates 6 commercial vehicle trips per day. Is that cattle trucks, feed trucks, ??

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

Development Services Department (DSD)
NEW public office hours
Effective Jan. 3, 2023
Monday, Tuesday, Thursday and Friday
8am – 5pm

EXHIBIT
15

Table T-5

Traffic Source	YEARLY TRAFFIC ESTIMATE				
	Number of Vehicles to Facility by Frequency			Trips ³ Generated Per Day	
	Existing	Proposed	Amount Frequency	Existing	Proposed
Owner/Manager	1	1	Per Day	2	2
Employees (vehicles not = of employees)	5	9	Per Day	10	18
Milk Trucks	0	0	Per Day	0	0
Milk Replacer (calves)	0	0	Per Week	0.0	0.0
Cows/Calves In & Out	1	2	Per Month	0.1	0.1
Buyers	0	0	Per Month	0.0	0.0
AI Delivery Service	0	0	Per Week	0.0	0.0
Vet visit	1	1	Per Month	0.1	0.1
Govt. Inspectors	1	1	Each Year	0.0	0.0
Medicine Delivery	1	1	Per Month	0.1	0.1
Mechanical Parts/ Repairs	1	1	Per Week	0.3	0.3
Utilities	1	1	Per Month	0.1	0.1
Fuel Delivery	2	2	Per Month	0.1	0.1
Dry hay, Commodities and Mineral In	14	182	Each Year	0.1	1.0
Silage In	26	338	Each Year	0.1	1.9
Straw In	3	40	Each Year	0.0	0.2
Manure Out	47	621	Each Year	0.3	3.4
Shurry Hauling	0	0	Each Year	0	0
Farming (significant changes)	0	0	Each Year	0	0.0
Miscellaneous Visitors (salesman, mailman, etc)	0	0	Per Weekday	0	0
Double Haul Adjustment ⁴	-47	-621	Each Year	-0.25753	-3.40274
TOTAL Vehicle Trips per day estimate				13	24
Rough Estimate Trips per day estimate				0	24

Change in Facility Traffic =

810% approximate increase in yearly traffic from facility

Traffic Count clarity
Oct 18, 2023 email

Traffic Narrative

Prepared for AK Feeders
Canyon County Conditional Use Permit

Introduction

This Traffic Narrative is prepared for AK Feeders Conditional Use Permit (CUP) request. AK Feeders is requesting a CUP for a Confined Animal Feeding Operation (CAFO) operation on parcel R37348010 which is more particularly described as being a part of the North Half of Section 14, Township 4 North, Range 6 West of the Boise P.M., Canyon County, Idaho, consisting of approximately 163-acres (+/-).

The subject property currently contains pens, feed storage, indoor riding arena, and center pivot fields. Additional pens, feed storage, gravels roads to pens, runoff ponds, and access paving are proposed.

A commercial access permit from Golden Gate Highway District (GGHD) will be applied for separately.

Existing Conditions and Roadway Network

The subject property is accessed along the west side of the property from State Line Road. No new accesses are proposed to serve the property.

State Line Road is a north-south two-lane local paved roadway. All traffic is expected to come from State Line Road. It is estimated that approximately 50% of the traffic is from the north and 50% of the traffic is from the south. The portion of State Line Road where the access to the feedyard is located has a split jurisdiction between Oregon Department of Transportation (ODOT) and GGHD. ODOT maintains the roadway, but GGHD has jurisdiction along the east side of State Line Road including the access to the site which is located on the Canyon County, Idaho side of State Line Road.

State Line Road is flat and straight in both directions leading into the site. Peckham Road to the south of the principal access curves east approximately 1,000 feet from the access. The nearest highways are the 201 in Oregon, approximately 3.30 miles to the west, and the 95 in Idaho, approximately 5.70 miles to the east.

The access to the property is classified as a minimum use access on a local road. It is primarily used for feed and fuel delivery trucks, cattle trucks, and employee vehicles.

Vet visits will occur approximately once monthly, and inspections will occur once yearly, adding very small traffic impact to the site. As a part of the CUP request, paving the access to provide tracking control onto State Line Road is proposed.

Figure 1 references the Golden Gate Highway District Functional Classification 2040. The site is shown in relation to its location along State Line Road. As shown, it is along an area classified as a local road. The expected traffic proposed with the CUP request is not expected to significantly increase the traffic in this area and will continue to comply with the minimal use access.

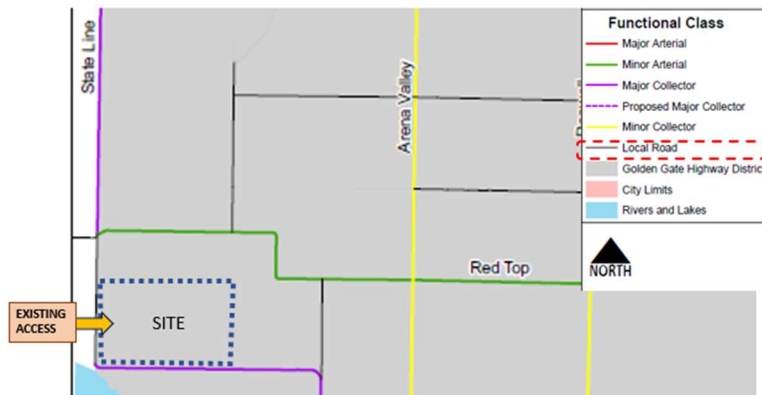


Figure 1. Golden Gate Highway District Functional Classification 2040

Trip Generation

The expected hours for outgoing and incoming semi-trucks and other vehicles and equipment will be Monday through Sunday 6:00 A.M. to 5:00 P.M. The highest traffic volumes will be generated during the morning hours of 7:00 A.M. to 9:00 A.M. and in the evening between 3:00 P.M. to 5:00 P.M when employees enter and exit the property. During peak traffic hours no more than five vehicles are expected to be going in and out. Occasional operations outside of the expected hours may be required due to CAFO industry needs.

The site will include a shipping and receiving area for cattle and commodities. Parking for employees will be gravel spaces located near the entrance.

The CAFO expansion only increases the number of employee vehicles from five to nine. The number of trips per day increased from 13 to 24 for the proposed site averaged over the year. The following traffic volumes are anticipated for this proposed site:

Commercial Vehicles/Equipment	6 roundtrips per day
Owner/Employee Vehicles	18 roundtrips per day

The arrival and departure of vehicles is expected to be staggered throughout the day. Employee traffic, which accounts for the majority of the traffic, will arrive in the morning and then depart in the evening.

Conclusion

As the increased traffic volumes are below the TIS thresholds, the peak hour left turning volume is less than 10 vehicles, and the peak hour right turning volume is less than 25 vehicles, no roadway improvements are anticipated for the proposed uses. As a part of the CUP conditions, the access is proposed to be paved to provide tracking control for the site.



Oregon

Tina Kotek, Governor

Department of Transportation

District 14 Headquarters

1390 SE 1st Ave

Ontario, OR 97914

541-889-9115

March 20, 2023

Canyon County Development Services
111 N. 11th Avenue
Caldwell, ID 83605

SUBJECT: CAFO Permit CU2022-0036

To whom it may concern,

Oregon Department of Transportation (ODOT) staff has completed a review of the submitted site plan for permit CU2022-0036. We have determined that ODOT does not have permitting authority for the frontage on the east side of State Line Road and we have no specific concerns with the traffic generation estimated in the applicant's traffic narrative.

If you have any questions regarding ODOT permits or the content of this letter, please feel free to contact me at 541-216-1246 or john.w.eden@odot.oregon.gov

Sincerely,

John Eden, Permit Specialist
ODOT District 14 Maintenance Office



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

March 20, 2023

Canyon County Development Services Department
Attn: Debbie Root, Planner
111 North 11th Ave., Ste. 310
Caldwell, ID 83605
Phone: (208)455-6034
Email: debbie.root@canyoncounty.id.gov

RE: Case Name: AK Feeders, Case Number: CU2022-0036, Parcel #: R37348010

Ms. Root:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the Traffic Narrative and Site Plan associated with the subject Conditional Use Permit application submitted to GGHD in an email dated March 20, 2023. The subject parcel is located approximately 0.20 miles north of the Peckham Rd/State Line Rd intersection in the N1/2 of Section 14, T4N, R6W, BM, Canyon County, ID.

The documents submitted for review to GGHD will support the Conditional Use Permit application. The subject property currently contains pens, feed storage, indoor riding arena, and center pivot fields. Additional pens, feed storage, gravel roads to pens, runoff ponds, and access paving are proposed. Proposed access will be at the existing access location on State Line Road, which is under the jurisdiction of GGHD and classified as a Local Road according to the GGHDs 2019 Functional Classification Map.

Based upon the information provided, the following findings and conditions of approval apply:

1. The estimated peak hour and average annual daily traffic (AADT) values of 10 and 25 are below the Traffic Impact Study (TIS) rural thresholds of 50 and 500, respectively, shown in Section 3110.010 of the 2022 Association of Canyon County Highway Districts Highway Standards & Development Procedures (ACCHD Standards).
2. Proposed access on State Line Road to meet the rural roadway driveway spacing requirements of Section 3061.020 and Standard Drawing ACCHD-106 of the ACCHD Standards.
3. A site visit by GGHD is required to address possible site distance issues, if any.

GGHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

GGHD requests Canyon County Development Services incorporate these comments and any subsequent comments into proposed Conditions of Approval for consideration/approval by Canyon County.

Respectfully,

Digitally signed by
Christopher Pettigrew
Date: 2023.03.20
13:52:21-06'00'

Christopher S. Pettigrew, P.E.
*Project Manager/Engineer, Transportation Services Group
Technical Resources Team Lead (Central)*

CC: Bob Watkins, GGHD Director of Highways
Matt Wilke, White Barn Real Estate
Valene Cauhorn, AgPros

EXHIBIT
18

CANYON SOIL CONSERVATION DISTRICT



2208 E. Chicago, Suite A
Caldwell, ID 83605
Phone 208-779-3443
Fax 1-877-504-6752

SUPERVISORS: Mike Swartz, Chairman, Rex Runkle, Vice Chairman; Robert McKellip, Secretary/Treasurer;
Chris Gross, Supervisor, Brad McIntyre, Supervisor & Clay Erskine, Supervisor
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood

SOIL CONSERVATION DISTRICT STAFF: Lori Kent, Administrative Assistant & Stan Haye, Soil Conservation Technician

October 17, 2023

To: Dan Lister Planner of Record
Canyon County Development Services

From: Canyon Soil Conservation District (Canyon SCD)

Subject: P & Z Agency Notices

Thank you for sending Canyon Soil Conservation District (SCD) several zoning requests.

They are: CU2023-0008, Quadrant Consulting, CU2023-0014 Penelope Constantikes, CU2022-0036 AK Feeders LLC and CR2022-003 Shawn and Rae Lynn Kelly

Comments from Canyon Soil Conservation District:

The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.

CU2023-0008, Quadrant Consulting is 23% Class III, 74% Class IV and 3% other. The SCD has no comments.

CU2023-0014 Penelope Constantikes. The SCD has no comments.

CU2022-0036 AK Feeders LLC is 4% Class II, 21% Class III and 75% Class IV. The SCD has no comments related to the Land Class. There is one item we think should be addressed. In the application the applicant stated they have an active nutrient management plan. If the applicant plans to increase the population of cattle, a new nutrient management plan is needed to address the additional animal waste.

CR2022-003 Shawn and Rae Lynn Kelly. The SCD has no comments.

Continued Partnership and Conservation.

Sincerely,

Rich Sims acting for:

Mike Swartz, Canyon SCD Chairman

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.



October 24, 2023

Debbie Root, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
debbie.root@canyoncounty.id.gov

Subject: CU2022-0036 / AK Feeders LLC

Dear Ms. Root:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: <https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK



August 16, 2023

AK FEEDERS LLC
21696 STATE LINE RD
WILDER ID 83676-5099

RE: Permit No. 63-35421

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,

Lynne Evans
Lynne Evans

Doc Scott Storms
Water Rights Supervisor

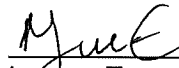
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2023, I served a true and correct copy of Permit to Appropriate Water No. 63-35421 by U.S. Mail, postage prepaid, to the following:

AK FEEDERS LLC (Current Owner)
21696 STATE LINE RD
WILDER ID 83676-5099

LORI GRAVES
HDR INC (Representative)
412 E PARKCENTER BLVD STE 100
BOISE ID 83706-6659



Lynne Evans

Administrative Assistant I

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-35421

Priority: May 26, 2023

Maximum Diversion Rate: 0.81 CFS

This is to certify that

AK FEEDERS LLC 21696 STATE LINE RD WILDER ID 83676-5099

has applied for a permit to appropriate water from:

Source : GROUND WATER
Source : GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
STOCKWATER	01/01 to 12/31	0.81 CFS

Location of Point(s) of Diversion

GROUND WATER L1 (NW¼ NW¼), Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County
 GROUND WATER SW¼ NE¼, Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N	06W	14		X	X		X	X	X	X										
								L1	L2											

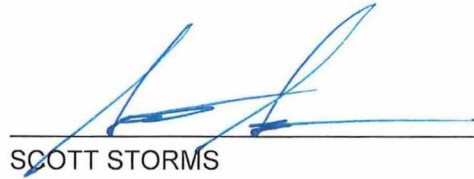
Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2028**.
2. Subject to all prior water rights.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Stockwater use is for 3700 beef cattle.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-35421

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

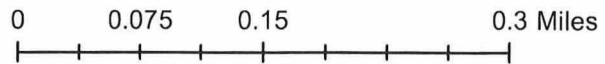
Signed this 14th day of August, 20 23.



SCOTT STORMS
Water Rights Supervisor

State of Idaho
 Department of Water Resources
Attachment to Permit to Appropriate Water
 63-35421

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- Taxlots



MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: AK FEEDERS, LLC - DAVID DEBENEDETTI, MANAGER
	MAILING ADDRESS: 21696 STATELINE RD. WILDER, ID 83676
	PHONE: (208) 573-1041 EMAIL: AKFEEDERS@GMAIL.COM

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature: David DeBenedetti Date: 7/18/22

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: MATT WILKE
	COMPANY NAME: WHITE BARN VENTURES, INC.
	MAILING ADDRESS: PO BOX 7 MIDDLETON, ID 83644
	PHONE: (208) 412-9803 EMAIL: MATT@MYWHITEBARN.COM

SITE INFO	STREET ADDRESS: 21696 STATELINE RD. WILDER, ID 83676	
	PARCEL #: R374801000 AND R3731501000	LOT SIZE/AREA: 1/4 70 ACRES
	LOT: _____ BLOCK: _____	SUBDIVISION: _____
	QUARTER: <u>SEE WARRANTY DEED</u>	SECTION: 11 & 14 TOWNSHIP: 4N RANGE: 6W
	ZONING DISTRICT: AG	FLOODZONE (YES/NO): NO

HEARING LEVEL APPS	<input checked="" type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER _____		

CASE NUMBER: CU2022-0036	DATE RECEIVED: 7/18/22
RECEIVED BY: Maddy Vander Veen	APPLICATION FEE: \$950 (CK) MO CC CASH

SCANNED Revised 1/3/21
7/20/22

LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: Individual Domestic Well Centralized Public Water System City
 N/A – Explain why this is not applicable: * 1 Domestic Well is currently on site.
 How many Individual Domestic Wells are proposed? 1 stockwater well is proposed. Additional stockwater shares for additional animals has been applied for with IDWR.
2. SEWER (Wastewater) Individual Septic Centralized Sewer system
 N/A – Explain why this is not applicable: EXISTING SEPTIC FOR EXISTING HOME TO REMAIN.

3. IRRIGATION WATER PROVIDED VIA:

- Surface Irrigation Well None

4. IF IRRIGATED, PROPOSED IRRIGATION:

- Pressurized Gravity

current center pivot location to stay the same. Back stops to be adjusted accordingly for future site.

5. ACCESS:

- Frontage Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:

- Public Private Road User's Maintenance Agreement Inst # _____

7. FENCING

- Fencing will be provided (Please show location on site plan)

Type: PIPE & CABLE _____ Height: _____

8. STORMWATER:

- Retained on site Swales Ponds Borrow Ditches
 Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

ALLEN DRAW, ALENA CASE DRAW, SNAKE RIVER

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- Residential _____
- Commercial _____
- Industrial _____
- Common _____
- Non-Buildable _____

2. FIRE SUPPRESSION:

- Water supply source: _____

3. INCLUDED IN YOUR PROPOSED PLAN?

- Sidewalks
- Curbs
- Gutters
- Street Lights
- None

NON-RESIDENTIAL USES

1. SPECIFIC USE: CAFO

2. DAYS AND HOURS OF OPERATION: 7 DAYS A WEEK, 24 HRS. A DAY.

- Monday 12 AM to 11:59 PM
- Tuesday 12 AM to 11:59 PM
- Wednesday 12 AM to 11:59 PM
- Thursday 12 AM to 11:59 PM
- Friday 12 AM to 11:59 PM
- Saturday 12 AM to 11:59 PM
- Sunday 12 AM to 11:59 PM

3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? 8-10 No

4. WILL YOU HAVE A SIGN? Yes No Lighted Non-Lighted

Height: 3 ft Width: 3 ft. Height above ground: 3-5 ft

What type of sign: Wall Freestanding Other TBD

5. PARKING AND LOADING:

How many parking spaces? RANCH & FEEDLOT VEHICLES WILL BE PARKED ON SITE.

Is there is a loading or unloading area? YES

LOADING AND UNLOADING FACILITIES WILL BE PROVIDED ON SITE.

ANIMAL CARE-RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: 3700

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

Building Kennel Individual Housing Other CORRAL

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

Building Enclosure Barrier/Berm Bark Collars

4. ANIMAL WASTE DISPOSAL

Individual Domestic Septic System Animal Waste Only Septic System

Other: FIELD APPLICATION OVER A BROAD AREA

BENEFITTING NEIGHBORING FIELDS AND FARMS AS OUTLINED IN APPROVED NUTRIENT MANAGEMENT PLAN ISDA HAS ON RECORD.

*NOTE. NUTRIENT MANAGEMENT PLAN IS DEEMED TO BE A TRADE SECRET CONTAINING PROPRIETARY INFORMATION, AND SHALL BE EXEMPT FROM DISCLOSURE PURSUANT TO SECTION 74-107, IN THE IDAHO CODE.



White Barn Ventures, Inc.

AK Feeders, LLC
21696 Stateline Road
Wilder, ID 83676

3/19/2022

Canyon County Development Services
111 N. 11th Avenue
Caldwell, ID 83605

Re: Amendment to Application: CAFO Permit CU2022-0036

To whom it may concern,

We are amending our application to adjust the maximum capacity to 3,700 head of cattle with an average weight of 750 lbs, or 2,775 Animal Units.

We were originally requesting a maximum of 6,000 head of cattle with an average weight of 750 lbs, or 4,500 Animal Units. This has changed the layout and reduced the overall size of the site, so we are attaching the latest site plan that includes updated setback changes. The attached EMP/NMP approval letter from the ISDA and all future letters of comment will be based on this new site plan and maximum head capacity.

Thank you,

Matt Wilke

White Barn Ventures Inc.~ Applicant Representative for AK Feeders, LLC

RECEIVED
▶ MAR 20 2023 ◀
RECEIVED



White Barn Ventures, Inc.

AK Feeders, LLC
21696 Stateline Road
Wilder, ID 83676

Canyon County Development Services
111 N. 11th Avenue
Caldwell, ID 83605

7/18/2022

To whom it may concern,

We are requesting a CUP for a CAFO with a maximum of 6,000 head of cattle with an average weight of 750 lbs, or 4,500 Animal Units. Accesses will be on Stateline Road and are shown on the attached conceptual site layout. We believe this CAFO would conform to the area well as the Property is in an AG zone and has a long history of feeding cattle up to 1000 head, and the applicant currently feeds and grazes Cattle on site. Furthermore, there are no nearby Residential, Commercial, or Industrial zones. When looking at the County zoning map, this is one of the best areas remaining for a CUP of this type.

The site will encompass a portion of Parcel # R3734801000, & R3731501000, containing approximately 70 acres.

The applicant will have all CAFO storage and containment facilities designed and constructed with engineering criteria approved by the ISDA to prevent unauthorized discharges, unauthorized releases, violations of state water quality standards, contamination of ground water and surface water, and endangerment to human health and the environment.

All standards required of the applicant shall be adhered to by the applicant and any potential future operators, and shall be enforced by the ISDA as part of its inspection program. Animals confined in the CAFO will not have direct contact with canals, streams, ponds, or other surface waters.

We feel that this operation will benefit the local AG community by providing many local jobs, not only on-site, but off-site as well such as but not limited to: laborers, mechanics, truck drivers, veterinarians, equipment sales, and farmers, and create a local market for cattle feed and supplies.



Cattle Feeding operations are a vital part of the sustainability of local farm producers who produce forage crops such as hay and corn. Hay in this area is difficult to dry along the Snake River, and chopping and hauling to local cattle feeding operations is a great way to harvest the crop and get water back on the field much sooner than fighting the weather and waiting for the hay to dry and bale. The chopped hay is of better quality than it would be if it had sat in the field after being rained on and raked multiple times, shattering nutrient rich leaves onto the ground. Hay regrowth is also much faster behind a chopping operation. Every year there are producers in first and last cut hay that would benefit from being able to chop instead of bale due to very slow drying conditions that are typical in that time of year.

The manure produced is an excellent fertilizer containing nitrogen, phosphorus, potassium and other nutrients. Manure is a valuable resource and creates much needed nutrients and organic matter for field applications thus offsetting the high cost of chemical fertilizers which have a higher chance of field runoff and water pollution. The manure produced on site will be utilized in neighboring fields, and not just land owned by the applicant. The organic matter applied to the soil may improve soil structure, aeration, soil moisture-holding capacity, and water infiltration.

Research has shown that dry manure typically releases its nitrogen over a longer 5+ year period of time once applied to the soil. This slow release is much safer than chemical fertilizers, and typically does not leach into aquifers and is actually the fertilizer of choice, especially in sandy soils where chemical fertilizers can leach the worst. Dry manure typically only releases 35% of its available nitrogen into the soil during its first year of application. For these reasons, we believe ground water, and surface water pollution is an extremely low risk for a CAFO.

We will be submitting a Comp Plan Analysis soon.

Please let me know if you have any questions. Thank you for considering our application, and working with us to achieve a successful approval of this permit to further enhance Canyon Counties Agricultural based businesses. We look forward to working with you.

Regards,

Matt Wilke

White Barn Ventures Inc.~ Applicant Representative for AK Feeders, LLC

State of Idaho
 Department of Water Resources
Permit to Appropriate Water

NO. 63-33779

Priority: May 17, 2013

Maximum Diversion Rate: 1.28 CFS

This is to certify, that DEL MONTE MEAT CO INC
 1743 STATELINE RD
 ADRIAN OR 97901

has applied for a permit to appropriate water from:

Source: ALLEN DRAIN

Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	1.04 CFS
STOCKWATER	01/01 to 12/31	0.24 CFS

LOCATION OF POINT(S) OF DIVERSION:

ALLEN DRAIN L1 (NW1/4NW1/4) Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 06W 14					9.0	6.0	7.0	30.0									52.0
						L 1	L 2										

Total Acres: 52

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 06W 14					X	X	X	X									
						L 1	L 2										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2019**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-33779

5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
8. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water right(s) appurtenant to all or part of the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used for irrigation purposes on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 234.0 af at the field headgate for the place of use.
13. Stockwater use is for 1,000 range cattle and 100 horses.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of June, 2014.



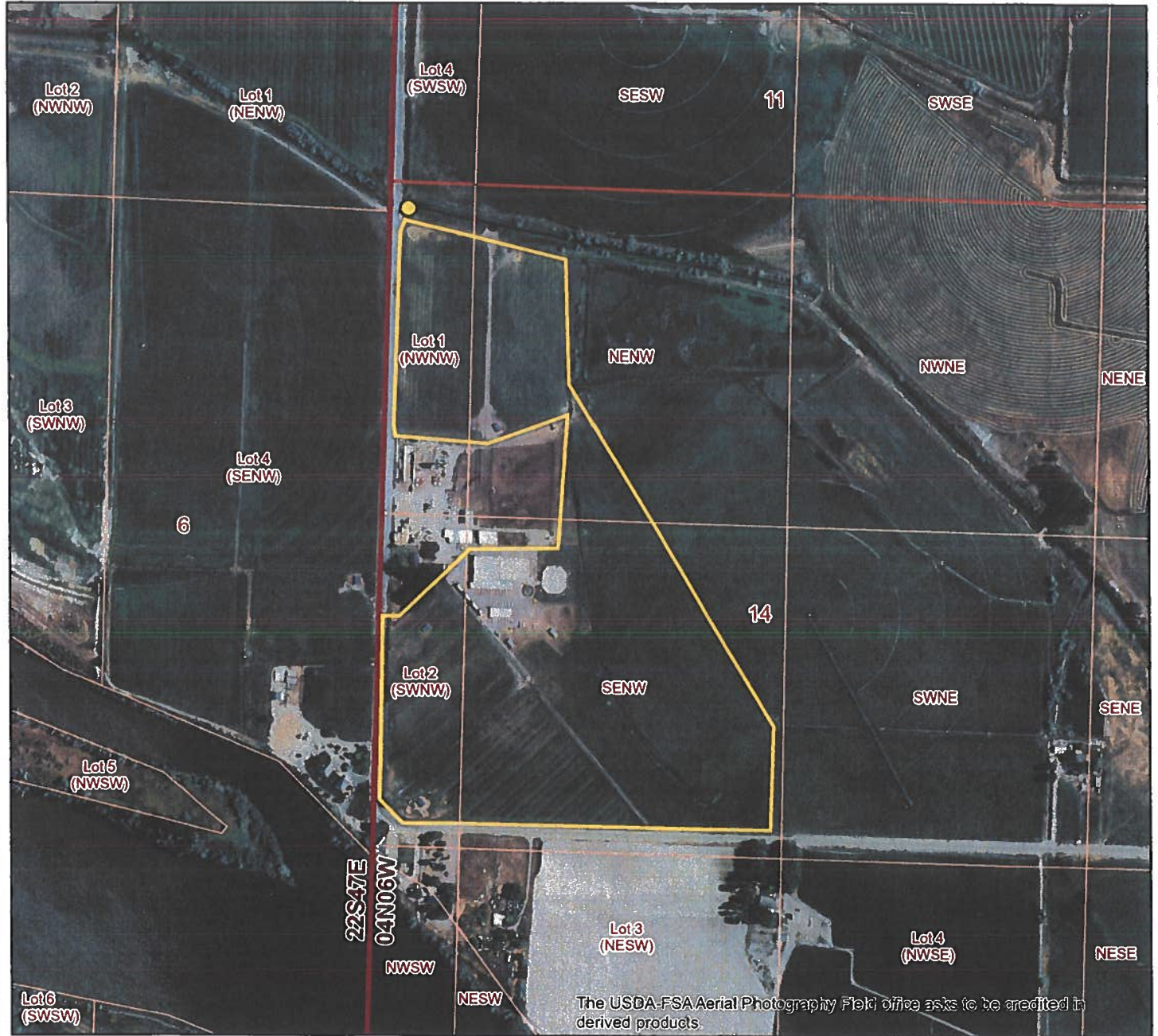
for JOHN WESTRA, Western Regional Manager

State of Idaho
 Department of Water Resources
Permit to Appropriate Water

63-33779

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

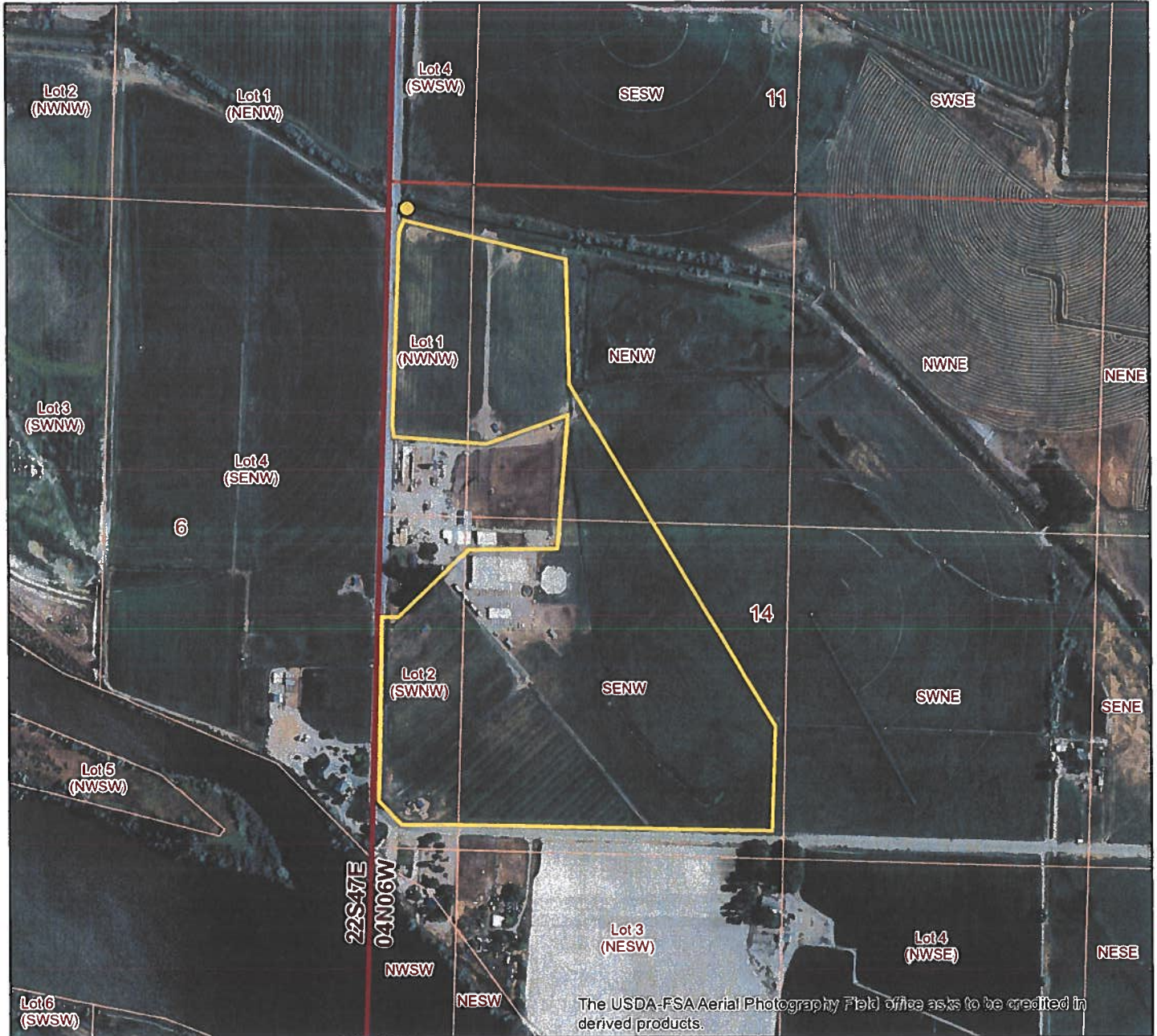


State of Idaho
 Department of Water Resources
Permit to Appropriate Water

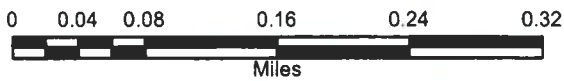
63-33779

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
 Department of Water Resources
Permit to Appropriate Water

NO. 63-34093

Priority: June 01, 2015

Maximum Diversion Rate: 1.70 CFS

This is to certify, that **DAVID DE BENEDETTI**
 1743 STATELINE RD
 ADRIAN OR 97901

has applied for a permit to appropriate water from:

Source: ARENA LAKE DRAIN **Tributary:** SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	1.70 CFS

LOCATION OF POINT OF DIVERSION:

ARENA LAKE DRAIN SE1/4SW1/4 Sec. 11, Twp 04N, Rge 06W, B.M., CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 06W 11									6.0		24.0				11.0	1.0	42.0
04N 06W 14	13.0	23.0			6.0	1.0					L 4						43.0

Total Acres: 85

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2020**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

State of Idaho
Department of Water Resources

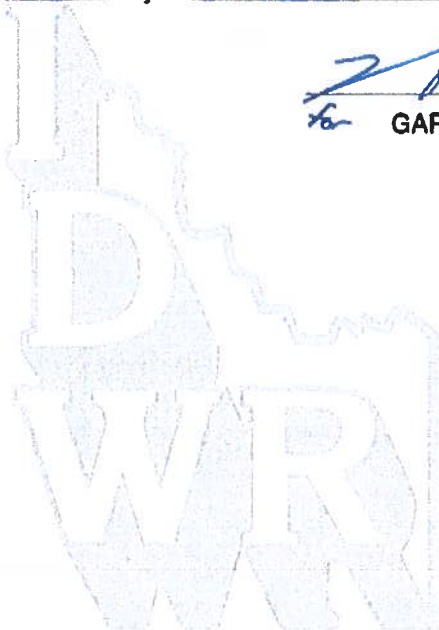
Permit to Appropriate Water

NO. 63-34093

6. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of November, 2015.


for GARY SPACKMAN, Director

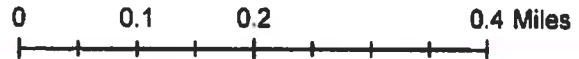


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34093

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 21696 STATE LINE RD. Parcel Number: A PORTION OF 2 PARCELS R3731501 AND R3734801
 City: WILDER State: IDAHO ZIP Code: 83676
 Notices Mailed Date: 6/28/2022 Number of Acres: 1.70 Current Zoning: AG
 Description of the Request: CAFO PERMIT

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: MATT WILKE - REPRESENTATIVE FOR AK FEEDERS, LLC
 Company Name: WHITE BARN VENTURES INC.
 Current address: PO Box 7
 City: MIDDLETON State: IDAHO ZIP Code: 83644
 Phone: (208) 412-9803 Cell: — Fax: —
 Email: MATT@MYWHITEBARN.COM

MEETING INFORMATION

DATE OF MEETING: ~~7/11~~ 7/11/2022 MEETING LOCATION: ON SITE
 MEETING START TIME: 5:55 PM MEETING END TIME: 6:57 PM

ATTENDEES: MATT & APRIL WILKE

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. TIM ALDERSON	<i>Tim Alderson</i>	22440 State Line Rd.
2. DANNY CARDOZA	<i>Danny Cardoza</i>	31252 Peckham Rd.
3. DEBBIE CARDOZA	<i>Debbie Cardoza</i>	" " "
4. DAVE MASHAM	<i>Dave Masham</i>	31396 Redtop Rd
5. DEIDRE BROWN	<i>Deidre Brown</i>	22470 State Line Rd Paimon ID
6. JOHN + SUSAN ISSAK	Representative by Deidre	83640
7. RANDY BROWN	<i>Randy Brown</i>	22470 STATE LINE RD
8. ANDY BISHOP	<i>Andy Bishop</i>	Redtop Rd
9. HAWNA ROCHESTER	<i>Hawna Rochester</i>	State Line Rd

10.	BRAD & JECKI CASE 30769 REDTOP RD. 83676
11.	DANNEN & ANGIE LAHART 22894 AGENA VALLEY RD WILDER 83676
12.	Conrado Fainand 22460 State Line Road Parma 83660
13.	Jeff Bellefleurville 31741 PECKHAM RD
14.	Raleigh & Dee Howe 31453 Peckham Rd. Wilder, ID.
15.	Dee Dee Alderson 22440 State Line
16.	
17.	
18.	
19.	
20.	

NEIGHBORHOOD MEETING CERTIFICATION:

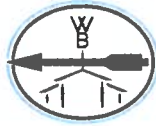
I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

MATT WILKE _____

APPLICANT/REPRESENTATIVE (Signature):  _____

DATE: 7 / 11 / 2022



White Barn Ventures, Inc.

6/28/2022

Dear Neighbor,

We are in the process of submitting an application for a CAFO Permit (Confined Animal Feeding Operation) to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a “neighborhood meeting” and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the CAFO Permit is applied.

The Neighborhood Meeting details are as follows:

Date: Monday July, 11th

Time: 6 PM

Location: On Site @ 21696 State Line Rd Wilder ID 83676

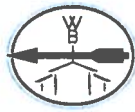
The project is summarized below:

- Site Location: 21696 State Line Rd., Wilder, ID 83676
- Proposed access: Approximately 435 ft north of the Allen Drain on the east side of State Line Road. (Current field access.)
- Site will encompass a portion of Parcel # R3734801000, & R3731501000.
- Approximate Acreage: 70 Acres
- Maximum Number Of Cattle: 6000 Head sizes 500-1000 lbs. or 4500 AU.

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this meeting. This is a PREAPPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project.

Matt Wilke | PO Box 7, Middleton, Idaho 83644 | 208.412.9803 | matt@mywhitebarn.com



If you have any questions prior to the meeting, please contact me at 208.412.9803, matt@mywhitebarn.com, or write me @ PO BOX 7, Middleton, ID 83644.

Thank you,

A handwritten signature in black ink, appearing to read 'Matt Wilke'.

Matt Wilke

White Barn Ventures Inc.~ Applicant Representative for AK Feeders, LLC

Proposed Site



CORRECTIVE DEED AS TO LEGAL DESCRIPTION ON

2017-005628

RECORDED

02/14/2017 09:24 AM



00281396201700066280040043

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 MBROWN

\$19.00

DEED

WAGNER KIRKMAN BLAINE

Recording requested by:

WAGNER KIRKMAN BLAINE
KLOMPARENS & YOUMANS LLP

When recorded mail to:

AK FEEDERS, LLC
c/o Belan K. Wagner, Esq.
Wagner Kirkman Blaine
Klomprens & Youmans LLP
10640 Mather Boulevard, Suite 200
Mather, CA 95655

Space above this line for recorder's use

WARRANTY DEED

FOR VALUE RECEIVED, **David and Victoria DeBenedetti, husband and wife**, the Grantors, do hereby grant, bargain sell and convey unto **AK FEEDERS, LLC, a California limited liability company**, the Grantee, whose current address is P.O. Box 920, Kenwood, CA 95452, the following described premises, in Canyon County, Idaho, TO WIT:

See Exhibit "A" attached hereto

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that they are the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Victoria DeBenedetti
Victoria DeBenedetti

David DeBenedetti
David DeBenedetti

Dated: 1/13, 2016
2017

MAIL TAX STATEMENTS TO: Victoria DeBenedetti. P.O. Box 920, Kenwood, CA 95452

CORRECTIVE DEED AND LEGAL DESCRIPTION ONLY

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

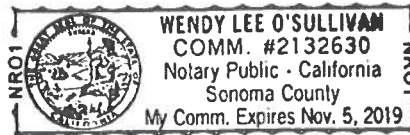
County of Sonoma

On 01-13-2017, before me, Wendy Lee O'Sullivan, a notary public, personally appeared Victoria DeBenedetti, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Wendy Lee O'Sullivan



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Sonoma

On 01-13-2017, before me, Wendy Lee O'Sullivan, a notary public, personally appeared David DeBenedetti, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Wendy Lee O'Sullivan

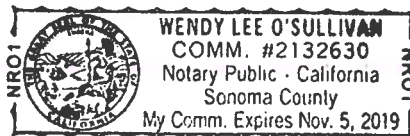


EXHIBIT A
LEGAL DESCRIPTION

R37345:

The Northwest Quarter of the Northwest Quarter of Section 13, Township 4 North, Range 6 West, Boise Meridian, Canyon County, Idaho, EXCEPTING THEREFROM that portion lying North and East of the Riverside Canal.

R37346:

The Northeast Quarter of the Northeast Quarter of Section 14, Township 4 North, Range 6 West, Boise Meridian, Canyon County, Idaho.

R37348-010:

The Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter, and Lots 1 & 2, all being in Section 14, Township 4 North, Range 6 West, Boise Meridian, Canyon County, Idaho.

R37315-010:

The Southeast Quarter of the Southwest Quarter; Lot 4; and the Southwest Quarter of the Southeast Quarter, all in Section 11, Township 4 North, Range 6 West, Boise Meridian, Canyon County, Idaho, Excepting Therefrom the following described parcel:
COMMENCING at a point which is 487 feet South of the Northeast corner of the said Southwest Quarter of the Southeast Quarter of Section 11, Township 4 North, Range 6 West, Boise Meridian, Canyon County, Idaho; thence
North 487 feet; thence
West 663 feet; thence in a Southeasterly direction approximately 843 feet to the POINT OF BEGINNING.

Excepting therefrom:

A parcel of land being a portion of Government Lot 4, the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 11, Township 4 North, Range 6 West of the Boise Meridian, Canyon County, Idaho more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 4, said point bears

South 00° 52' 43" West a distance of 1,334.62 feet from the West Quarter corner of said Section 11; thence along the Northerly line of Government Lot 4, the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 11

South 89° 10' 53" East a distance of 2,748.95 feet to the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section 11; thence along the Easterly line of the Southwest Quarter of the Southeast Quarter of said Section 11

South 00° 36' 19" West a distance of 1,191.98 feet to a point of intersection with the Southeasterly extension of the centerline of the Arena Drain; thence along said extension and the centerline of the Arena Drain through the following courses and distances:

North 65° 23' 16" West a distance of 1,210.87 feet to a point of curve; thence 102.01 feet along the arc of a 235.00-foot-radius curve to the left (through a central angle of 24° 52' 19", the chord which bears North 77° 49' 25" West a distance of 101.21 feet);

thence

South 89° 44' 25" West a distance of 569.77 feet to a point of curve; thence 107.67 feet along the arc of a 165.00-foot-radius curve to the right (through a central angle of 37° 23' 15", the chord which bears North 71° 33' 57" West a distance of 105.77 feet);

thence

North 52° 52' 19" West a distance of 519.42 feet; thence

North 62° 41' 38" West a distance of 156.73 feet to a point of curve; thence 115.50 feet along the arc of a 235.00-foot-radius curve to the left (through a central angle of 28° 09' 38", the chord of which bears North 76° 46' 27" West a distance of 114.34 feet);

thence

South 89° 08' 45" West a distance of 205.58 feet to a point on the Westerly line of said Government Lot 4; thence along said Westerly line

North 00° 52' 43" East a distance of 266.19 feet to the POINT OF BEGINNING.



Secretary of State
Statement of Information
 (Limited Liability Company)

17

LLC-12

22-301716

FILED
 Secretary of State
 State of California

FEB 24 2022

IMPORTANT — This form can be filed online at bizfile.sos.ca.gov.

Read instructions before completing this form.

Filing Fee - \$20.00

Copy Fees - First page \$1.00; each attachment page \$0.50;
 Certification Fee - \$5.00 plus copy fees

This Space For Office Use Only

1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)

A K FEEDERS, LLC

2. 12-Digit Secretary of State Entity Number

2	0	1	6	0	7	5	1	0	0	5	0
---	---	---	---	---	---	---	---	---	---	---	---

3. State, Foreign Country or Place of Organization
 (only if formed outside of California)

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
21696 Stateline Road	Wilder	Id	83676
b. Mailing Address of LLC, if different than Item 4a	City (no abbreviations)	State	Zip Code
P.O. Box 920	Kenwood	Ca	95452
c. Street Address of California Office, if Item 4a is not in California Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
8005 Sonoma Highway	Santa Rosa	CA	95409

5. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an additional managers/members, enter the names(s) and address(es) on Form LLC-12A.

a. First Name, if an individual - Do not complete Item 5b	Middle Name	Last Name	Suffix
David	Lester	De Benedetti	
b. Entity Name - Do not complete Item 5a			
c. Address	City (no abbreviations)	State	Zip Code
21696 Stateline Road	Wilder	Id	83676

1/2

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Victoria	Middle Name Ann	Last Name De Benedetti	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 8005 Sonoma Highway	City (no abbreviations) Santa Rosa	State CA	Zip Code 95409

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

Describe the type of business or services of the Limited Liability Company Cattle Ranch

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix
b. Address	City (no abbreviations)	State	Zip Code

9. Labor Judgment

Does any Manager or Member have an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

10. By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized by California law to sign.

2/20/2022 Victoria Ann De Benedetti Manager

 Date Type or Print Name Title

Victoria Ann De Benedetti

 Signature

2/2

CONDITIONAL USE PERMIT CHECKLIST

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST:

<input checked="" type="checkbox"/> Master Application completed and signed
<input checked="" type="checkbox"/> Detailed letter fully describing the request and addressing any applicable Comprehensive Plan policies and ordinance requirements outlined below
<input checked="" type="checkbox"/> Neighborhood meeting sign-up sheet and copy of neighborhood notification letter
<input checked="" type="checkbox"/> Land Use Worksheet
<input checked="" type="checkbox"/> Site Plan showing existing and proposed site features
<input checked="" type="checkbox"/> Deed or evidence of property interest to all subject properties.
<input checked="" type="checkbox"/> \$950 non-refundable fee, \$600 for a modification

NOTE:

The following criteria are outlined in ordinance 07-07-05: HEARING CRITERIA:

Please provide a response to each of the criteria in the letter of intent.

- (1) Is the proposed use permitted in the zone by conditional use permit;
- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

PROCESS: 1 PUBLIC HEARING (APPROVED BY PLANNING & ZONING COMMISSION)

**Additional studies and information may be required to understand the impact to traffic, the environment, economics and surrounding properties.

Canyon County Development Services

111 N. 11th Ave. Room 140, Caldwell, ID 83605
(208) 454-7458

Building Division Email: buildinginfo@canyonco.org

Planning Division Email: zoninginfo@canyonco.org

Receipt Number: 75435

Date: 7/20/2022

Date Created: 7/20/2022

Receipt Type: Normal Receipt

Status: Active

Customer's Name: David Debenedetti

Comments:

CHARGES

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Conditional Use Permit - CAFO CU2022-0036		\$950.00	\$0.00	\$0.00

Sub Total: \$950.00

Sales Tax: \$0.00

Total Charges: \$950.00

PAYMENTS

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Check	5069	\$950.00

Total Payments: \$950.00

ADJUSTMENTS

Receipt Balance: \$0.00



0004841544



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
FOREIGN REGISTRATION STATEMENT (LIMITED LIABILITY COMPANY)

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$100.00

For Office Use Only

-FILED-

File #: 0004841544

Date Filed: 8/3/2022 1:24:49 PM

B0728-8596 08/03/2022 1:26 PM Received by ID Secretary of State Lawrence Denney

Foreign Registration Statement (Limited Liability Company)

Select one: Standard, Expedited or Same Day Service (see descriptions below) Expedited (+\$40; filing fee \$140)

1. The name this limited liability company will use in Idaho is:

Type of Limited Liability Company Foreign Limited Liability Company
Entity name AK Feeders, LLC
AK Feeders, LLC

2. Home Jurisdiction

The jurisdiction of formation is: CALIFORNIA

3. The street address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:

Street Address VICTORIA ANN DEBENEDETTI
8005 SONOMA HIGHWAY
SANTA ROSA, CA 95409

4. The mailing address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:

Mailing Address VICTORIA ANN DEBENEDETTI
PO BOX 920
KENWOOD, CA 95452

5. The complete street address of the principal office is:

Principal Office Address DAVID DEBENEDETTI
21696 STATE LINE ROAD
WILDER, ID 83676

6. The mailing address of the principal office is:

Mailing Address VICTORIA ANN DEBENEDETTI
PO BOX 920
KENWOOD, CA 95452-0920

7. Registered Agent Name and Address

Registered Agent
Registered Agent
David DeBenedetti
Physical Address:
DAVID DEBENEDETTI
21696 STATE LINE RD
WILDER, ID 83676-5099
Mailing Address:
DAVID DEBENEDETTI
21696 STATE LINE RD
WILDER, ID 83676-5099

I affirm that the registered agent appointed has consented to serve as registered agent for this entity.

8. Governors

Name	Title	Address
David DeBenedetti	Manager	DAVID DEBENEDETTI 21696 STATE LINE RD WILDER, ID 83676-5099



Victoria Ann DeBenedetti	Manager	VICTORIA ANN DEBENEDETTI PO BOX 920 KENWOOD, CA 95452-0920
Signature of individual authorized by the entity to sign:		
<i>Tara Weston</i>		<i>08/03/2022</i>
Sign Here		Date
Job Title: Paralegal		

B0728-8597 08/03/2022 1:26 PM Received by ID Secretary of State Lawrence Denney



Secretary of State Certificate of Status

I, SHIRLEY N. WEBER, PH.D., California Secretary of State, hereby certify:

Entity Name:	AK FEEDERS, LLC
Entity No.:	201607510050
Registration Date:	03/10/2016
Entity Type:	Limited Liability Company - CA
Formed In:	CALIFORNIA
Status:	Active

The above referenced entity is active on the Secretary of State's records and is authorized to exercise all its powers, rights and privileges in California.

This certificate relates to the status of the entity on the Secretary of State's records as of the date of this certificate and does not reflect documents that are pending review or other events that may impact status.

No information is available from this office regarding the financial condition, status of licenses, if any, business activities or practices of the entity.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of August 01, 2022.

SHIRLEY N. WEBER, PH.D.
Secretary of State

Certificate No.: 033904531

To verify the issuance of this Certificate, use the Certificate No. above with the Secretary of State Certification Verification Search available at bizfileOnline.sos.ca.gov.

Monday, Tuesday, Thursday and Friday
8am – 5pm
Wednesday
1pm – 5pm
**We will not be closed during lunch hour **

From: Matt Wilke <matt@mywhitebarn.com>
Sent: Wednesday, April 26, 2023 5:27 PM
To: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: Re: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

Hi Debbie,

I dropped by our latest site plan and grading plans yesterday. I dated the back of each so we don't get them mixed up on you.

We realized we were able to make one feed lane instead of 2 and also adjust the pens a little further north and split the settling ponds to be able to keep the pivot center point south of the pens in the same location so David wouldn't incur a higher than necessary development cost to move the pivot and build extra road. The proposed maximum capacity is still 3700 animals. This should be our last update needed prior to the site visit.

Thank you,

Matt Wilke



Owner | Broker

White Barn Real Estate

White Barn Ventures

208.412.9803

matt@mywhitebarn.com

www.mywhitebarn.com

From: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Sent: Monday, April 10, 2023 12:30 PM
To: Matt Wilke <matt@mywhitebarn.com>
Subject: RE: [External] Re: CAFO CU2022-0036 / AK Feeders CAFO Application

Matt,

I received your latest submissions but have not had an opportunity to review. Thank you for sending over the hard copy prints.

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov

Debbie Root

From: Valene Cauhorn <vcauhorn@agpros.com>
Sent: Thursday, May 25, 2023 3:27 PM
To: Debbie Root; Matt Wilke
Cc: Hannah Dutrow
Subject: RE: [External] RE: Site plan- AK Feeders

Correct. Nothing north of the Allen Drain.

Valene Lickley Cauhorn, PE

Agricultural Engineer/Idaho Office Manager

AGPROprofessionals

213 Canyon Crest Dr, Suite 100
Twin Falls, ID 83301
970-571-9086 cell
208-595-5301 office

HQ/Mailing:
3050 67th Avenue, Suite 200
Greeley, CO 80634
970-535-9318 office
970-535-9854 fax
www.agpros.com



From: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Sent: Thursday, May 25, 2023 3:25 PM
To: Valene Cauhorn <vcauhorn@agpros.com>; Matt Wilke <matt@mywhitebarn.com>
Cc: Hannah Dutrow <hdutrow@agpros.com>
Subject: RE: [External] RE: Site plan- AK Feeders

Valene,

Thank you. Just for confirmation--Is the 79.6 acres specifically the current CAFO Facility proposal? It is not inclusive of the proposed/shown future expansion area?

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

Development Services Department (DSD)
NEW public office hours
Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday
8am - 5pm
Wednesday
1pm - 5pm
**We will not be closed during lunch hour **

From: Valene Cauhorn <vcauhorn@agpros.com>
Sent: Thursday, May 25, 2023 9:00 AM
To: Matt Wilke <matt@mywhitebarn.com>; Debbie Root <Debbie.Root@canyoncounty.id.gov>
Cc: Hannah Dutrow <hdutrow@agpros.com>
Subject: [External] RE: Site plan- AK Feeders

Good Morning Debbie and Matt,

The site is approximately 79.6 acres.

I have attached the map with the acres for your reference.

Thanks!

Valene Lickley Cauhorn, PE

Agricultural Engineer/Idaho Office Manager

AGPROessionals

213 Canyon Crest Dr, Suite 100

Twin Falls, ID 83301

970-571-9086 cell

208-595-5301 office

HQ/Mailing:

3050 67th Avenue, Suite 200

Greeley, CO 80634

970-535-9318 office

970-535-9854 fax

www.agpros.com



From: Matt Wilke <matt@mywhitebarn.com>
Sent: Wednesday, May 24, 2023 9:04 PM
To: Debbie Root <Debbie.Root@canyoncounty.id.gov>; Valene Cauhorn <vcauhorn@agpros.com>
Subject: Re: Site plan

Hi Debbie,

100% of the defined CAFO area lies within R3734801000 on the latest site plan.



Development Services Department



Canyon County, 111 North 11th Avenue, Suite 310, Caldwell, ID 83605

(208) 454 7458 • (208) 454 6633 Fax • www.canyoncounty.org

Courtesy Notice

October 17, 2022

AK Feeders, LLC
21696 Stateline Rd.
Wilder, Idaho 83676

Agent :
White Barn Ventures, Inc.
Attn : Matt Wilke
PO BOX 7
Middleton, Idaho 83644

Re : Case CU2022-0036

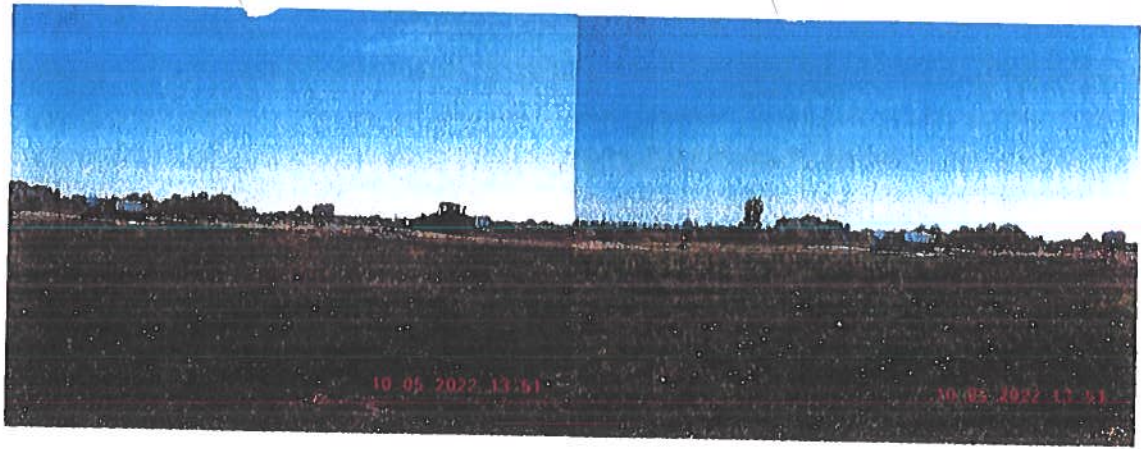
Dear AK Feeders, LLC,

Canyon County Planning and Zoning has recieved numerous complaints via email and calls regarding construction improvements taking place on parcel R37348010 at proposed location of your current CAFO Conditional Use Permit Application that has yet to go through the public hearing process.

Site Visist with code enforcement 10/05/2022 :



*Email
MATT @ MywhiteBarn.com*



Per Canyon County Ordinance section **08-01-11, Criteria for approval and development standards for new facilities**

A. General Requirements :

3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit.

Staff recommends all construction improvements taking place be put on hold until receiving proper approval. Please note that improvements can be made to the property with the current number of animals, however, due to the number of complaints, staff recommends that construction is ceased until the application process is complete. Per the site plan submitted with the application to Canyon County Development Services, the proposed location of certain operation facilities may not meet the setback requirements of the Canyon County Zoning Ordinance. Canyon County Planning and Zoning is waiting for a complete application to move forward with the application, once additional information is received, a CAFO Siting Advisory Team can be put together.

Please see the attached Canyon County Zoning Ordinance, Chapter 8, regarding CAFO Regulations.

Thank you,

Cassie Lamb, Planner I

Canyon County Planning & Zoning

(208)-454-6627

Cassie.Lamb@canyoncounty.id.gov

Cassie Lamb

From: Cassie Lamb
Sent: Friday, October 21, 2022 2:11 PM
To: Dan Lister
Subject: FW: [External] AK Feeders / Courtesy Notice
Attachments: DOC102122-001.pdf

From: Matt Wilke <matt@mywhitebarn.com>
Sent: Friday, October 21, 2022 1:44 PM
To: Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>
Subject: [External] AK Feeders / Courtesy Notice

Hi Cassie,

I wanted to let you know that I received this letter from AK feeders today, and I spoke to David DeBenedetti. He said they are not making anymore improvements than what was seen, and that these improvements are on an old corral site that has been used in the past and are in need of updating, which is about complete. It is not an expansion of the herd.

This update to the corral is going to be used this fall as a short-term holding pen for the cow-calf pairs coming off the range, and is not an expansion over the 1000 cows he is currently allowed historically in the Ag zone. Furthermore, they are planning on having the calves that are going to be held there shipped out by January; shipping weather permitting.

We are working on finalizing the missing pieces for the CAFO application and should have an update soon for application.

Thank you for the courtesy notice, and sorry for the confusion. Please let me know if you have any questions, and have a great weekend.

Thank you,

Matt Wilke

Farm and Land Specialist
White Barn Real Estate
Mills & Co. Realty Inc.
208.412.9803
Matt@MyWhiteBarn.com
www.mywhitebarn.com

Debbie Root

From: Matt Wilke <matt@mywhitebarn.com>
Sent: Tuesday, May 30, 2023 1:28 PM
To: Cassie Lamb; Debbie Root
Subject: [External] AK Feeders Potato Cake Slab Pour
Attachments: DOC102122-001 (1).pdf

Hi Cassie and Debbie,

I met with David Debenedetti last Thursday and he wants to pour some more concrete at his current feed yard for potato cake that is an ingredient in his ration. The potato cake is a heavy wet material that needs to ideally be on concrete.

He is not expanding the herd size, and his animal count will stay under the 1000 cow maximum until approved.

We wanted to notify you that this concrete slab is not being poured for the proposed CAFO expansion but is a much-needed improvement for his current feed ration and feeding operation today. Although, if the CAFO is approved, this improvement will also benefit the future use.

Will this notice be sufficient for the County? David did not want to start any improvements without notifying you first after receiving the courtesy notice last October.

Please advise.

Thank you,



Matt Wilke
Owner | Broker
White Barn Real Estate
White Barn Ventures
208.412.9803
matt@mywhitebarn.com
www.mywhitebarn.com

Records Search Results

New Search Previous Next

Return legal parties as of and sorted by

Search Results

<input type="checkbox"/>	Name	Address	Owner of	Located	Alternate Communication Identification Number
<input type="checkbox"/>	AK FEEDERS LLC	1201 S KIMBALL AVE CALDWELL ID 83605	37318012 0 37318013 0 37318014 0	STATE LINE RD STATE LINE RD STATE LINE RD	<i>41.94 ac 2.23 ac 8.55 ac</i>
<input type="checkbox"/>	AK FEEDERS LLC	1201 S KIMBALL AVE CALDWELL ID 83605	37318012 0 37318013 0 37318014 0	STATE LINE RD STATE LINE RD STATE LINE RD	<i>NA to this analysis - not in scope of proposed CAFO</i>
<input type="checkbox"/>	AK FEEDERS LLC	1201 S KIMBALL AVE CALDWELL ID 83605	37315010 0 37345000 0 37346000 0 37348010 0	STATE LINE RD 0 RED TOP RD 31301 RED TOP RD 21696 STATE LINE RD	<i>39.95 ac 31.71 ac 40.79 ac 163.23 (subject property)</i>
<input type="checkbox"/>	AK FEEDERS LLC	21696 STATELINE RD WILDER ID 83676	37318000 0 37318011 0	22704 STATE LINE RD STATE LINE RD	<i>6.18 ac 11.56 ac <u>346.14 acres</u></i>

*For
Analysis of Animal Unit
provisions of CAFO
AK Feeders*

AK Feeders LLC Notification Map

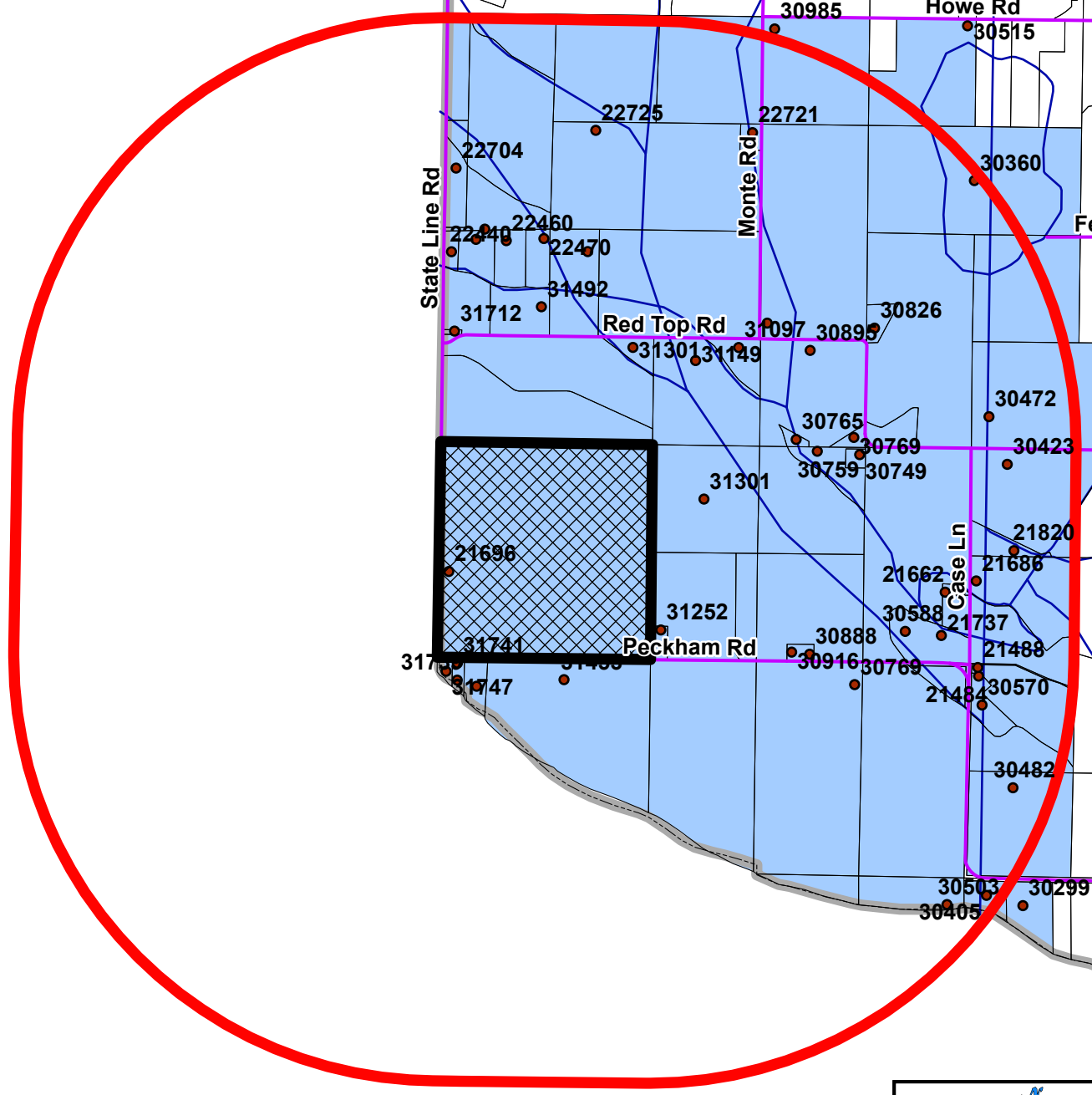
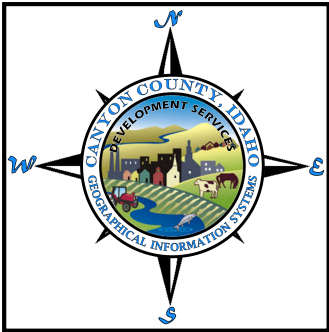
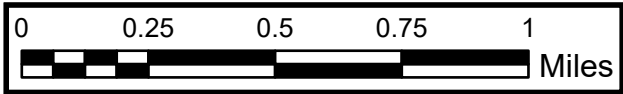


EXHIBIT
30



DISTANCE	PARCELS
1 MILE	72



SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
72	25.92	11.29	0.32	163.23
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM

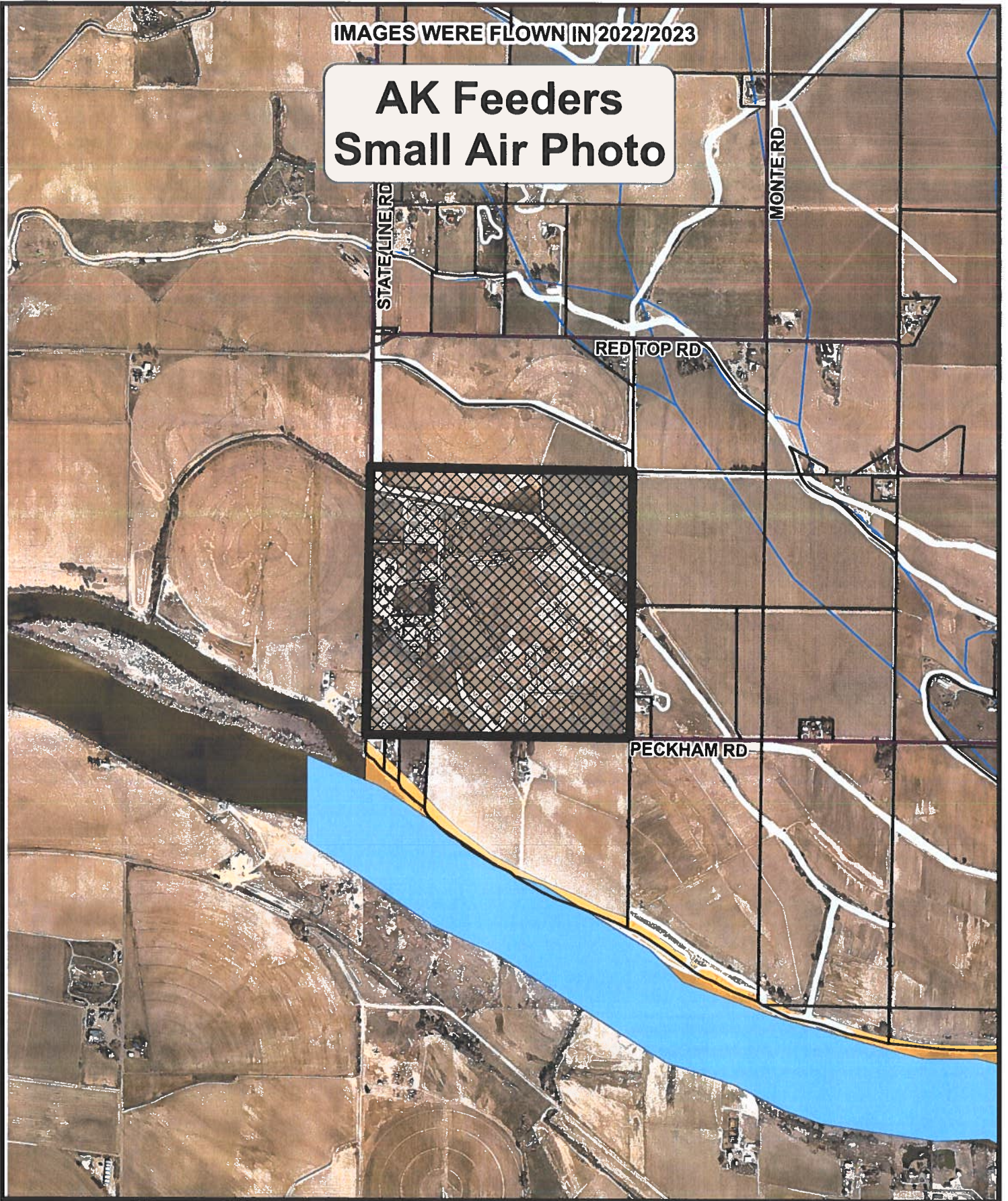
PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year

SUBDIVISIONS IN PLATTING			
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

MOBILE HOME & RV PARKS					
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...
15881 Purple Sage Road	13	#REF!	#REF!	#REF!	Purple Sage MHP

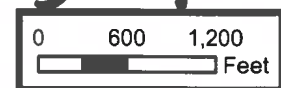
IMAGES WERE FLOWN IN 2022/2023

AK Feeders Small Air Photo



Legend	
	SUBJECT_PROPERTY
	TAXLOTS
	WETLANDS
	A
	AE
	X

Flood(SFHA) layer on



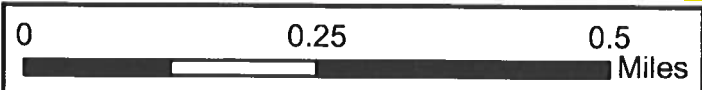
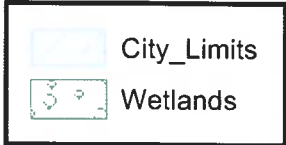
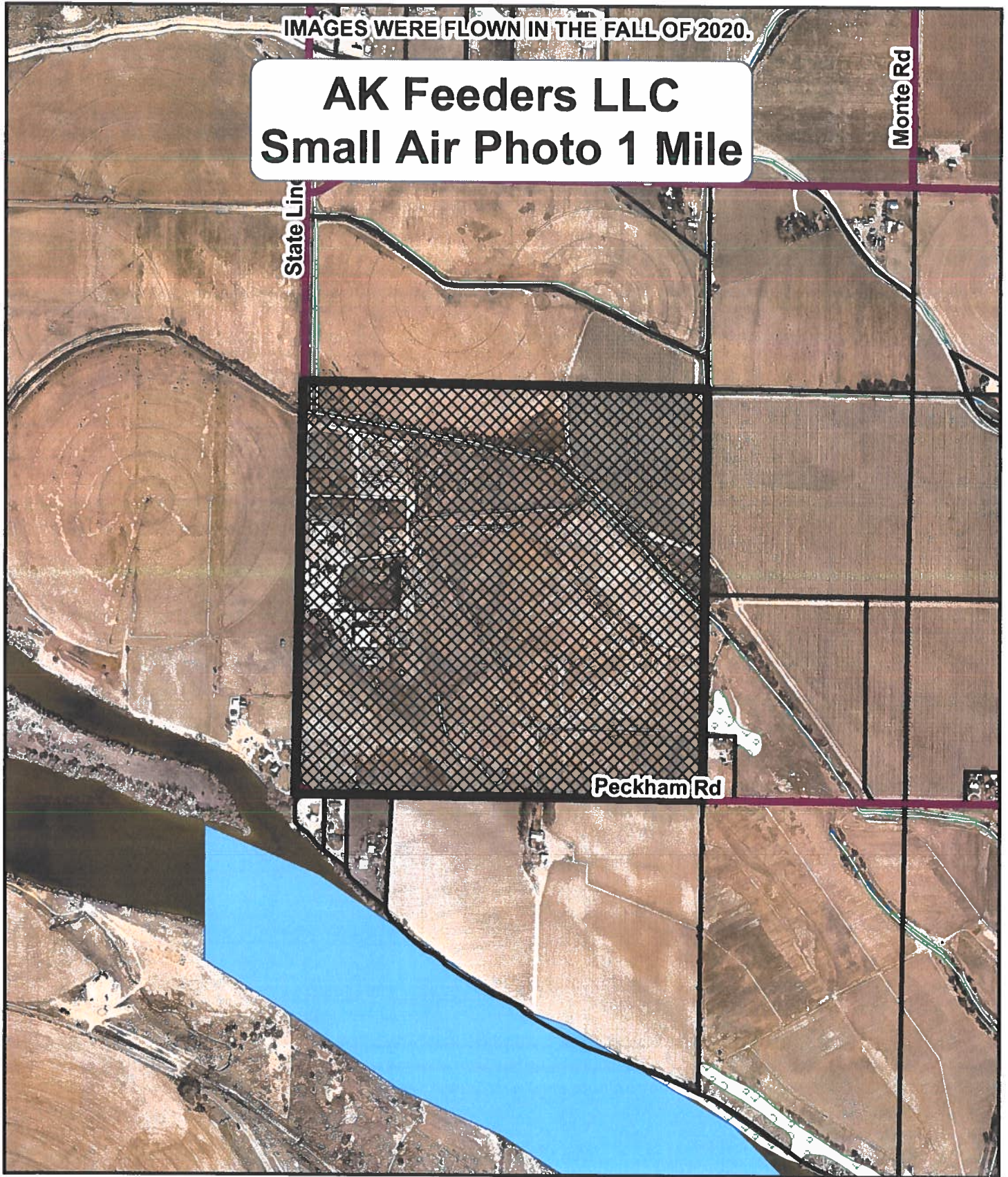
IMAGES WERE FLOWN IN THE FALL OF 2020.

AK Feeders LLC Small Air Photo 1 Mile

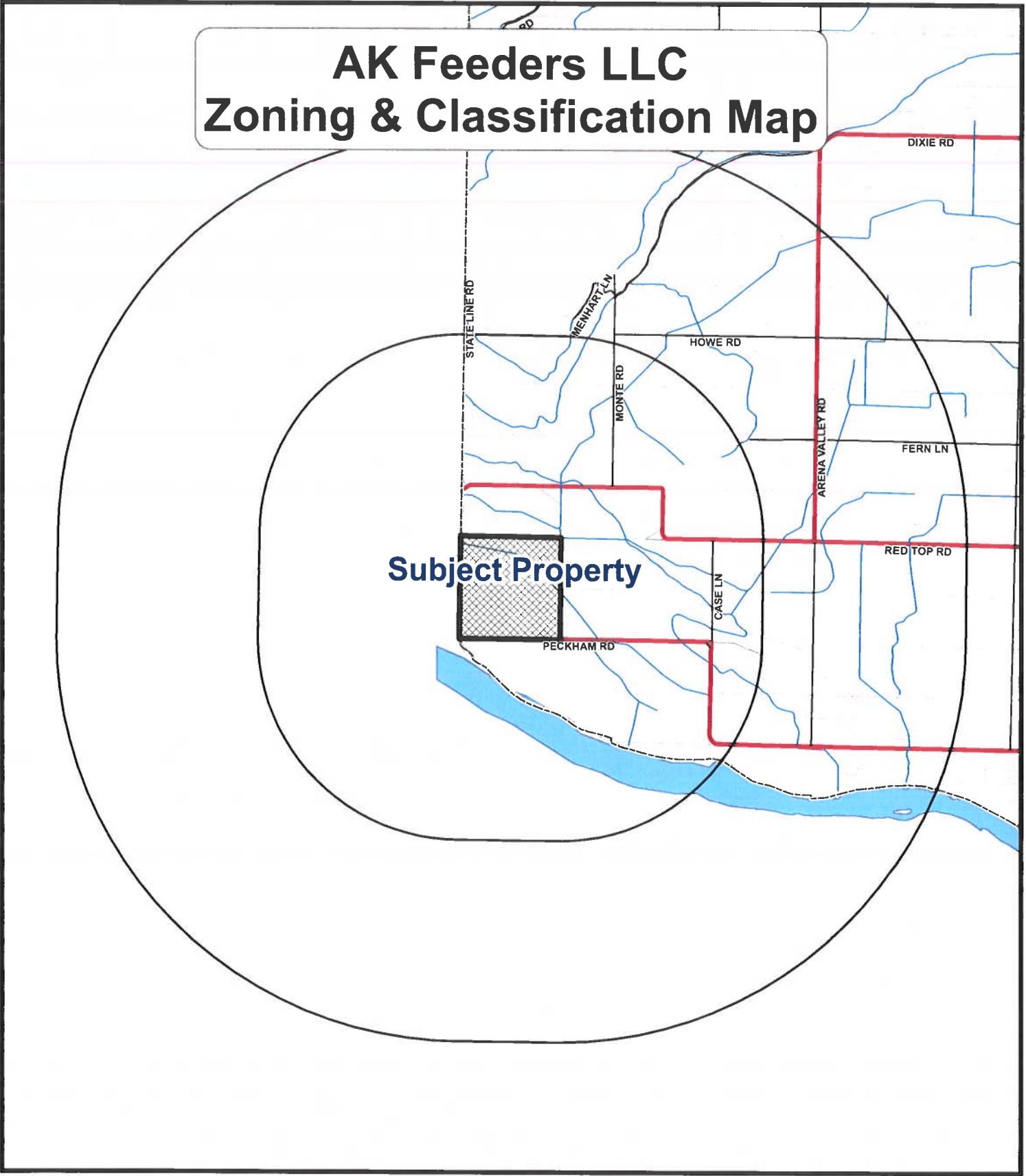
Monte Rd

State Line

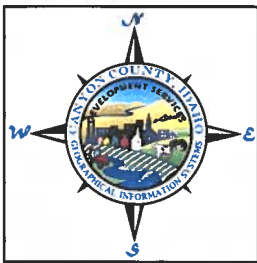
Peckham Rd



AK Feeders LLC Zoning & Classification Map

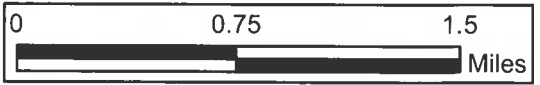


Subject Property

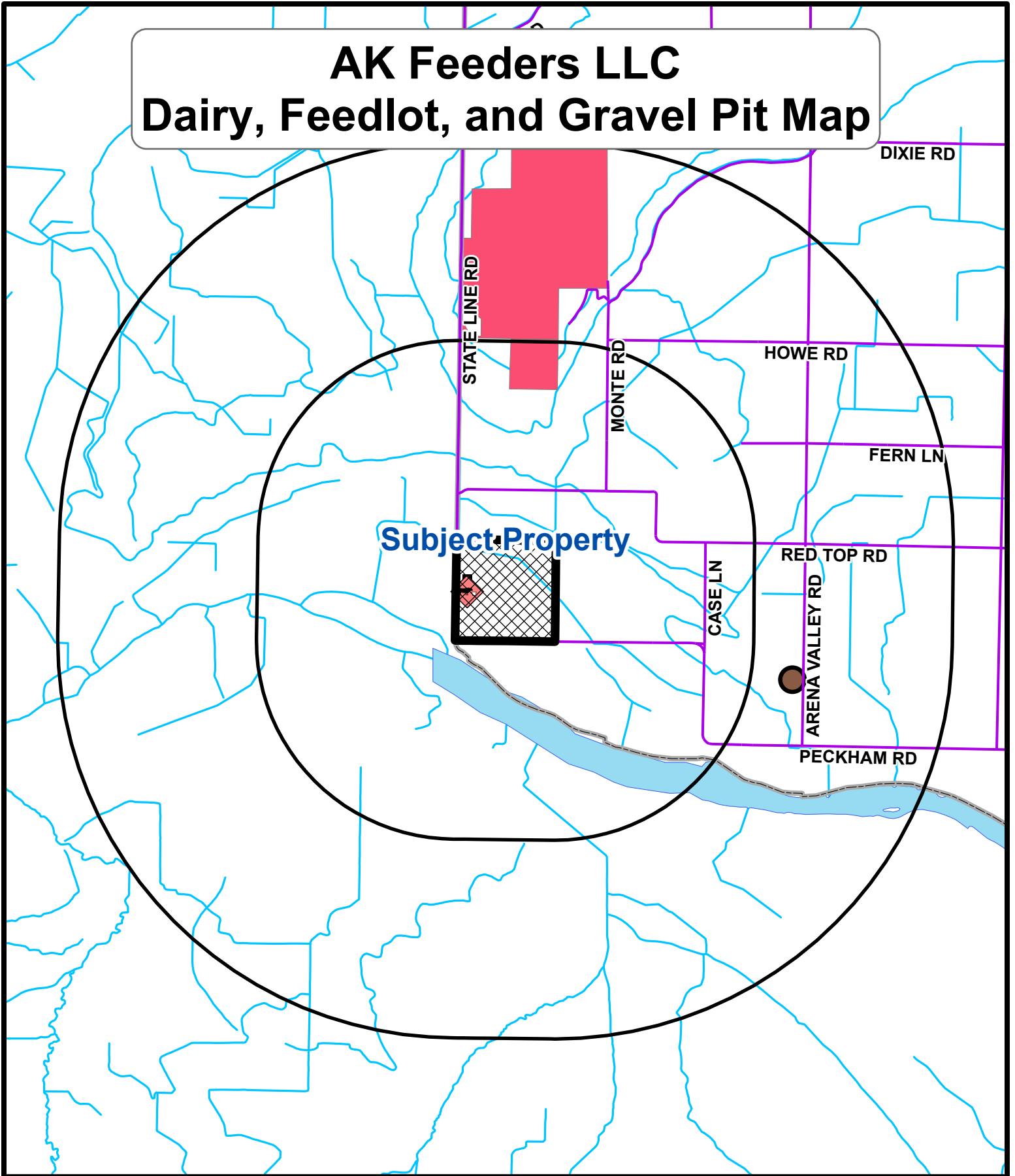





Current Zoning		ITD Functional Classification	
	RR		C1
	CR-RR		CR-C1
	R1		C2
	CR-R1		CR-C2
	R2		M1
	C		CR-M1
			M2
			AG
			Interstate
			Major Collector
			Minor Arterial
			Minor Collector
			Other Principal Arterials

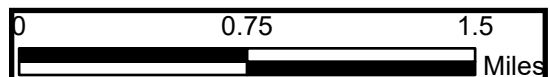
EXHIBIT
34



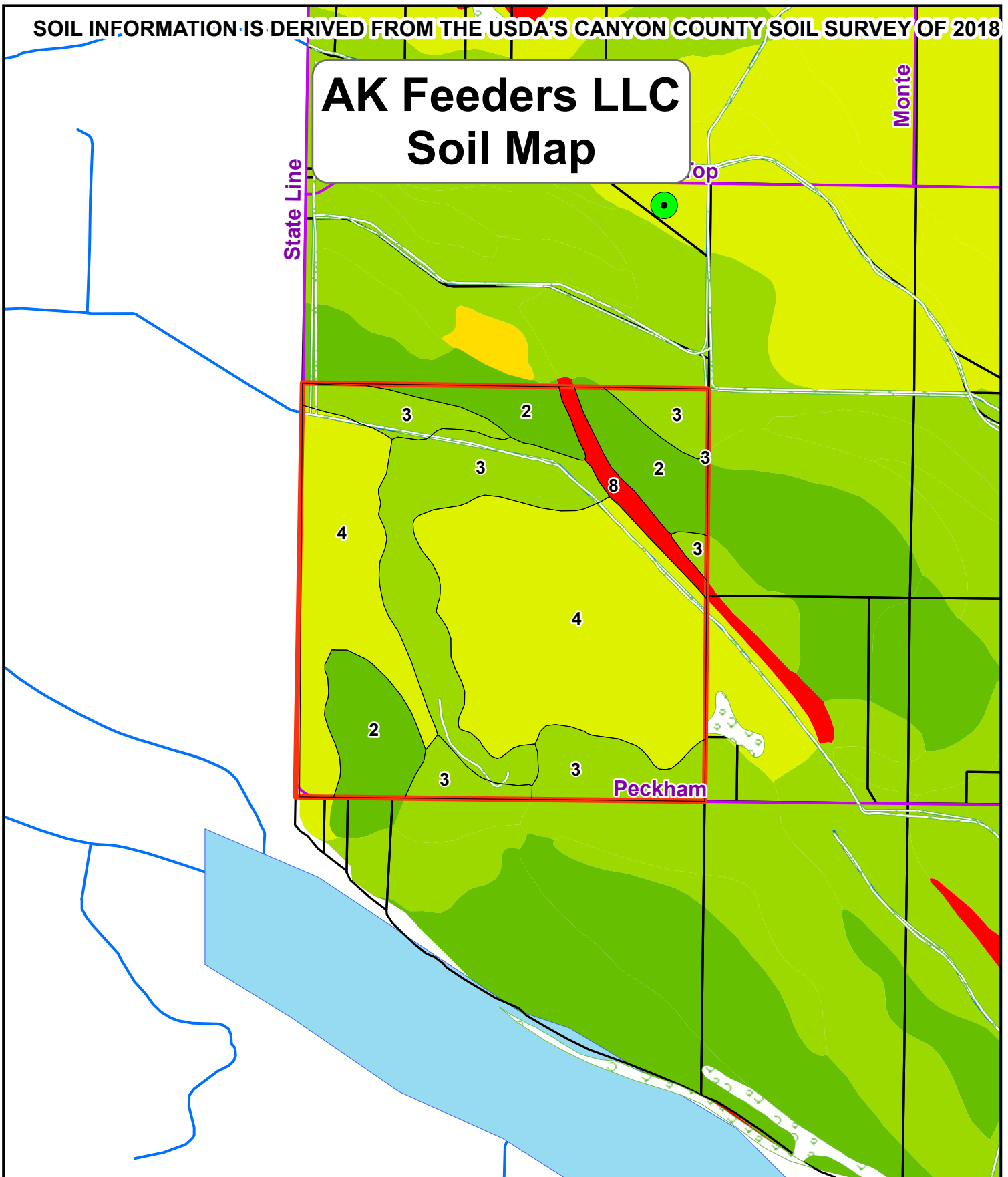
AK Feeders LLC Dairy, Feedlot, and Gravel Pit Map



	FEEDLOTS
	DAIRIES
	GRAVELPITS




AK Feeders LLC Soil Map



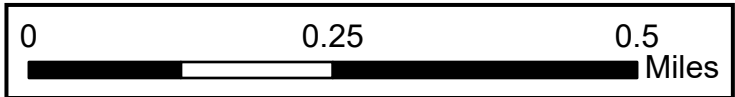
Nitrate Priority Wells

- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- ▲ 10.000001 - 49.800000

 IDWR_2C_Geothermal_

 Wetlands

EXHIBIT
36



SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

AK Feeders LLC Prime Farm Lands

MONTE R

STATE LI

RD

Subject Property

PECKHAM RD



- TAXLOTS
- City_Limits
- WETLANDS
- 2C_Hydro

FARMLAND

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed of excess salts and sodium

EXHIBIT
37



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	157077.36	3.61	2.22%
3	MODERATELY SUITED SOIL	1829.52	0.04	0.03%
4	MODERATELY SUITED SOIL	1126374.48	25.86	15.92%
2	BEST SUITED SOIL	453982.32	10.42	6.42%
3	MODERATELY SUITED SOIL	409507.56	9.40	5.79%
3	MODERATELY SUITED SOIL	11099691.00	25.48	15.69%
4	MODERATELY SUITED SOIL	2483704.08	57.02	35.11%
2	BEST SUITED SOIL	279524.52	6.42	3.95%
2	BEST SUITED SOIL	390079.80	8.96	5.51%
3	MODERATELY SUITED SOIL	184171.68	4.23	2.60%
3	MODERATELY SUITED SOIL	262666.80	6.03	3.71%
8	LEAST SUITED SOIL	175982.40	4.04	2.49%
3	MODERATELY SUITED SOIL	39683.16	0.91	0.56%
		7074274.68	162.40	100%

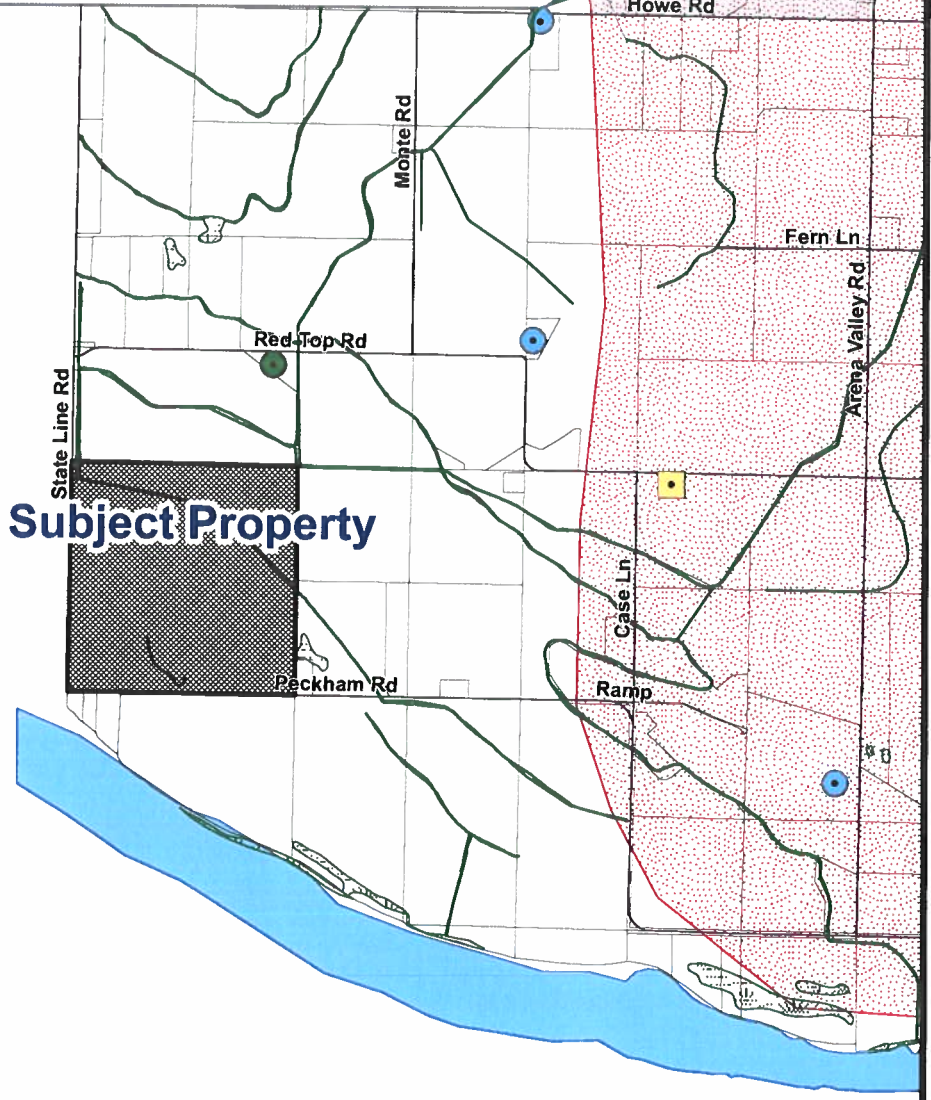
FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
TuA	Prime farmland if irrigated	157077.36	3.61	2.22%
TuC	Prime farmland if irrigated	1829.52	0.04	0.03%
Cu	Prime farmland if irrigated and drained	1126374.48	25.86	15.92%
MgA	Prime farmland if irrigated	453982.32	10.42	6.42%
CcA	Prime farmland if irrigated	409507.56	9.40	5.79%
LsA	Not prime farmland	11099691.00	25.48	15.69%
Cu	Prime farmland if irrigated and drained	2483704.08	57.02	35.11%
MgB	Prime farmland if irrigated	279524.52	6.42	3.95%
MgA	Prime farmland if irrigated	390079.80	8.96	5.51%
TuB	Prime farmland if irrigated	184171.68	4.23	2.60%
CcA	Prime farmland if irrigated	262666.80	6.03	3.71%
TuE	Not prime farmland	175982.40	4.04	2.49%
CcB	Prime farmland if irrigated	39683.16	0.91	0.56%
		7074274.68	162.40	100%

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ,
NITRATE PRIORITY 2020.

AK Feeders LLC Nitrate Priority & Wells








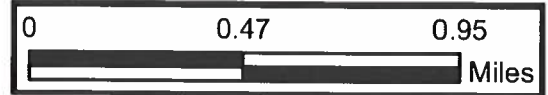
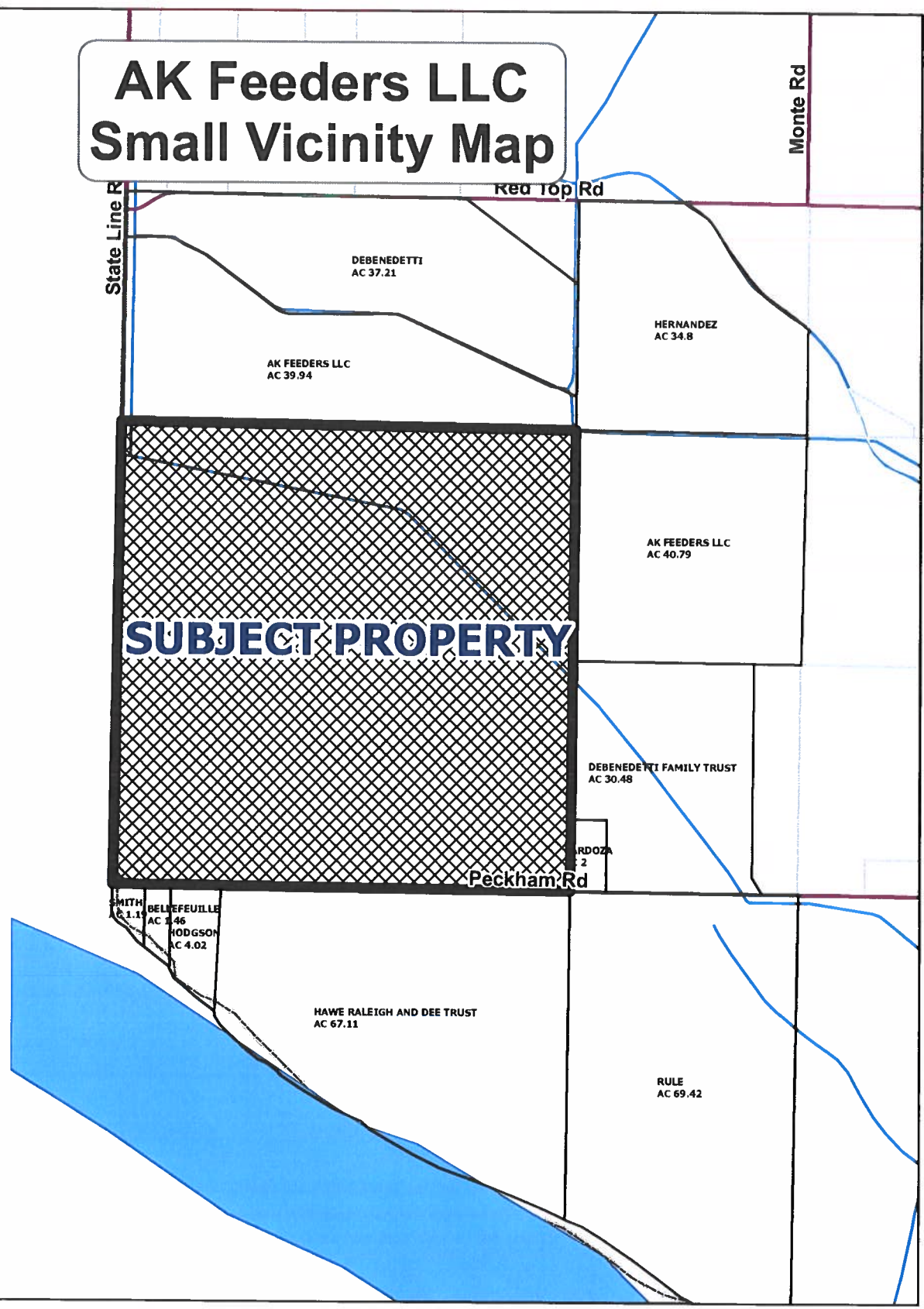
-  GEO-THERMAL LOCATIONS
-  WETLANDS
-  NITRATE_PRIORITY
- DEQ WELLS
N03_MGL**
-  0.005 - 2.00
-  2.000001 - 5.00
-  5.0000001 - 10.00
-  10.000001 - 49.80

EXHIBIT
39



AK Feeders LLC Small Vicinity Map



SUBJECT PROPERTY

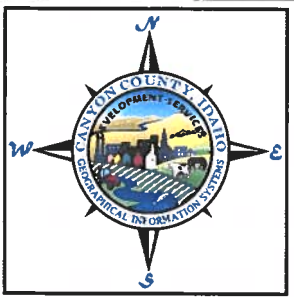
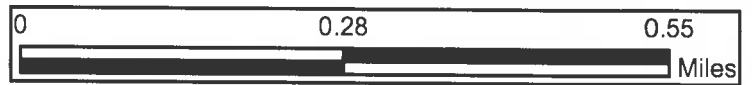
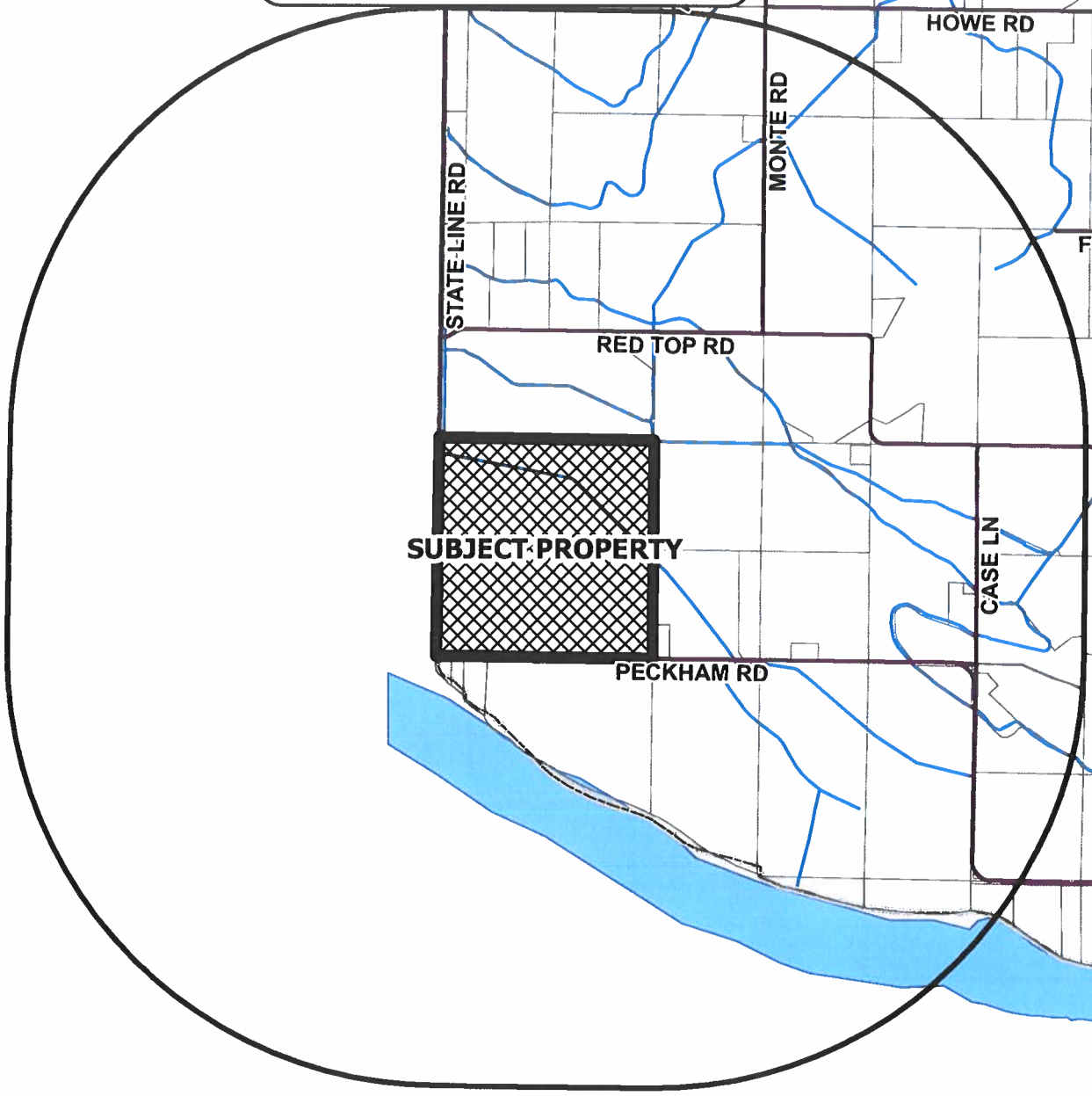


EXHIBIT
40



AK Feeders LLC Subdivision Map



SUBJECT PROPERTY





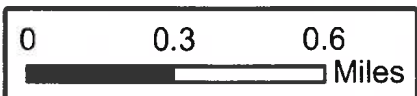
	SUBDIVISIONS
	PrelimSubs

EXHIBIT
41



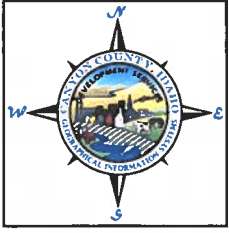
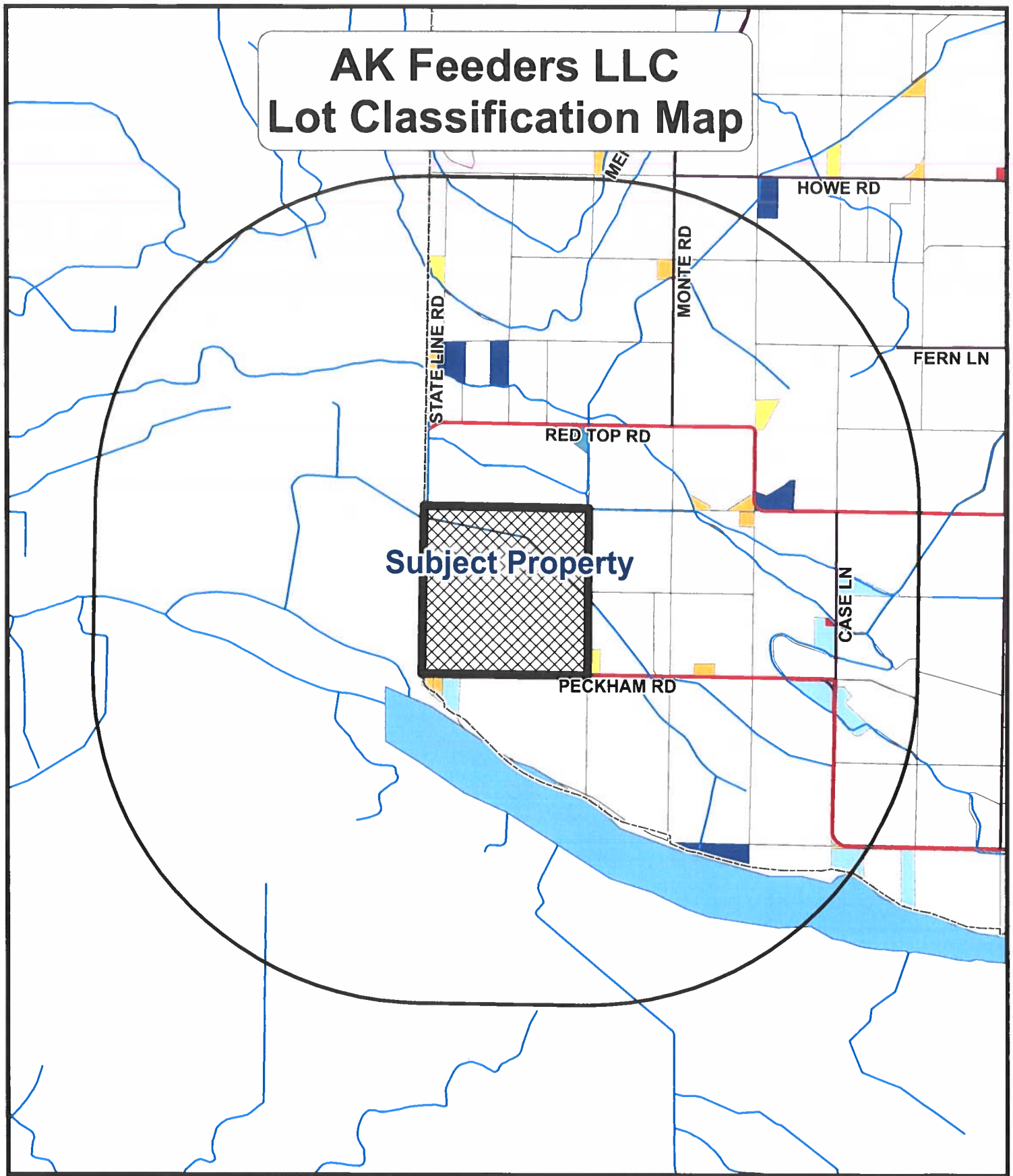
SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
0	0	0	0	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
0	0	0	0	
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
13	38.10	34.80	1.19	163.23
0	0	0	0	0

PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF ...	Year
SUBDIVISIONS IN PLATTING							
SUBDIVISION NAME			ACRES	NO. OF LOTS	AVERAGE LOT SIZE		

SUBDIVISIONS IN PLATTING							
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE				
MOBILE HOME & RV PARKS							
SUBDIVISION NAME							

MOBILE HOME & RV PARKS							
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF ...		
MOBILE HOME & RV PARKS							
SUBDIVISION NAME							

AK Feeders LLC Lot Classification Map



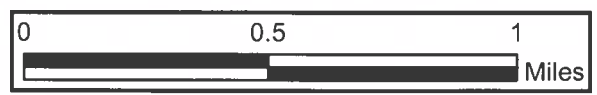
Legend

0.0 - 1.0
1.1 - 2.0
2.1 - 3.0
3.1 - 4.0
4.1 - 5.0
5.1 - 6.0

ITD Functional Classification

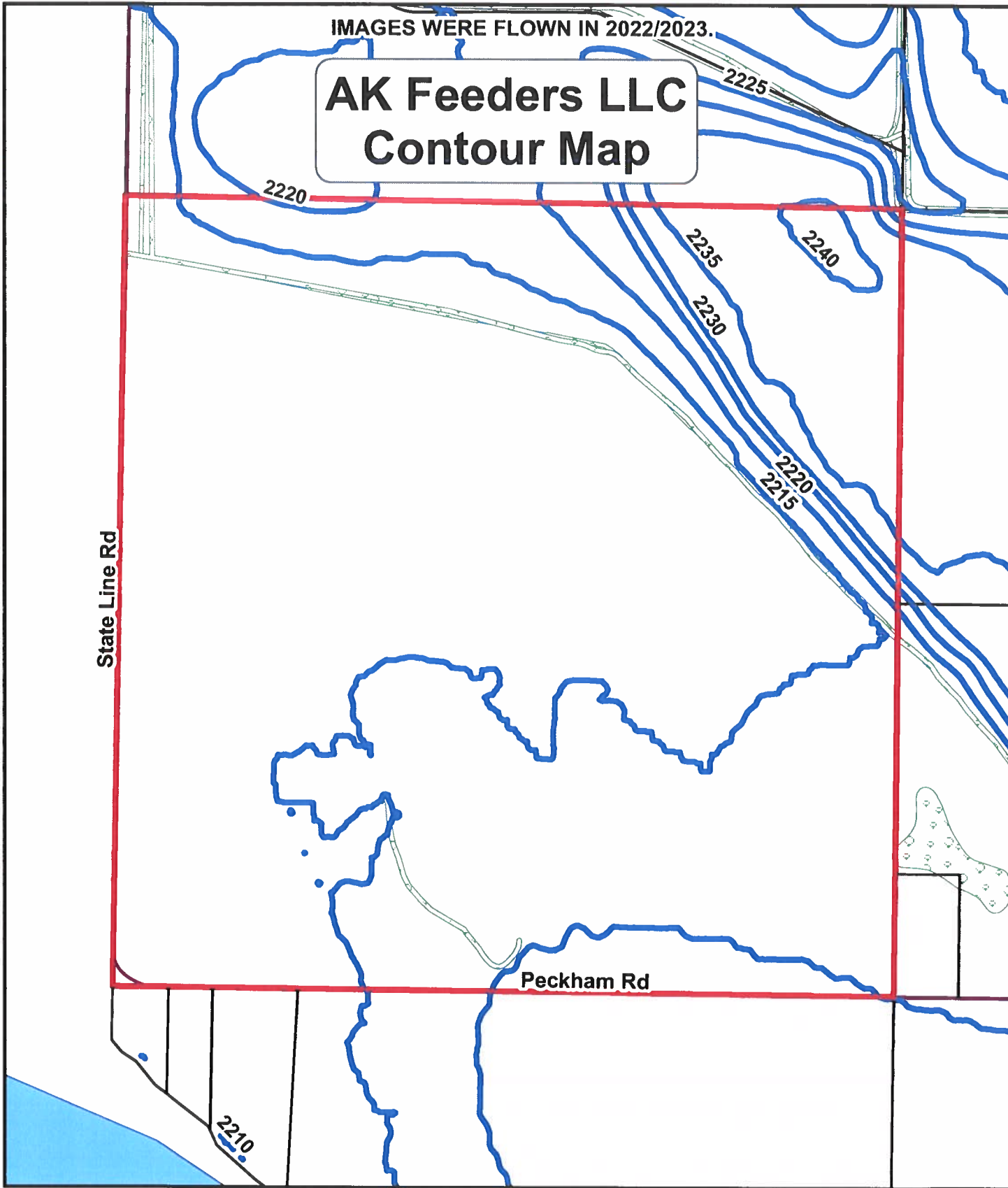
Interstate
Minor Arterial
Major Collector
Minor Collector
Other Principal Arterials

EXHIBIT
43







IMAGES WERE FLOWN IN 2022/2023.

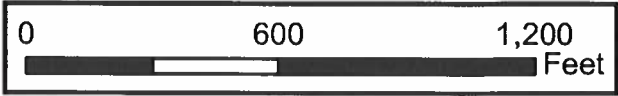
AK Feeders LLC Contour Map



Legend

-  SUBJECT_PROPERTY
-  TaxParcels
-  SectionContours
-  Wetlands

EXHIBI
44



**AK FEEDERS, LLC CAFO CUP CU2022-0036
LETTERS OF SUPPORT LISTING**

count	Last	first	Business if identified
1	Allen	Jake	
2	Allen, DVM	Travis	
3	Anderson	Zach	
4	Androlewicz	Justin	
5	Arthur	Cassandra	
6	Babcock	LeRoy	
7	Barnett	Ty	
8	Bate??	Tom?	
9	Bateman	William	
10	Bates	Ther i	
11	Bayes	Seth	
12	Bayes	Justin	
13	Bayes	Wayne	
14	Beagley	Tom	
15	Beahm	Jacob	
16	Beahm	Katelyn	
17	Bennett	Jareldette	
18	Bideganeta	Joe	
19	Blake	Jayce	
20	Bottoms	kendra J	
21	Brasher	Craig	
22	Brazdzionis	Justina	
23	Breach	Colton	
24	Broker	Julie	
25	Burks	Chris	Burks Tractor
26	Burton	Brent	
27	Chadwell	Daniel	
28	Cheney	Todd	Cheney Transport
29	Clepier?	J. David	
30	Clepier?	Steve	
31	Collard	Cody	
32	Cook	Lacee D	
33	Cooper	Larry L	
34	Cornwell	Travis	
35	Cornwell	Kristina	
36	Day	Gina?	
37	DeMond	Brandon	
38	DeRoad	Kathryn	
39	Dikeman	Tom	
40	Dikeman	Sharon	
41	Duff? (D or W)	J	
42	Dulany	Tate	

43	Dyas	Abby	
44	Dyers?	Bill	
45	Earle	Jeff	
46	Ecco Equipment Co	brittany	Ecco Equipment Co.
47	Edgar	Chalipe	
48	Flores	Patricia	
49	Florez	Jose C	
50	Freeman	G??	
51	Garland	Steve	West Way Feed
52	Gooding	Diane	
53	Graham	Nikki	
54	Greening	Arlene	
55	H???	JC	
56	Hackney	Wendy	
57	Hackney	Cheyenne	
58	Hart	Trey	
59	heckathorn	Darrell	
60	Hen???	Clem	
61	Henandez	Moises	
62	Hensley	Tayler	
63	Hoyle	Chelse	
64	Hulett	Rachel	
65	Hummel	Andrew	Owyhee Vet Clinic
66	Hummel	JaBeth	
67	Irish	Michelle	
68	Irish	Maggie	
69	Jackson	Nathan	
70	Jackson	Jerry	
71	Johnson	Norm	
72	Johnson	Jason	
73	Jolley	Shane	Big Valley Supply, INC
74	Jones	Ty	
75	Kasper/Kesper?	tom	
76	Loucks	Levi	
77	Marquez	Zane	
78	Maxwell	Jared	
79	McMahon	Dakota	
80	McMahon	Kinsee	
81	Medicus	Jessica	
82	Mendoza	Ruben	
83	Mikelson	Paul	
84	Miranda	Angelica	
85	Miranda	Fabion	
86	Miranda	maria	
87	Miranda	Emily	
88	Miranda	Elena	
89	Montes	Ashlee	

90	Mountain View Eq.	(tgeorge@mtvieweq.co	Mountain View Equip.
91	Nicholes	Tyrel	
92	Noe?	Helm	Wilder Building Center
93	Obendorf	Brock	Obendorf hops
94	Orris	Keyana	
95	Palmbach	Megan	
96	Patrick	Alisa	Mike's Metal
97	Patrick	Dennis	Mike's Metal
98	Payne	Ron	
99	Payne	Christine	
100	Pegram	Donnie	
101	Petty	Michelle	
102	Pickett	Rich	
103	Ponce	Alejandro	
104	Prather	Jesse	Interwest Supply
105	Quezada	Catalina	
106	Raymond	Tyler	
107	Raymond	Robert	
108	Renteria	Cesar	Wilder Feeders
109	Roadife?	Michael	
110	Robinson-Hopson	AJ	
111	Roche	LaMar	Roche Livestock
112	Rochester	Charles	
113	Rochester	Josh	
114	Roe	Lilianne	
115	Rolerle???	E?	
116	Rose	Kathleen	
117	Rose	Kenny	
118	Rueth	Carlie Jae	
119	Rule	Dan	
120	Rule	Marjorie	
121	Russell	Jeff	
122	Sambosky	Tony	
123	Scott	Mark	
124	Scott	Ron	
125	Sevy	Chad	
126	Sevy	Lyle	
127	Shira	Karen	
128	Stauffer	Guy	
129	Steinhaus	Shane	
130	Stuppy	Richard	
131	Swall	Lori	
132	Swall	Mark	
133	Thomas	Curtis	Obendorf farms
134	Thurman	Janice	Treasure Valley Livestock
135	Townsend	Jeremy	
136	Tveidt	Dusty	

137	Tveidt	Keri	
138	Van Lith	Joel	VL Livestock
139	wade	Travis	
140	Walrath	George	
141	Weekes	Ronnie	Weekes Land & Livestock
142	Weilmunster	Jon K.	Weilmunster Farms inc
143	Weitz	Dan	
144	Weitz	Cheryl	
145	Weitz	Kurt	Western Aution Co.
146	Whitener	BJ	
147	Whitener	Bailey	
148	wigly?	John	
149	Wilson	Joel	
150	Witty	Joseph	
151	Wolsborn	Kurt	Simplot Western Stockmens
152	Yerrington	Rich	
153	Zumstein	Brie	
154	Zumstein	Zack	Auctioneer
155	Zumstein	linda	

Note: The ?? Marks are names that were not quite legible (signatures)

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16th, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28th.

We thank you for your support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Jake Allen, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

23576 Homedale RD

Address

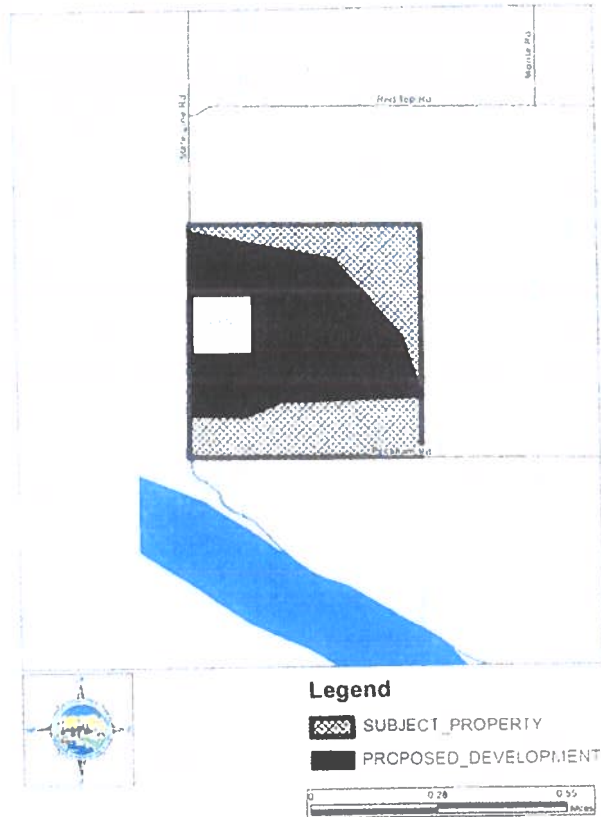
208-202-0709

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Justin Androlawicz
Name

208-794-0289
Phone

justinandrolawicz@hotmail.com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Cassandra Arthur, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1364 Maahs Ln Homedale,
ID 83628

Address

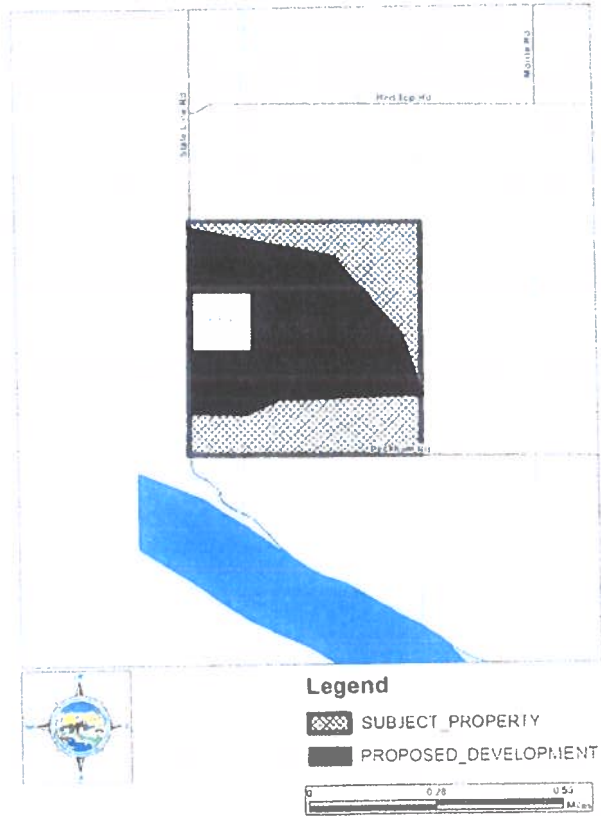
csarthur216@gmail.com
541-709-8170

Email/Phone Number

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21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

LeRoy Pabcock
Name

208 / 484 / 3309
Phone

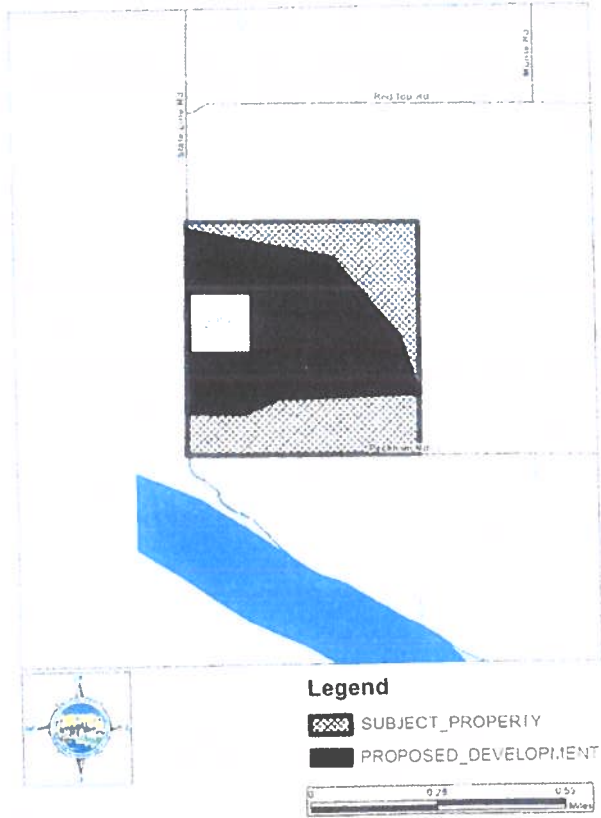
Email

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If you are in support of this project, please sign the letter below with your name, phone number, and email.


Name

208-2504485
Phone

Email

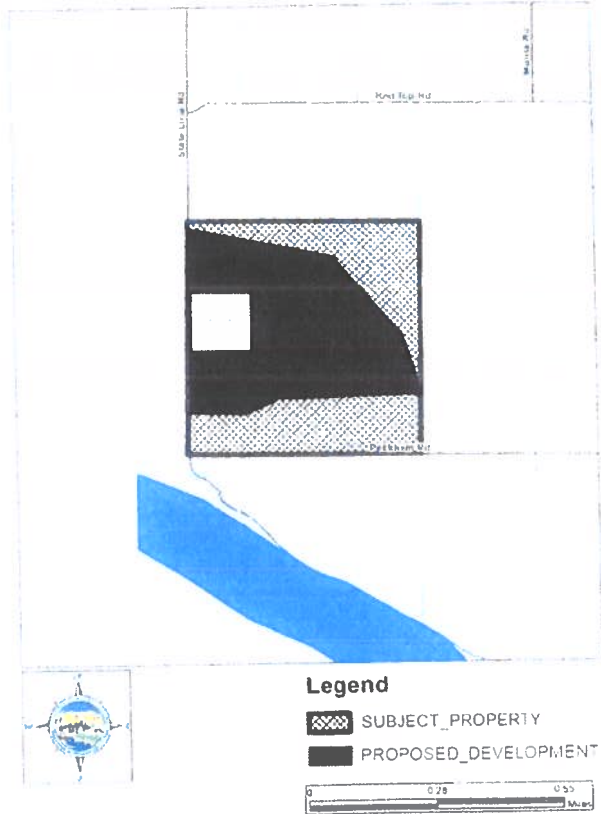
We thank you for your consideration and support.

*632 Not Nampa
Idaho*

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21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Ty Barnett
Name

208-899-9663
Phone

Tbarnett@Fiberspice.net
Email

We thank you for your consideration and support.

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21696 State Line Road,
Wilder, ID 83676

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I Theri Bates, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2133 6th Ave W
Vale, OR 97918
Address

541-823-3076
rtbates@ymail.com
Email/Phone Number

Theri Bates

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16th, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28th.

We thank you for your support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, William Bateman, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18862 Hwy 95 Wilder, ID
83676

Address

bbateman22@gmail

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, JUSTIN T BAYES, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1364 MAAHS LN HOMEDALE

Address

JBAYES15@GMAIL.COM 208-971-2487

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Seth Bayes _____ am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1798 Cassia Rd Adrian, OR.

208-615-0321 Bayeseth@yorker.com

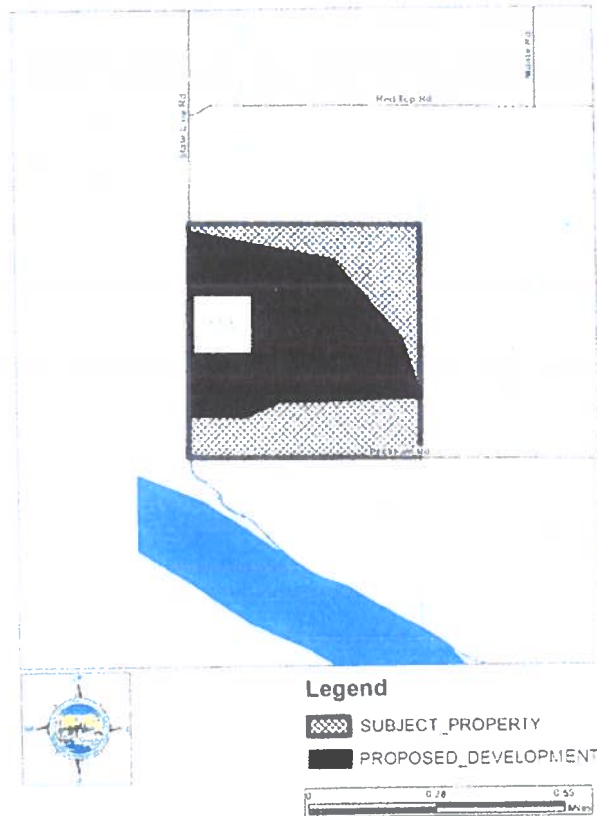
Address

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Wayne Bayes
Name

208 - 880 - 4256
Phone

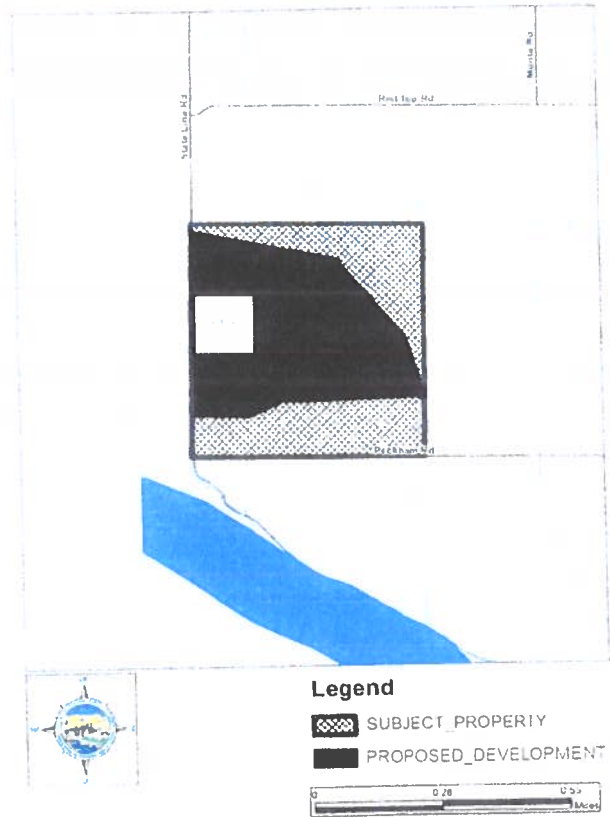
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Tom Beagley
Name

208-965-5014
Phone

Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, Kateyln Beahm, am in favor of this development and application.

208-922-4852
Phone

16639 N. Abby Ln
Wampa ID 83687
DPA

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Jacob Beahn, am in favor of this development and application.

208-473-1731
Phone

waterfowl208@gmail.com
Email

16639 N Abby Ln. Nampa ID 83687

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Jarellette Bennett, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

820 Hawk Rd P.O. Box 93
Vale OR 97918
Address

208-369-1394
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Joe Bideganeta, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18851 Fish Rd.
Wilder Id.

Address

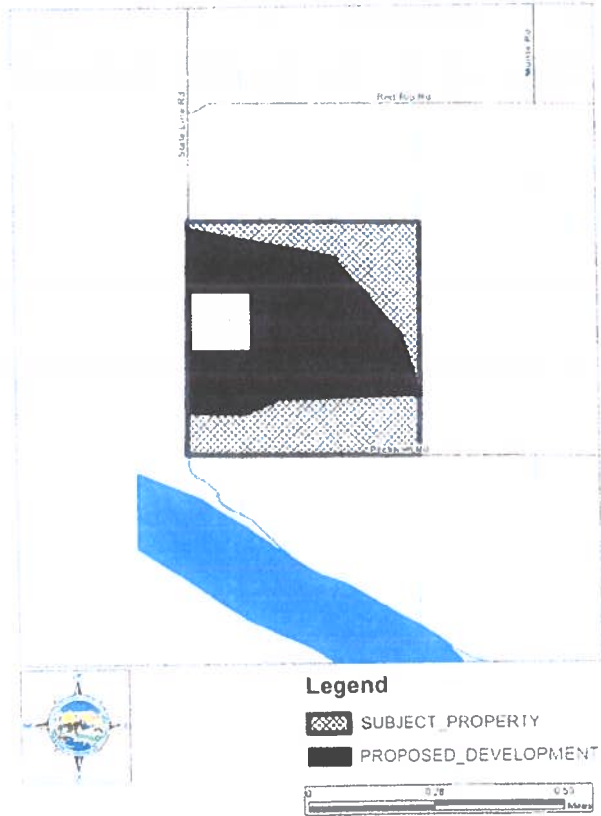
208-250-8332

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Kendra J Bottoms
Name

(208) 246-9627
Phone

KendraBottoms12@gmail.com
Email

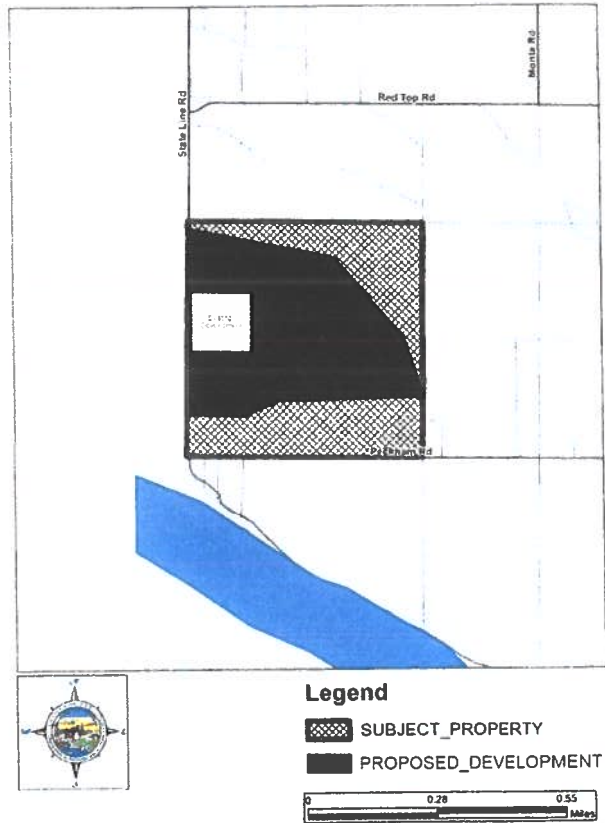
We thank you for your consideration and support.

Postmarked Oct 26, 2023
dr
RECEIVED
OCT 30 2023
RECEIVED

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Jayne Blake
Name

775 741 2728
Phone

jdblake02.jb@gmail.com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, *Craig Brasher*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

4401 Edison Rd Marske, ID

Address

208 896 4153

Email/Phone Number

brasherccraig@gmail.com
Craig Brasher

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Justina Brazdzionis, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

605 Golden Gate Ave,
Wilder, ID 83676

Address

323-702-4337

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Colton Breach, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1364 moths Ln

Address

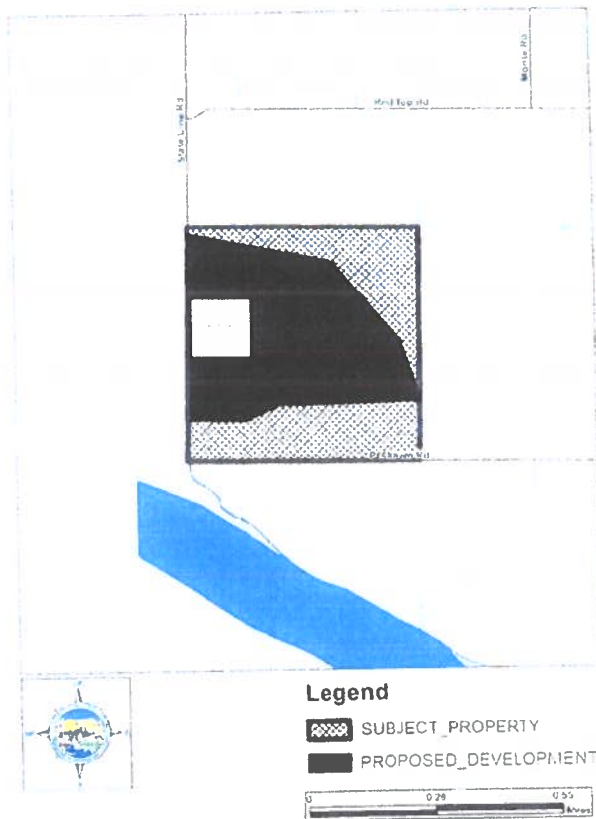
208-919-8859

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Chris Burks
Name _____

208-488-0836
Phone _____

Chris.Burks@burkstractor.com
Email _____

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I Brent Burton, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1364 Maahs Ln Homedale ID
836 28

Address

(417) 712-1932

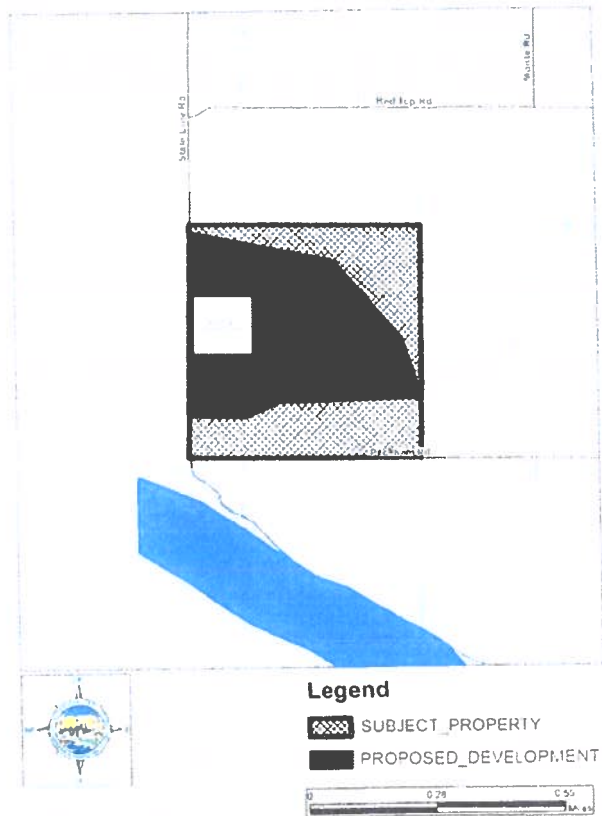
Email/Phone Number

Brent Burton

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

David Chadwell
Name

208-284-7588
Phone

abiggdon@msn.com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Todd Cheney, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

21396 Home Road Caldwell

Address

208-573-0366

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Steve J. Oberer, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

5113 Edison Rd
Marsing
Address

208-249-1372
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, J. David Copin, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

5719 Manhat Rd
Marsing Id.

Address

208-576-5077

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Lacey D. Cook, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18862111/95 Wilder, id 83676 208-519-2288

Address

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16th, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28th.

We thank you for your support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Larry L Cooper, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

19987 Warren Lane Wilder, ID
83676

Address

lucky.larry.cooper69@gmail.com

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Travis Cornell, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1316 Maahs Ln Homedale, ID

986-895-9717

Address

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Kristina Cornwell, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1316 Maahs Ln Horedale, ID

Address

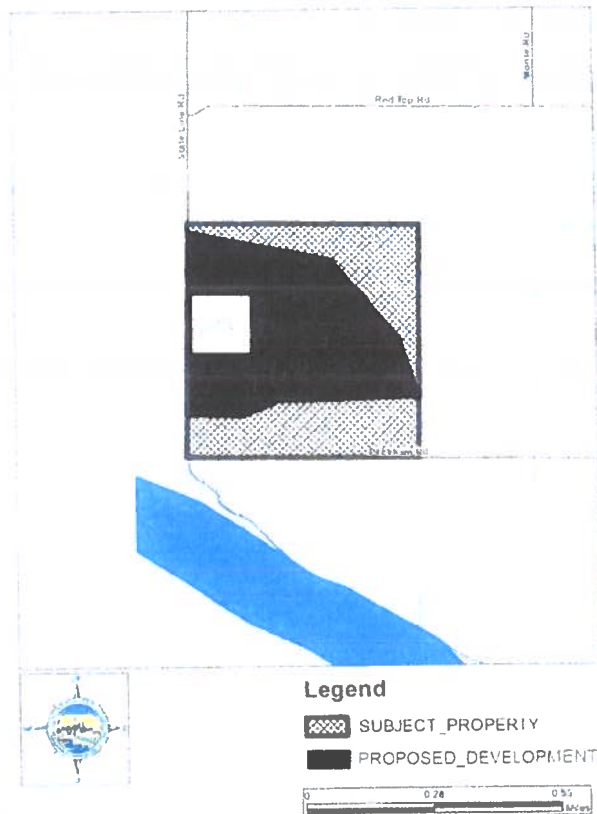
986-895-7885

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Gina Klary
Name

208 250 9856
Phone

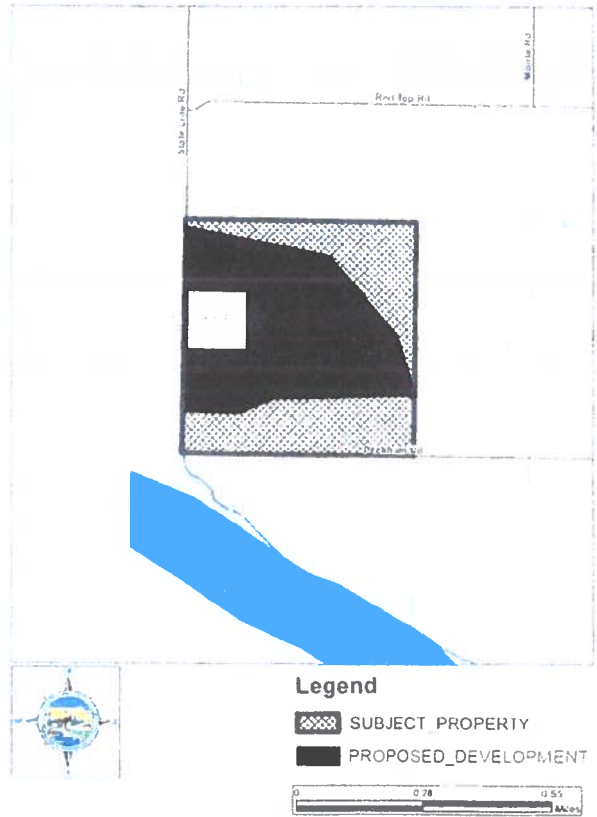
vadranehe@yahoo.com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Brandon DeMond
Name

208 337 8317
Phone

baddemond@hotmail.com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, Kathryn DeRoos, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

609 S. Diamond St. Nampa, ID

Address

559-381-6588

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Steven Dikeman, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

S 52 - North Rd
Adrian

Address

360-229-1418

Email/Phone Number

Dikeman

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Tom Dikeman, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

852 Restop Rd.
Adrian, OR 97901
Address

540/927-9270
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, TATE DULANY, am in favor of this development and application.

703 618 2625
Phone

TATEMDULANY@GMAIL.COM
Email

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, JEFF EARLE, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18335 River Canyon Rd
WILDER, ID 83676

Address

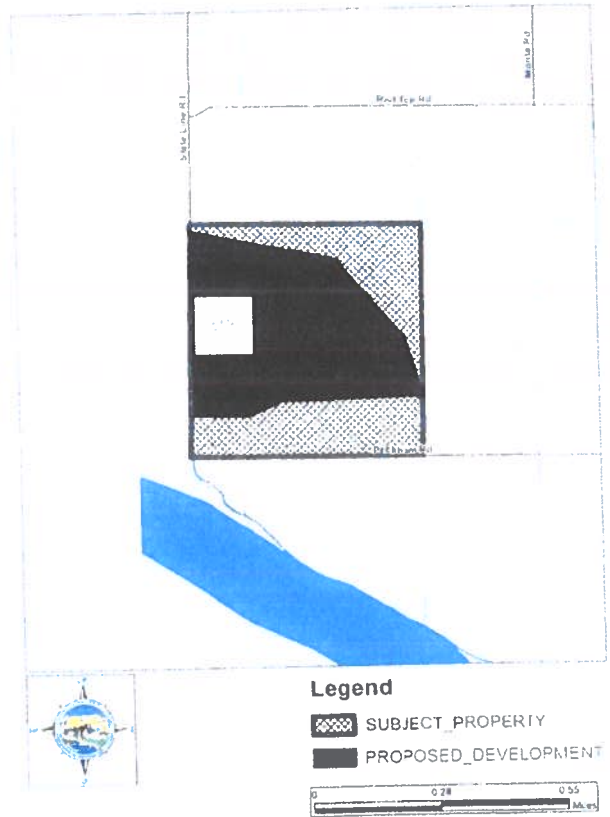
Jeffearle04@gmail.com

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Jose C Flores

Name

(208) 919-2542

Phone

JosecesarFlo30@gmail.com

Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Patricia Flores, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

307 W. Montana Ave
Homedale ID 83628

862 317 9124

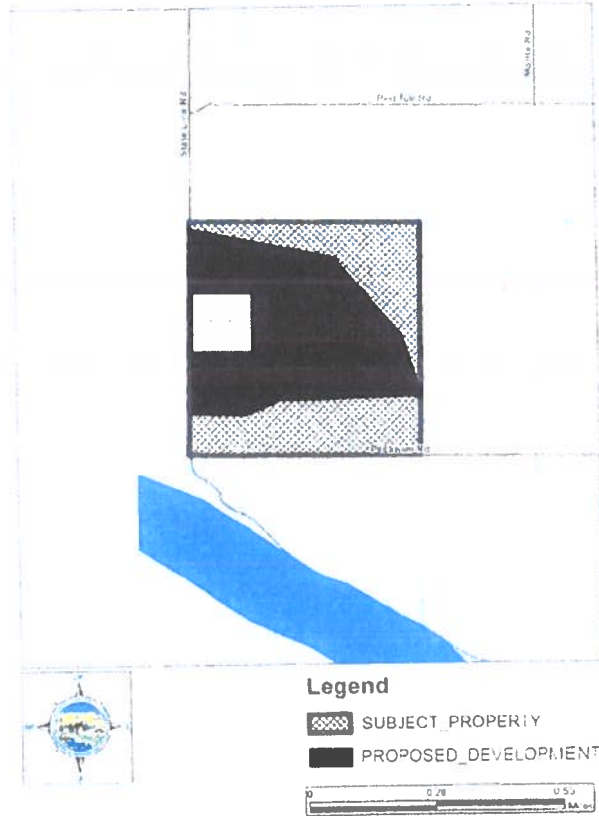
Address

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Andy Johnson

Name

208-899-1283

Phone

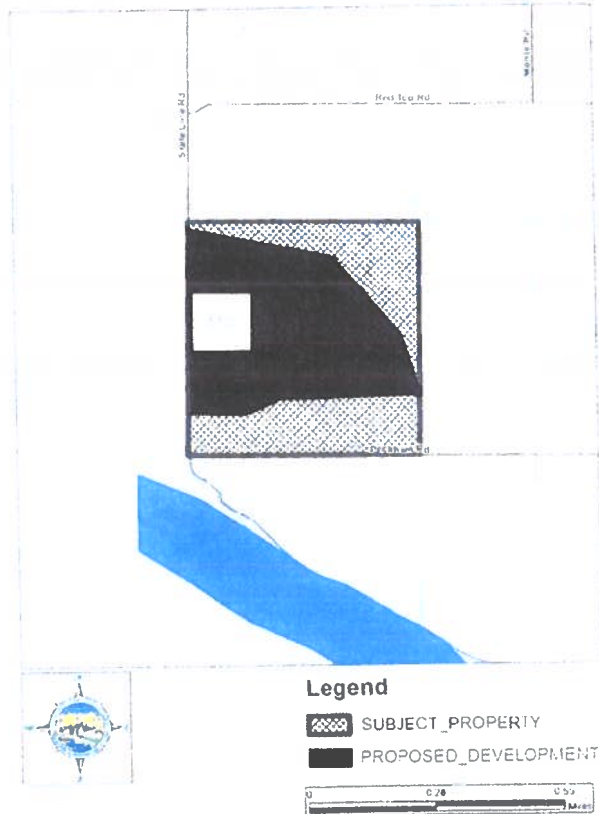
Email

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AK Feeders LLC
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Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

STEVE GARLAND

Name

208-867-4934

Phone

STEVE@WESTWAYFEED.COM

Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Nikk Graham, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

19305 Batt Corner Rd.

Address

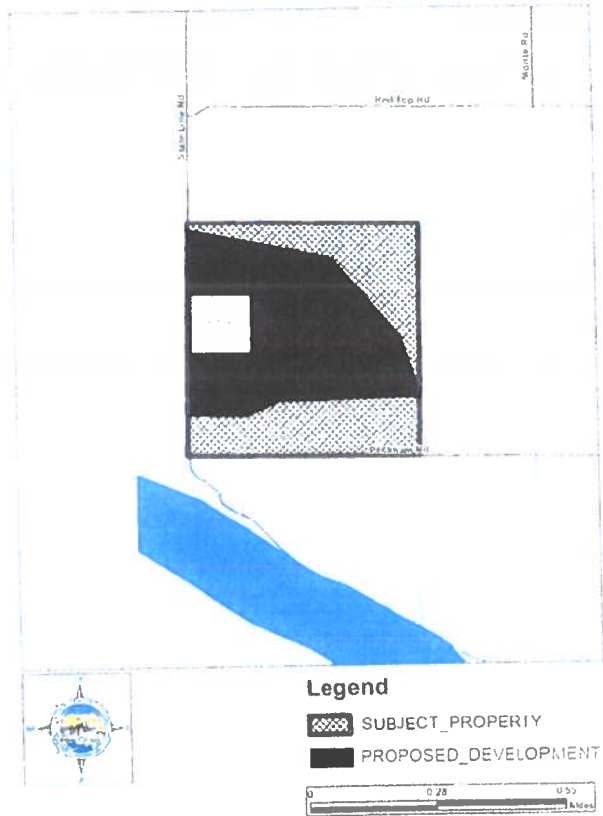
208-207-4669

Email/Phone Number

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Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Diane Gooding
Name

208-573-0347
Phone

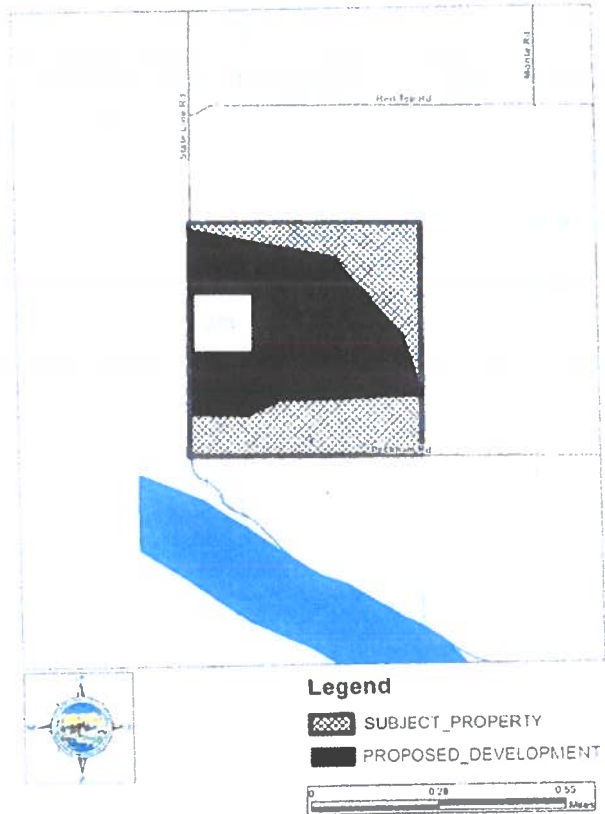
diane@goodingfarms.com
Email

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AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Arline Greening
Name

208-695-8813
Phone

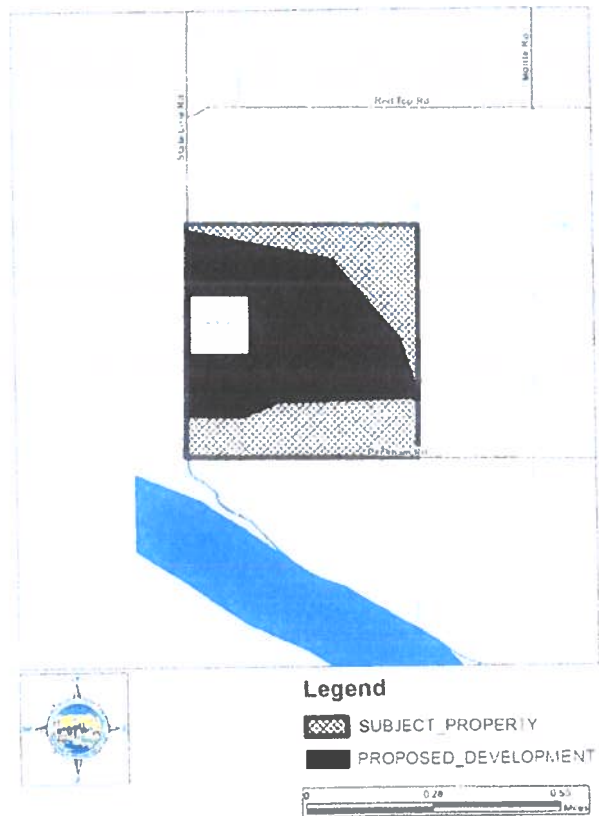
dagreening43@gmail.com
Email

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AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

JCH
Name _____

208-739-3110
Phone _____

JC cattle 64 @ Gmail .com
Email _____

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Cheyenne Hackney, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2802 Peckham Rd
Wilder,

Address

ckhackney@live.com
(208) 740-4160

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Wendy Hackney, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

29206 Parkham Rd Wilder, ID
83676

Address

wendy.hackney@live.com
740-2467

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

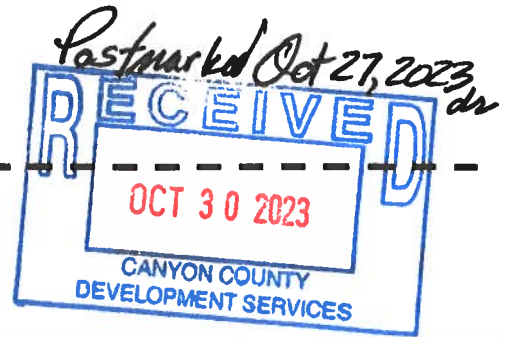
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I, Trey Hart, am in favor of this development and application.

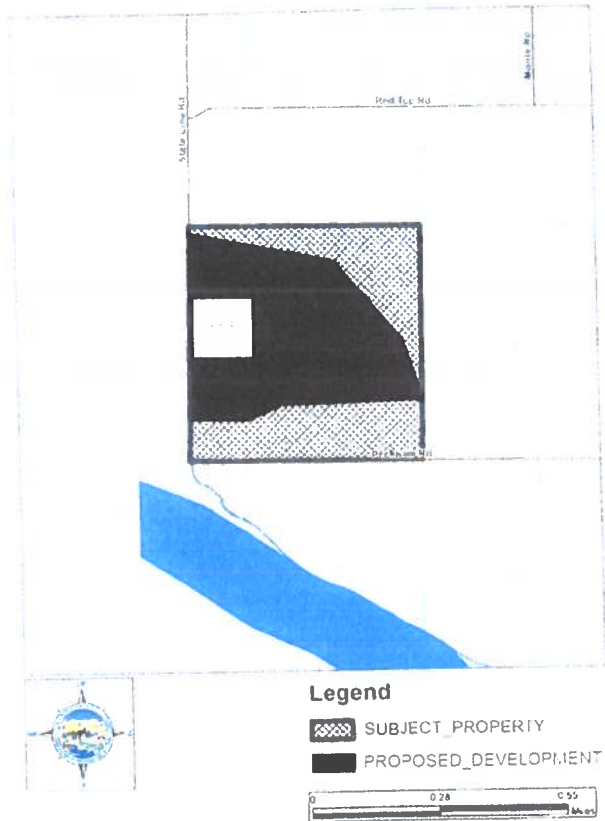
208-812-2984
Phone

hartsai@yahoo.com
Email

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Darrell Heckathorn

Name

520-585-3848

Phone

D.W.Heckathorn@gmail.com

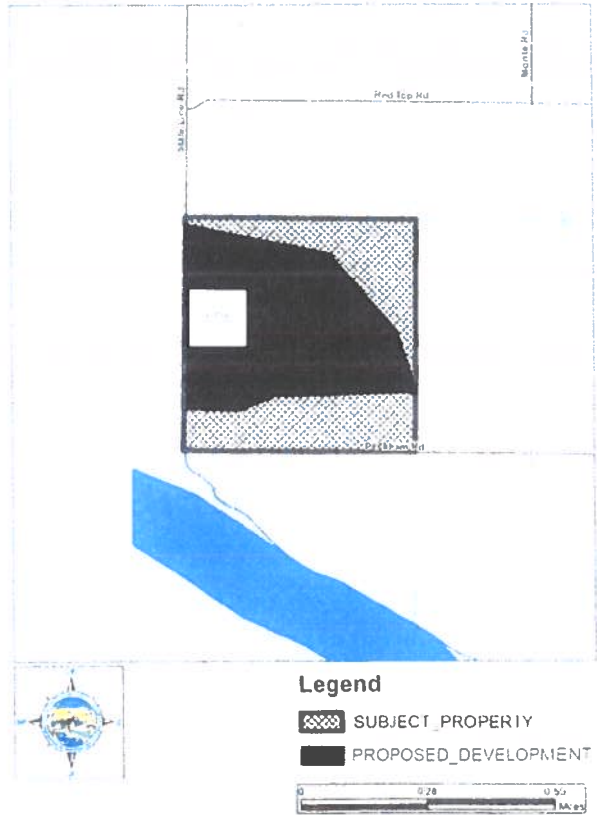
Email

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21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Taylor Hensley

Name

208-337-1656

Phone

Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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We thank you for your support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, AJ Robinson - Hapson, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

5282 Sage Rd Homedale
ID 83628

Address

hapsonaj9@gmail.com / 208-286-8588

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Chelse Hoyle, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

23576 Homedale rd

Address

chelsehoyle@gmail.com

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Rachel Hulet, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

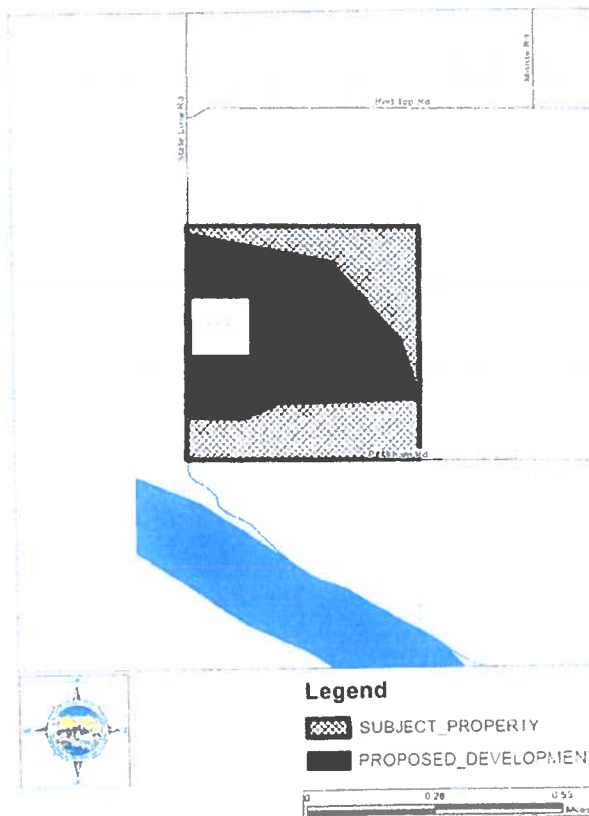
2434 Heritage Dr.
Nyssa, OR 97913
Address

541-379-0247
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Michelle Irish
Name

208.358.5292
Phone

rodeydirish@yahoo.com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, JERRY JACKSON, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

3407 SUNSET AVE
CALDWELL ID 83605
Address



208 4596021
Email/Phone Number

RECEIVED
▶ OCT 23 2023 ◀
RECEIVED

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, NATHAN JACKSON, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

23094 ALLENDALE RD WILDER 83676 idahohops@gmail.com (208) 880-4037

Address

RECEIVED

Email/Phone Number

▶ OCT 23 2023 ◀

RECEIVED

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Jason Johnson, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1821 Sandhollo. Rd
Valle, OR 97918

Address

jasonjeproducerslivestock.com
341-212-1587

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Norm Johnson, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

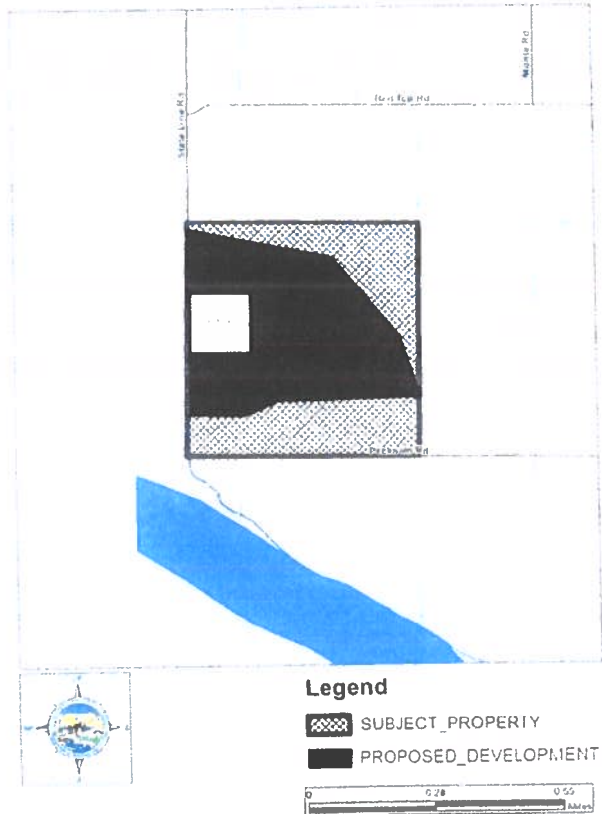
427 Foxtail Rd
Adrian, OR 97901
Address

Normj@gmail.com
208-250-9137
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Big Valley Supply, Inc.
Name

208-459-9213
Phone

bvsupply@fiberpipe.net
Email

We thank you for your consideration and support.

Shane Jolley

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Ty JONES, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

20201 Simplot Blvd
Wilder, ID 83676

Address

TYRONE JONES 1968@GMAIL.COM

Email/Phone Number

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21696 State Line Road,
Wilder, ID 83676

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I, *Jim Kay*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

188662 Wilder ID

Address *188662 Wilder ID*

Email/Phone Number

AK Feeders LLC
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Wilder, ID 83676

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I, Luvi Louues, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.


_____ 208 - 941 - 3541

Address
8507 US Hwy 95
Mansy, Id 83639

Email/Phone Number

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Wilder, ID 83676

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I, Paul Mikelson, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

3240 Purdom Ln
Homedale, ID
Address

Paul mklsn@yahoo.com
Email/Phone Number

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21696 State Line Road,
Wilder, ID 83676

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I, Zane Mungler, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1996 Boise ave Letha ID

Address

208 901 2254

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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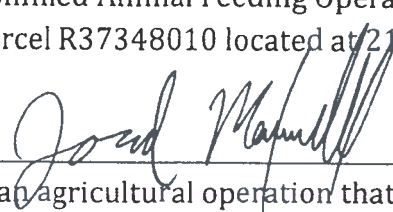
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I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

31402 Hwy 18 parcel ID

208-577-8851

Address

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Dakota McMahon, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

29510 Shelter Rd Parma, ID 83660 dakota@bvaidev.com 208-573-1009

Address

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Kinsee S. Mcmahon, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

28570 Shelton Rd Parma, ID
83660

Address

kinseeburie@gmail.com | 208-739-2060

Email/Phone Number

90	Mountain View Eq.	(tgeorge@mtvieweq.co	Mountain View Equip.
91	Nicholes	Tyrel	
92	Noe?	Helm	Wilder Building Center
93	Obendorf	Brock	Obendorf hops
94	Orris	Keyana	
95	Palmbach	Megan	
96	Patrick	Alisa	Mike's Metal
97	Patrick	Dennis	Mike's Metal
98	Payne	Ron	
99	Payne	Christine	
100	Pegram	Donnie	
101	Petty	Michelle	
102	Pickett	Rich	
103	Ponce	Alejandro	
104	Prather	Jesse	Interwest Supply
105	Quezada	Catalina	
106	Raymond	Tyler	
107	Raymond	Robert	
108	Renteria	Cesar	Wilder Feeders
109	Roadife?	Michael	
110	Robinson-Hopson	AJ	
111	Roche	LaMar	Roche Livestock
112	Rochester	Charles	
113	Rochester	Josh	
114	Roe	Lilianne	
115	Rolerle???	E?	
116	Rose	Kathleen	
117	Rose	Kenny	
118	Rueth	Carlie Jae	
119	Rule	Dan	
120	Rule	Marjorie	
121	Russell	Jeff	
122	Sambosky	Tony	
123	Scott	Mark	
124	Scott	Ron	
125	Sevy	Chad	
126	Sevy	Lyle	
127	Shira	Karen	
128	Stauffer	Guy	
129	Steinhaus	Shane	
130	Stuppy	Richard	
131	Swall	Lori	
132	Swall	Mark	
133	Thomas	Curtis	Obendorf farms
134	Thurman	Janice	Treasure Valley Livestock
135	Townsend	Jeremy	
136	Tveidt	Dusty	

137	Tveidt	Keri	
138	Van Lith	Joel	VL Livestock
139	wade	Travis	
140	Walrath	George	
141	Weekes	Ronnie	Weekes Land & Livestock
142	Weilmunster	Jon K.	Weilmunster Farms inc
143	Weitz	Dan	
144	Weitz	Cheryl	
145	Weitz	Kurt	Western Aution Co.
146	Whitener	BJ	
147	Whitener	Bailey	
148	wigly?	John	
149	Wilson	Joel	
150	Witty	Joseph	
151	Wolsborn	Kurt	Simplot Western Stockmens
152	Yerrington	Rich	
153	Zumstein	Brie	
154	Zumstein	Zack	Auctioneer
155	Zumstein	linda	

Note: The ?? Marks are names that were not quite legible (signatures)

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28th.

We thank you for your support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Tyrel nicholes, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

28602 peckham Rd
Address wilder Id.

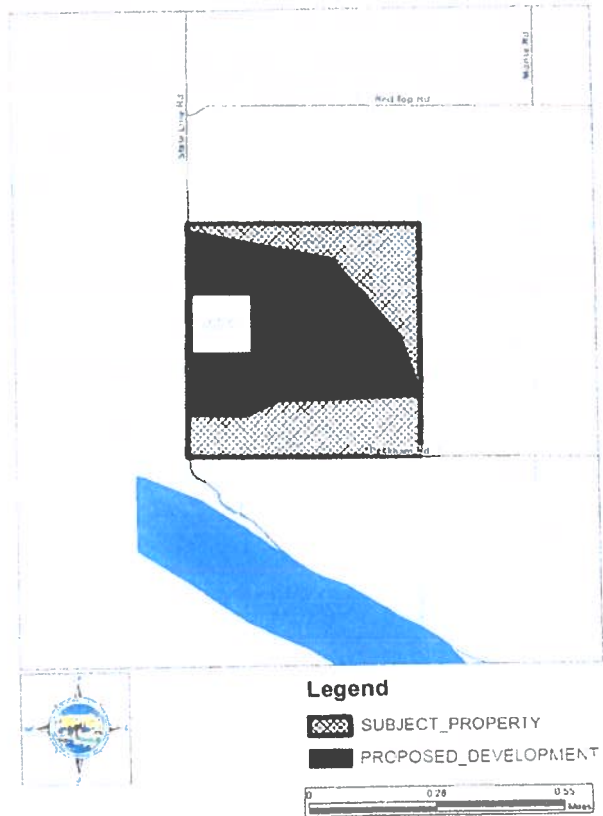
541-212-1455

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Allen E. Mc - Wilder Blg. Co. Inc
Name

208-472-822
Phone

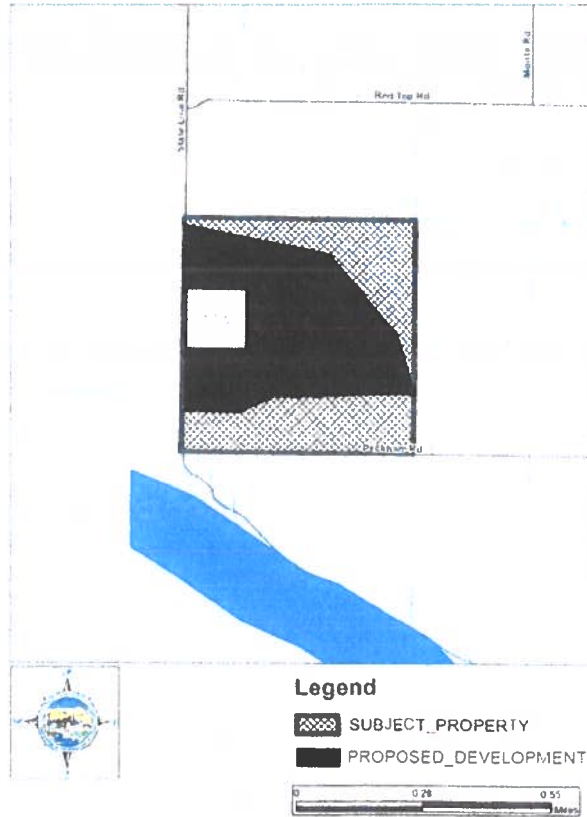
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Brock Oberdorf
Name Brock Oberdorf

208-380-6895
Phone

Brock@oberdorffarms.com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1364 Maubs Ln Nomedale, ID
83628

Address

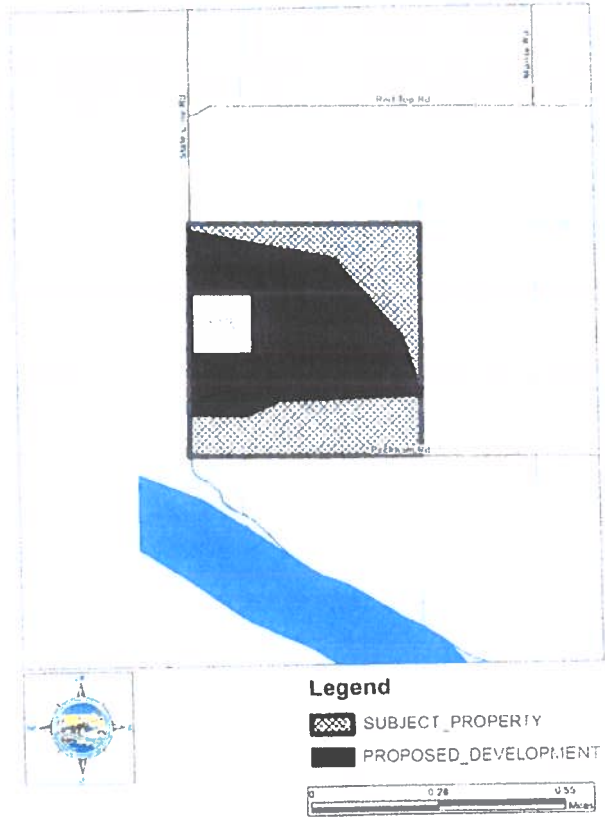
keyana.orris@gmail.com
(208) 919-8952

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Megan Palmbach
Name

208-405-9534
Phone

Megpalmbach92@gmail.com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Alisa Petrot, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

21048 Hwy 19
Address Greenleaf ID
83626

MikesMetal83626@gmail.com

Email/Phone Number

RECEIVED
▶ OCT 23 2023 ◀
RECEIVED

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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Dannia Patrick am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

20148 Hwy 19 Greenleaf ID. Mike Metal 83626
@gmail.com

Address

Email/Phone Number

RECEIVED

▶ OCT 23 2023 ◀

RECEIVED

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Ron & Christine Payne, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

31301 Boulder Rd
Parma Id 83660
Address

RJPAYNE71@GMAIL.COM
Cjpayne69@hotmail.com

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

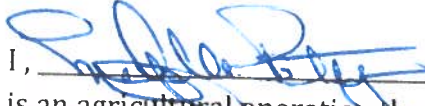
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I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

4220 E. Pioneer Rd
Hamdale, id 83628
Address

Mrbigwolf19@gmail.com

Email/Phone Number

208.695.4847

Michelle Petty

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Alejandro Ponce, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

110 covered wagon ct
Wilder, ID 83676

Address

208.402-3469

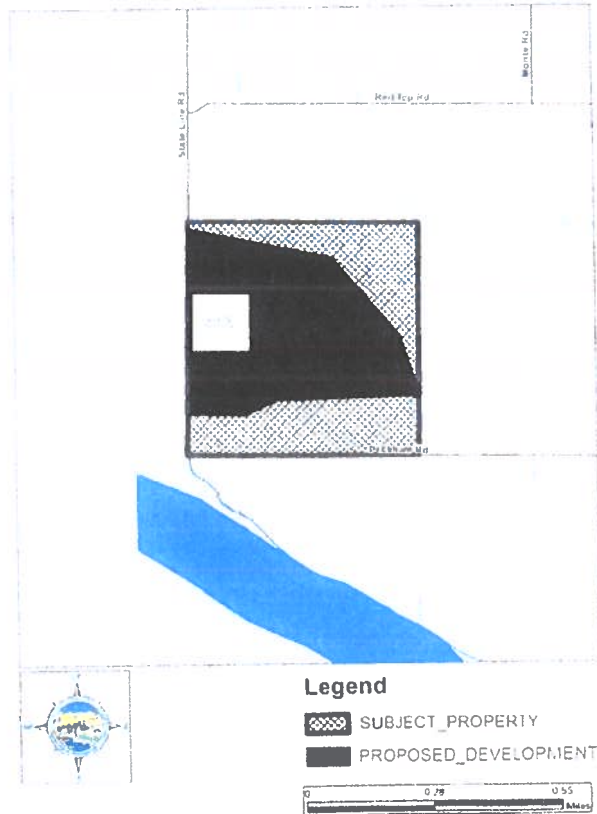
Email/Phone Number

Alejandro Ponce

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Jesse Prather Interwest Supply
Name

208-880-1460
Phone

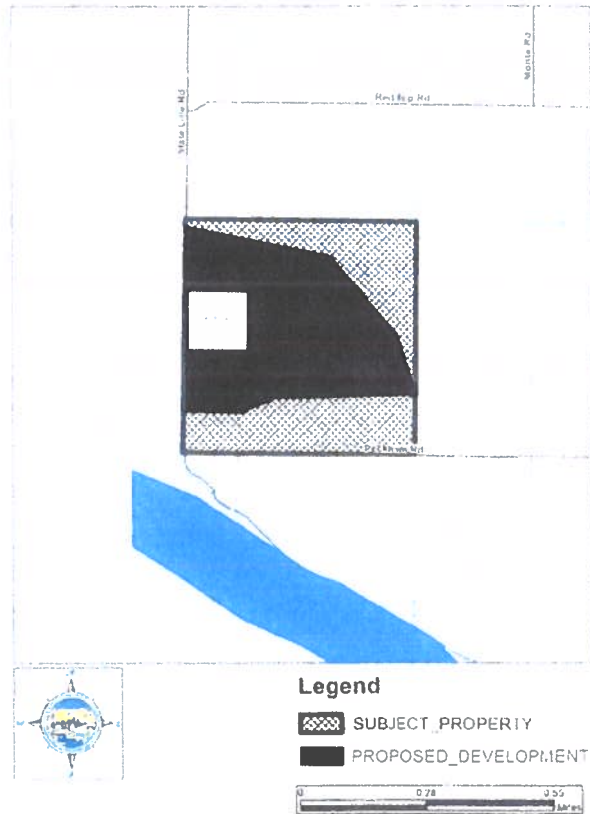
Jesse@interwestsupply.com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Catalina Quezada

Name

208 447-0416

Phone

Catmommy2girls@yahoo.com

Email

We thank you for your consideration and support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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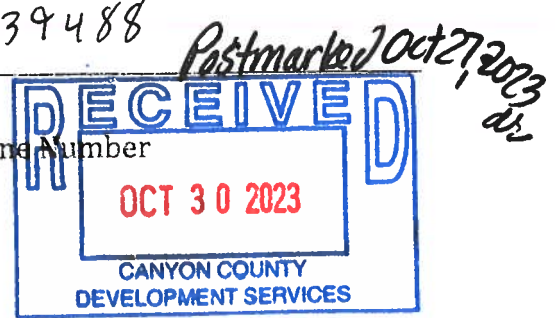
I, *[Signature]*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

28433 SCOTT PIT RD, Parma, ID,
83660

Address

2089139488
Email/Phone Number

Address is for: *Robert Raymond*
R39242010



AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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We thank you for your support.

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I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

28433 SCOTT PIT RD, PARMA, ID,
83660

Address

2089139488

Email/Phone Number

Tyler Raymond

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Cesar Renteria, am in favor of this development and application.

(208) 919-6260
Phone

Cesar@WilderFeeders.com
Email

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, *Talmer Roche*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

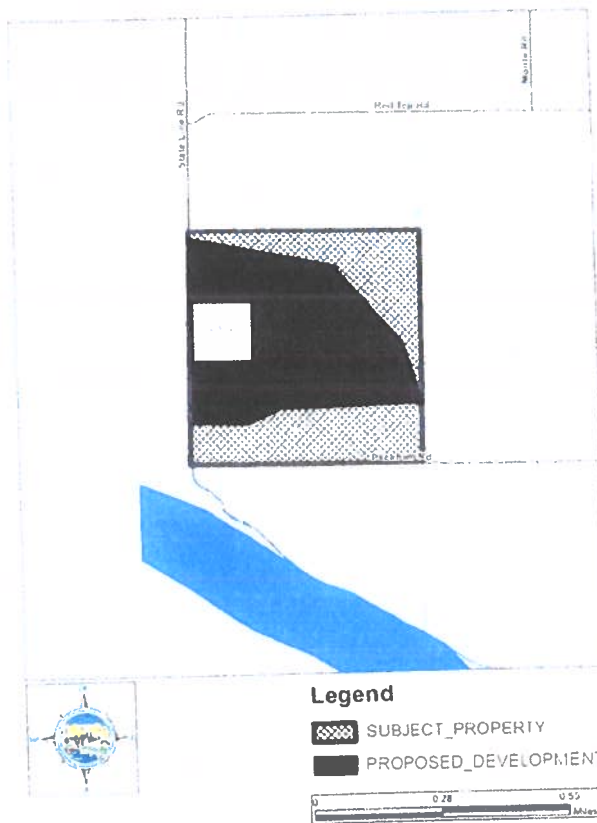
23019 Hwy 20/26 Perma
Address

2082505575
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Charles Recheist

Name

208-250-2966

Phone

charles@sober-pipe.net

Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, Lilianne ROE, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

~~0000~~ 4320 John Day HWY
Wilder, OR 97118

Address

541-216-1454

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Kathleen O. Rose, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1834 Hill Rd, Homedale ID

Address

208-921-0904

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, *Henry Fox*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1834 Hill Rd Homedale ID

Address

83676

208-571-7706

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Michael Crowder, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

P.O. Box 1075 E Minnette

Address

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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We thank you for your support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Elexander Kerk, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18862 hwy 95
wilder ID
Address

EJfudd18@gmail.com
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Carlisle Joe Rueth, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

22704 Stateline RD, Parma ID
83660

Address

208-697-4837

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, Dan Rule ^{DAN Rule} am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

29111 Rockingham Rd
Wilder
Address

208-759-3469
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Marjorie Duff, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

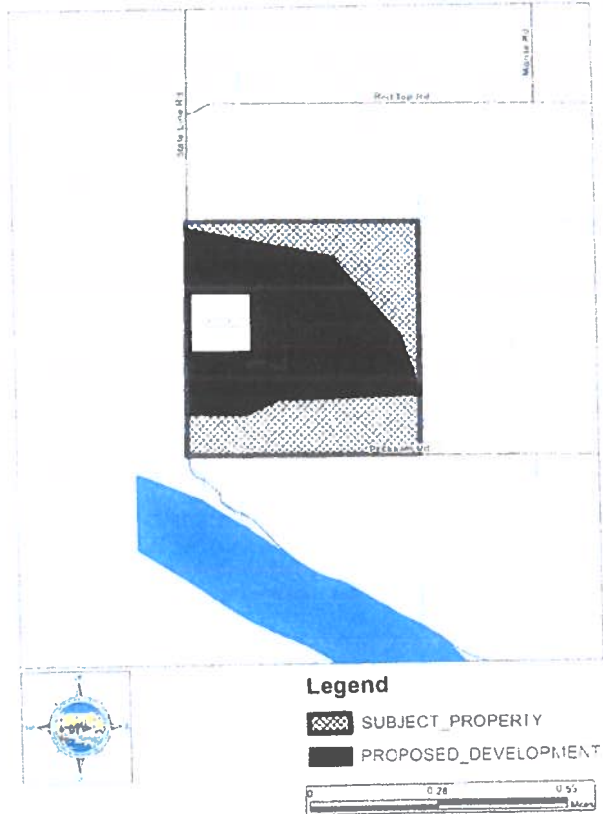
29117 Beckham Rd
Wilder, Idaho
Address

205-984-3472
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Jeff Russell
Name

208-880-3591
Phone

J Russell @ Campbell Tractor.com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Tony Sambo, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18862 Hwy 95 Wilder

Address

JASSAM7@yahoo.com
208-871-8237

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Mark Scott, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

204 5th St WILDER

Address

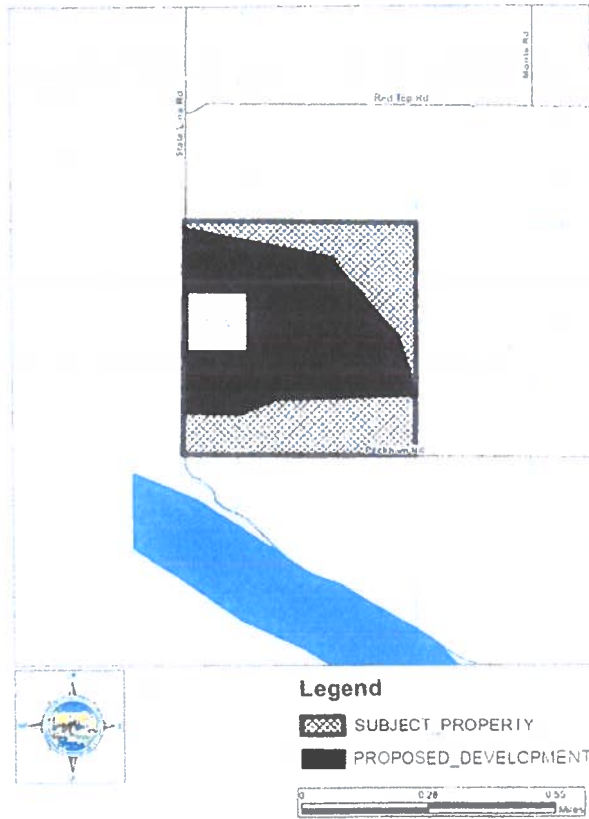
208 880 6568

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Roy Scott
Name

208-850-4817
Phone

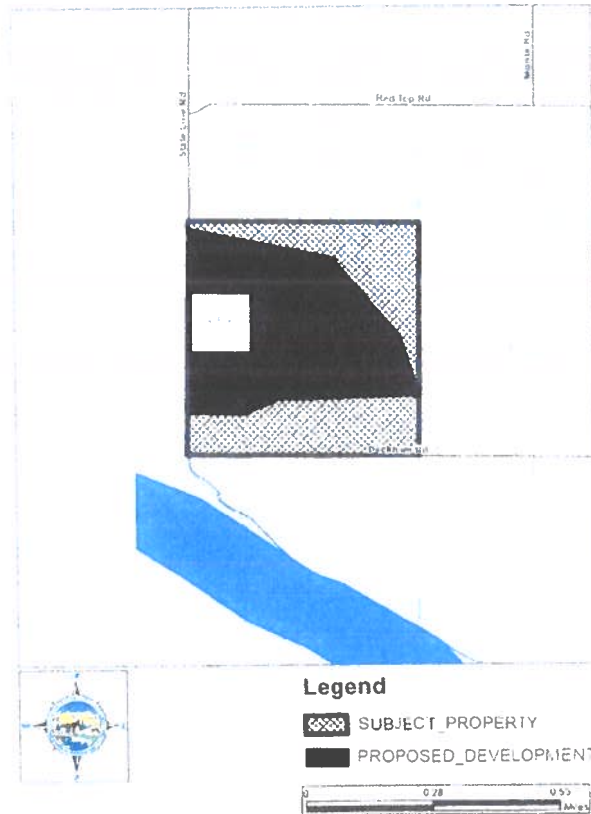
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676


Dear cattle producers, farmers, family, and friends,

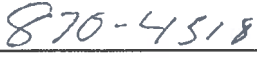
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If you are in support of this project, please sign the letter below with your name, phone number, and email.


Name _____


Phone _____

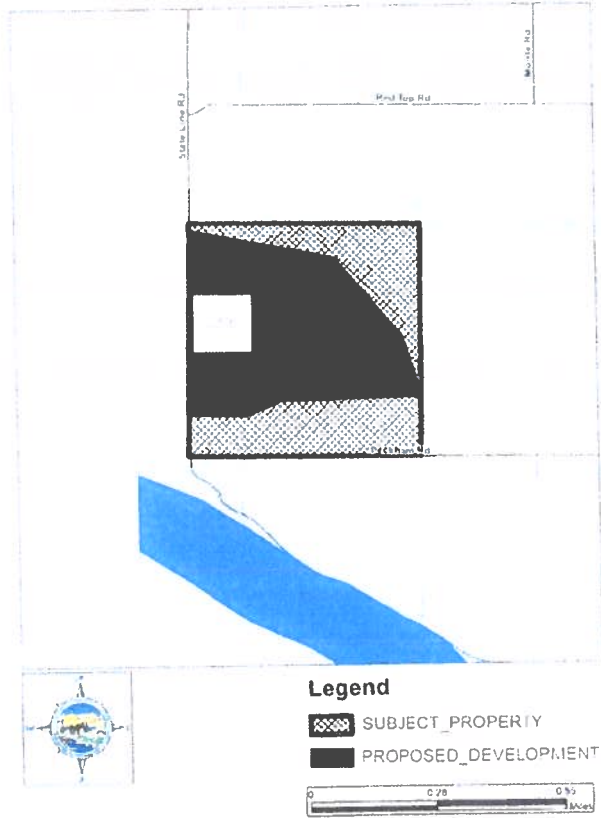
Email _____

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

[Handwritten Signature]
Name

208-880-7849
Phone

Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Karen Shira, am in favor of this development and application.

541-358-2191
Phone

Email

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, Guy Stauffer, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

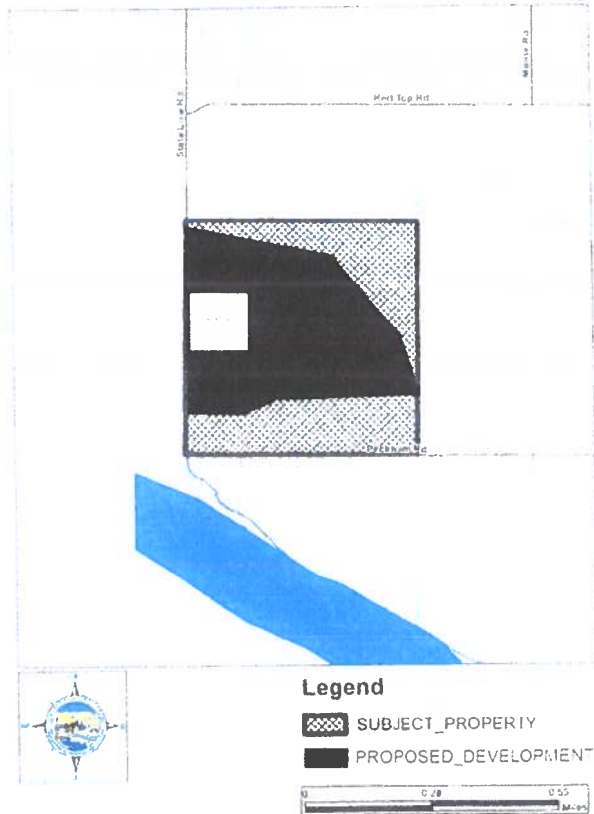
631 Pheasant Rd
ADRIAN OR
Address

gmsstauffer@msw.com
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Richard Stupper
Name

708 286 7248

Phone

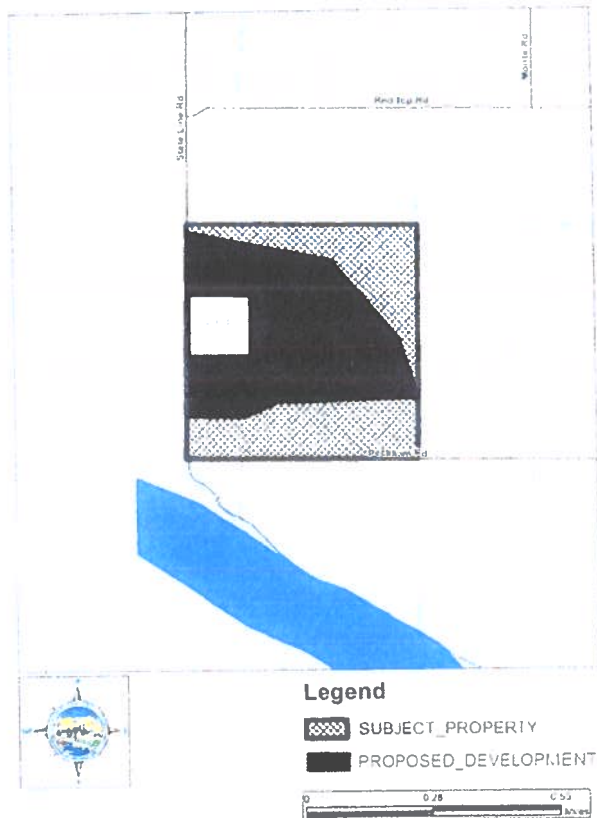
Email

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AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Lois SWAIN
Name

208 454 9940
Phone

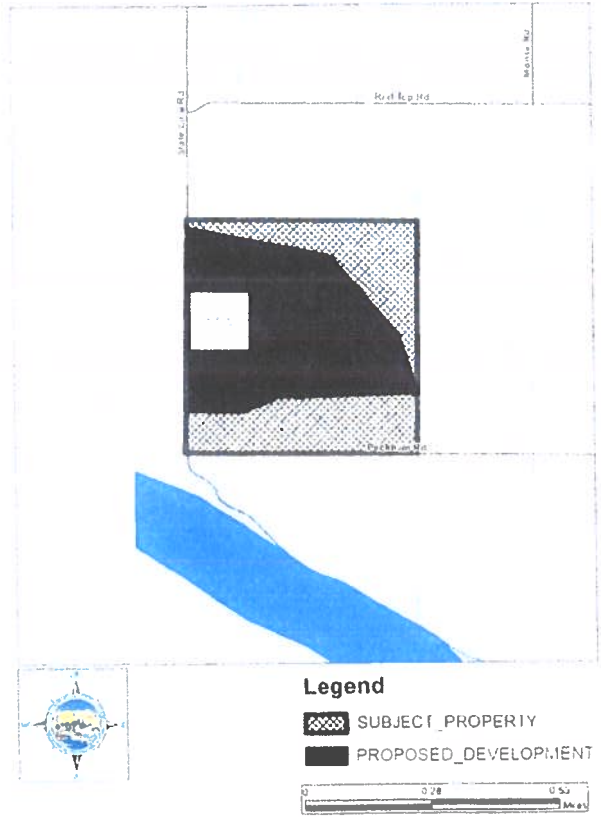
MRSfarmwife@gmail.com
Email

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AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Mark Swall

Name

208 454 9940

Phone

MSFarming@msn.com

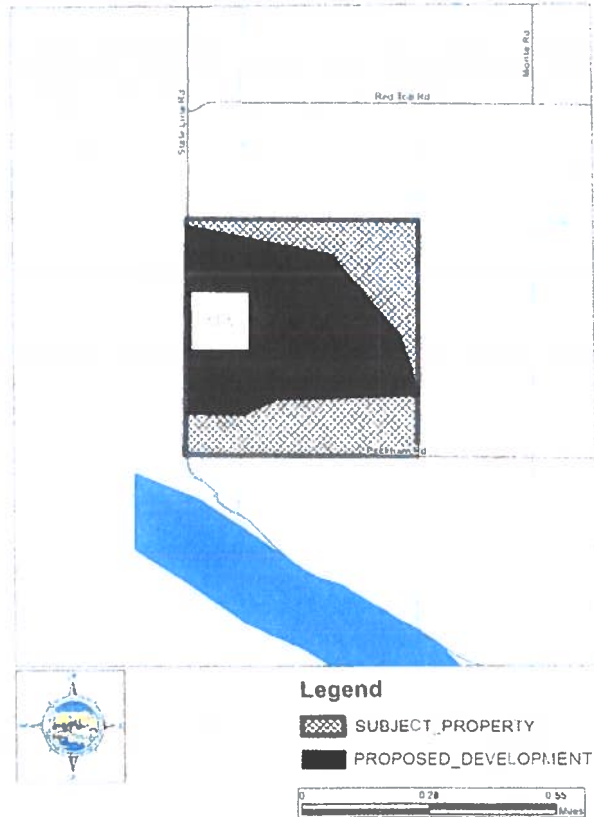
Email

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AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Curtis Thomas
Name

916-206-7275
Phone

Curtis@chambert farms . com
Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Treasure Valley Livestock, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

Janeal Treisman

1901 E Chicago St
Caldwell ID 83605
Address

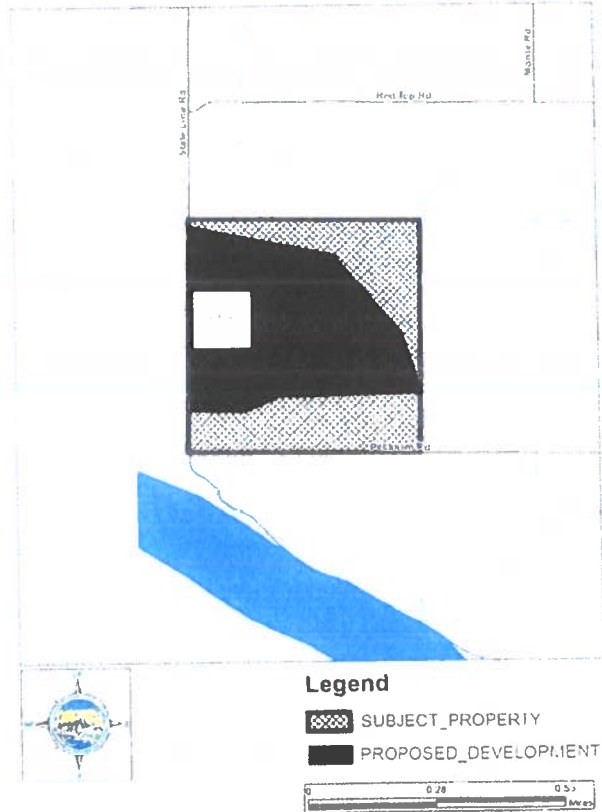
208-459-7475
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

MAP A

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale. We have been working with reputable companies, such as White Barn Real Estate and AgProfessionals, to have the proper environmental regulations, certifications, permits, and processes to make this feedlot efficient and effective for all involved. To the right is a map of the Subject Property, the Proposed Development, and the existing Development. The Proposed Development includes all areas planned for pens, drainage, feed storage, loading/unloading, and administrative office.



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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Name

Jeremy Townsend

Phone

208-573-1350

Email

gear-head-jt@hotmail.com

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, Keri Weidt, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

30550 Boulder Rd
Parma, Id 83660
Address

208-899-5679
keritweidt@gmail.com
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, Dusty McKittrick, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

30550 Boulder Rd Palms, ID dmc@cityofwilder.org 208-573-6231

Address

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, James H Wade, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

28095 Middle Rd

Wilder ID 83676-5323

918-816-0796

Address

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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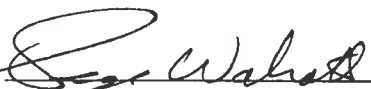
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If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28th.

We thank you for your support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

5957 Whispering Hills Dr.
MORSing, Id. 83639
Address

george.walcott@outlook.com
208 867 3161
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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I, *Ronnie Weeks* *Weeks Land & Livestock*, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1996 Boise Ave Letha Id
83636

Address

raweekes3@hotmail.com 208-365-9033

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Jon Weilmunster, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

20740 Tucker Rd Greenleaf, Idaho 83626
Address Email/Phone Number

Jon Weilmunster

Weilmunster farms inc@
hotmail.com
dr

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Cheryl Weitz, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18714 Fargo Rd Wilder, Id
83676

Kaubyup@gmail.com
541-403-2100

Address

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

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I, Dan Weitz, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18714 Fargo Rd.
Wilder, Id 83676
Address

541-403-2160
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Kurt Wood, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1214 Sinyot Blvd.
Caldwell, Idaho
Address

208-250-2020
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Bailey Whitener, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2143 bonner rd midvale
ID 83645
Address

208-550-9428
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, BJ Whitener, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2143 Bonner rd
Midvale ID 83645
Address

208-550-0409
Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Joel Wilson, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

204^{5th} St Wilder

Address

208 482 7565

Email/Phone Number

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I, Joseph Witty, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2019 Miller Rd
Address Adrian, OR 97901

541-216-3657
Email/Phone Number joeliz.witty@gmail.com

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Scott High, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2149 Market Rd.
Homedale, ID
83678

Address

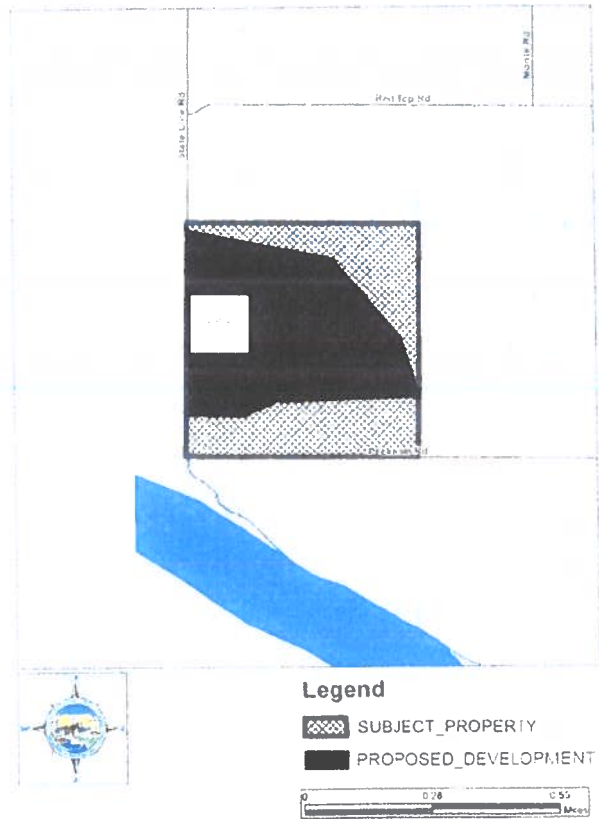
208-337-1656

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

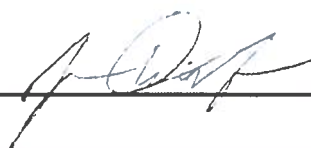
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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Name 

Phone 541-403-4056 Email _____

We thank you for your consideration and support.

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I, Kurt Wolsborn (Simplet Western Stockmen's), am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

223 Rodeo Avenue, Caldwell, ID
83605

Address

Kurt.Wolsborn@Simplet.com
208-780-4806

Email/Phone Number

RECEIVED

▶ OCT 23 2023 ◀

RECEIVED

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Rich Verrington, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2550 MESA WAY N/A
MERIDIAN, IDAHO 83642
Address Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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I, Brie Zumstien, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

1887 Springa Rd

Address

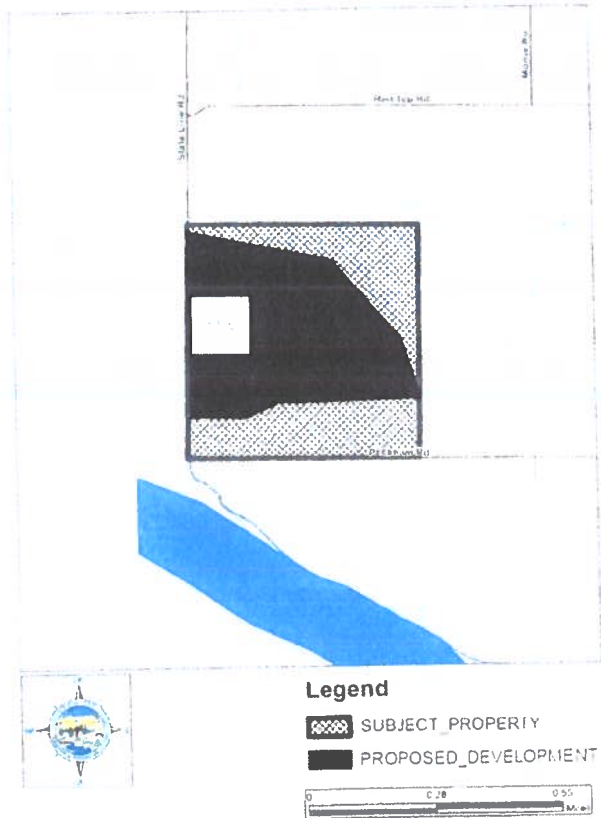
ADRIAN

Email/Phone Number

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign the letter below with your name, phone number, and email.

Jenida Zumstein
Name

208-880-7255

Phone

bl_cowz@hotmail.com

Email

We thank you for your consideration and support.

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

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If you are in support of this project, please sign number, and email.

Zack Zumstein

Name

208-880-6807

Phone

We thank you for your consideration and support.

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I, [Signature], am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

6107 Horry Rd Marsing

Address

Email/Phone Number

RECEIVED
OCT 23 2023
RECEIVED

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I, Donnie Pegan, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

20488 Pinto Lane
Caldwell, Id.

Address

208-453-9155

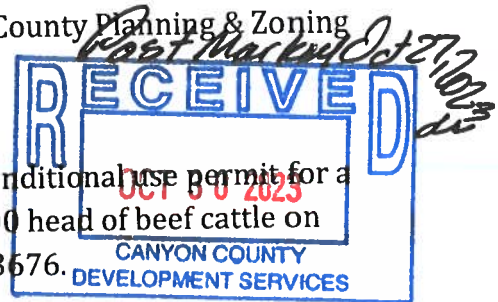
Email/Phone Number

RECEIVED

▶ OCT 25 2023 ◀

RECEIVED

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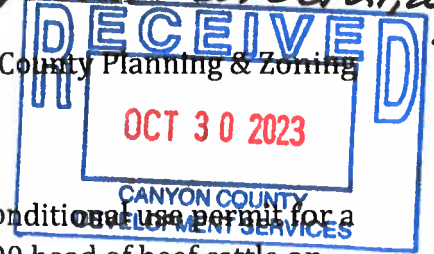
I, John Hummel, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

19161 Travis Rd
Wilder Id
83676
Address

jhummel@yahoo.com
Email/Phone Number

this is where meat comes from!

Post marked Oct 27, 2023



Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, Andrew Hummel, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

Owyhee Vet Clinic
1 W. Kansas Ave
Address Homedale ID
83628

owyheevet@gmail.com
Email/Phone Number
208-337-4677

the small producer needs a place to take feeder cattle.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, Chalege Edgar, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

31301 Redtop Rd
Wilder, Id 83676

Address

208-880-1879

Email/Phone Number

I am in favor of this small expansion. The area of AK Feeders has already been a feedlot and has been well maintained with virtually no issue. I am strongly in favor of keeping this area agriculture. Thank You

RECEIVED

OCT 27 2023

RECEIVED

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I, Mountain View Eq., am in favor of this development and application.

208. 703. 0867
Phone

+george@mtvieweq.com
Email

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

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I, ECCO EQUIPMENT COMPANY, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

18490 SIMPLOT BLVD
Caldwell, ID 83605
Address

208-459-3800
brithanye@eccoequipment.com
Email/Phone Number

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I, Rich Pickett, am in favor of this development and application.
PICKETT AUCTION SERVICES LLC

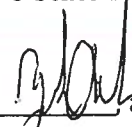
808-250-4767
Phone

Rich@pickettauctions.com
Email

RECEIVED
OCT 27 2023
RECEIVED
OCT 27 2023
RECEIVED
OCT 27 2023

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I, Zach Anderson , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

609 E. Selway Dr.

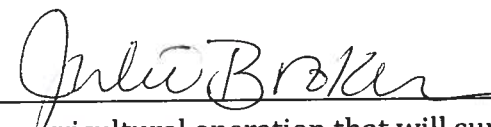
Address

anderzaco00@gmail.com
(208)-204-9579

Email/Phone Number

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I, Julio Broker , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

207 Quail Dr. Melba ID 83641

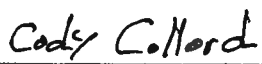
Address

208-250-8137

Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Cody Collord , am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

501 Golden Gate

Address

codycollord@gmail.com

Email/Phone Number

RECEIVED
OCT 27 2022
RECEIVED
OCT 27 2022
RECEIVED
OCT 28 2022
RECEIVED
OCT 27 2022

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Abby Dyas, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

207 Quail Dr. Melba, ID

Address

Email/Phone Number

RECEIVED
OCT 27 2023
RECEIVED

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Bill Dyas, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

3200 Southside Blvd. Melba, ID 83641

Address

Email/Phone Number

RECEIVED
OCT 27 2023
RECEIVED

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

[Signature], am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

11492 Percin rd
Caldwell, ID 83607
Address

(208) 350-0350
Email/Phone Number

RECEIVED
OCT 27 2023

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Moises Hernandez, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

31157 Red Top Rd
Wilder ID 83676
Address

Moises Hernandez
Email/Phone Number

RECEIVED
OCT 27 2023

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Maggie Irish, am in favor of this development and application.

(208) 546-8705
Phone

maggieirish@gmail.com
Email

RECEIVED
OCT 27 2023

moises hernandez

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Jessica Medicus, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

22704 Stateline RD Parma
ID, 83660

Spicedupginger@outlook.com
575-494-5859

Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Angelica Miranda, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2986 Sagebrush Ln
Honeida ID
Address

208-989-0972
Email/Phone Number

RECEIVED
OCT 27 2023
RECEIVED

RECEIVED
OCT 27 2023
RECEIVED

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Elena Miranda, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

11492 Perch rd.
Caldwell, ID 83607
Address

elena-miranda@outlook.com
(208) 779-6357
Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Emily Miranda, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

207 Quail Dr. Melba, ID 83641
Address

emilydys@gmail.com
Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, _____, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

Fabian Miranda
2086 Sage Brush Ln
Homedale ID

Address

208 880 9113

Email/Phone Number

RECEIVED

OCT 27 2023

RECEIVED

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Marisa Miranda, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

2896 Sagebrush Ln
Homedale ID 83628

Address

208-919-8612

Email/Phone Number

RECEIVED

OCT 27 2023

RECEIVED

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Ashlee Montes, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

22704 State Line Rd
Parma, ID 83660
Address

ashleeyd.montes@gmail.com
208-514-8129
Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Josh Rochester, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

22450 State Line rd
Address

208-250-4384
Email/Phone Number

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Shane Steinhaus, am in favor of this development and application.

208-724-9682
Phone

Countrymouse83@gmail.com
Email

RECEIVED
OCT 27 2023
RECEIVED

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Travis Allen, DVM TL aka DVM, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

16915 Agate Ln Wilder ID
83676

Address

cattledvm@gmail.com
208 989 7830

Email/Phone Number

RECEIVED

OCT 30 2023

RECEIVED

Postmarked Oct 28, 2023

RECEIVED

OCT 16 2023

RECEIVED

1

Glenis Christopherson
31641 Peckham Road
Wilder, Idaho 83676

Canyon County Development Services

RE: CASE CU2022-0036, proposed AK Feeders CAFO on State Line Road

Oct 10, 2023

Dear Planners,

I am 83 years old, and I live in a log cabin along the Snake River near AK Feeders' proposed CAFO. As a retiree, I have engaged in outdoor activities on my property for many years. I do not want to lose the enjoyment of my property due to poor controls on the near presence of nearly 4,000 head of cattle confined in dense conditions. Before approving the development, I ask the commissioners to impose good abatements – such as a berm or a line of thick trees along the perimeter of the Feeders land. This could help to screen my place (as well as my neighbors) from noise, smells, dust, and viewing a wasteland of manure just across the road. I hope the commissioners require frequent removal of waste to reduce smells, dust, and flies.

If the CAFO is asked to de-water its manure and haul the solids away, please impose a schedule that will minimize house-fly production. As for retaining ponds to hold contaminated water for evaporation, I ask that the ponds be lined appropriately to prevent seepage into our local ground water. My property is served by a well exclusively, so I want to be sure that chemicals and bacteria will never find their way into my tap water. Because stored livestock wastewater can go rancid/septic and stink to high heaven, I request inspections -- and aeration as needed -- as part of the County's conditions for approving the proposed CAFO.

I would expect Planning & Zoning to specify steps for the CAFO to take so as not to breed up mosquitoes. West Nile Virus host mosquitoes can exploit water collections in hoofprints and puddles to lay their eggs. P&Z can require the use of Bti mosquito dunks and granules property-wide to keep down mosquito larvae in season. I am curious whether the mosquito abatement district has been informed and plans to place one or more mosquito traps (at the CAFO and also nearby) for close monitoring to determine when West Nile Virus appears among local mosquitoes. Our neighborhood has been an area of concern due to West Nile transmission in the past. The raw number of mosquitoes and their rate of infection could go through the roof if the CAFO is not managed correctly, due to the insects' ability to get blood from huge numbers of cattle. We certainly do not want to see human or horse encephalitis cases (especially fatal ones) in our area!

Light pollution is a big issue for me. Mass livestock businesses sometimes house cattle in open pavilions or corrals, with intense spotlights that light up the night sky for miles around. If the CAFO plans to employ such lighting, please require them to direct all lights downward – not up into the night sky, or laterally so that area residents are hit with glaring beams of light. Personally, I enjoy seeing the stars in a dark night sky. Do not give all the rural land in this area an industrial appearance by allowing a big boost in light pollution at night.

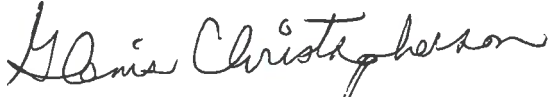
EXHIBIT
47

Additionally, I would like to point out that hundreds of thousands, possibly millions, of Snow Geese migrate down and up the nearby Snake River each year, and these impressive birds rely on the land along the Snake for rest and food during their migration. The cultivated field east of my place at 31641 Peckham typically is blanketed in resting birds throughout both directions of migration. As soon as one mass of hundreds of geese launches into the sky to fly onward, another flight of geese comes in for a landing. In Oregon, just west of State Line, the pastures likewise are an important stop off for the migrating Snow Geese. These pastures typically are blanketed in hungry, tired geese, including the young who are flying with their parents. I oppose CAFO lighting if it is apt to confuse the geese, interrupt their sleep or feeding, or deter them from stopping at all in their traditional resting spots such as the farm field east of my property. I wonder: can there be a "lights out" policy during goose migrations, so that even downward directed lighting is cut off at critical times of the year? I also value the existence of a big colony of dozens of Great Blue Herons (sometimes egrets too) nesting each spring in a large tree along the river (on an island?) west of State Line Road, within sight of my cabin. Please make P&Z rulings that will preserve these birds' ability to engage in the daily activities necessary for them to thrive. Bright lights and the constant bellowing of cattle, if unabated, could negatively affect the wellbeing of wildlife as well as humans, all around the proposed CAFO site.

A major concern connected with the CAFO proposal is vehicular safety. It is obvious that an operation involving nearly 4,000 cattle will cause a steep increase in truck traffic. If AK Feeders is required to send ALL trucking to and from its main gate along State Line Road (with a ban on using Peckham), then a very hazardous right-angle turn -- one uncontrolled by stop signs or traffic lights -- can be avoided. The junction where State Line Road meets Peckham Road is already a safety concern for locals; now imagine adding in truckers from other areas who are unfamiliar with the turn. If AK Feeders does anticipate that any of its hay and cattle trucks will arrive or depart along Peckham Road, then I believe the commissioners should ensure that a new Peckham Road gate be created on AK Feeders property, as far from the right-angle turn as possible. Local traffic will be much less imperiled by the presence of semi-trucks (perhaps pulling double or triple trailers), if AK Feeders traffic gets shunted away from the sharp turn where Peckham and State Line meet.

If AK Feeders wants to maintain a fueling station on site, I assume the commissioners will require that appropriate spill-containment and fire-suppression structures and equipment will be incorporated. If truckers arrive late in the day and must wait until morning to load or unload, I hope there will be a parking lot for truckers on AK Feeders property. The gravel shoulders along State Line Road and Peckham Road are far too narrow to accommodate a parked semi-truck without its crowding into the lane of travel.

Thank you for imposing rules that will prevent AK Feeders' proposed CAFO from becoming a hated burden: a trial for its neighbors, a safety hazard, and a blight on the natural environment.

Glenis Christopherson 

RECEIVED
▶ OCT 16 2023 ◀
RECEIVED

October 12, 2023

Canyon County Development Services Department
111 North 11th Avenue, Suite 310
Caldwell, Idaho 83605

Re: Case No. CU2022-0036-
AK FEEDERS

To Whom it May Concern:

The enclosed is a list of concerns we have regarding AK Feeders application for a CAFO in Wilder, Idaho which is set for hearing on November 16, 2023 at 6:30 P.M.

Thank you,


Raleigh and Dee Hawe

The following are some concerns we have regarding AK Feeders application for a C.A.F.O. in Wilder, Idaho:

When we bought our property at 31453 Peckham Road, Wilder, Idaho, the property owned by A.K. Feeders at the present time was owned by Darwin Switzer who raised and sold bulls. It certainly has never been a feed lot for the past 30 years.

Increased traffic/congestion/insufficient road width.

Aquifer pollution.

Three water system drains negatively impacted (all three on the Wilder Irrigation District maps) Arena Lake Drain, Case Drain, Allen Drain.

Dust pollution in our valley.

Property values.

Peace/tranquility in our valley.

Waste water runoff (inevitably into the Snake River).

Well water-how many wells will be needed to water 3,700 cattle?

Current residential wells being contaminated as the waste water gets into the ground.

Dust abatement.

Inaccessibility for large cattle and feed trucks on and off Stateline Road (which is very narrow with a canal on one side).

Is this California corporation authorized to do business in Idaho?

How many tons of cow manure will be created from 3,700 head of cattle and what happens to it?

7.7 million gallons of urine annually goes into the ground and eventually into the aquifer or drains.

Adverse effects on the aquifer from medications and growth hormones from urine. 3,700 head of cattle on 80 acres seems preposterous.

How do they keep the cattle out of the open ditches that drain into the Snake River?

High water table.

We live on the South side of Peckham Road and on occasion have had some of these cows in our fields and no doubt will again with this increase.

Road repair from heavy truck traffic.

We would like a response to this email to:

Raleigh and Dee Hawe

31453 Peckham Road

Wilder, ID 83676

Phone: (208) 482-7182

deeandral@gmail.com

Thank you, Raleigh and Dee Hawe

Debbie Root

From: Deidre Brown <38351042db@gmail.com>
Sent: Thursday, October 26, 2023 3:50 PM
To: ZoningInfo; Debbie Root
Cc: rbrown6464@yahoo.com
Subject: [External] In Regards to #CU2022-0036
Attachments: Page 19.pdf

From:
Deidre and Randy Brown
22470 State Line Road
Parma, Id. 83660

To:
Canyon County Development Services Department
111 North 11th Avenue, #310
Caldwell, Id. 83605
zoninginfo@canyoncounty.id.gov

In regards to #CU2022-0036

My husband and I moved to our property in August 2001. The area of our home is located close to the Idaho/Oregon border and the Snake River. When we moved to our property there was a small cattle grazing operation located at 21696 State Line Road Wilder Idaho 83676. The area was quiet and peaceful and the perfect place for us to raise our children. At NO time was a feedlot functioning or in operation before, or even after, we moved to the property until recently (the last year without approval). We would not have purchased land for our home by an operating feedlot due to the noise, pollution, smell, and damage to property values. I am attaching Google Earth maps to reference the period from when we moved to our property to the current year.

In the Master Application, there is a Conditional Use Permit Checklist (page 19 original, page 56 amended copy). On that checklist, the following items have not been addressed by the AK Feeders in the application.

- Item # 4, will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- Item #5, will adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- Item #7, Will there be undue interference with existing or future traffic patterns; and
- Item #8, Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency services, and irrigation facilities, and will the services be negatively impacted by such use or require additional public funding to meet the needs created by the requested use?

I would like to address item #4 first. In the Canyon County Comprehensive Plan for 2030, on page 10, property rights, "the right to enjoy", it states, the right to enjoy the property for its intended use without creating nuisances. Zoning categorizes land uses based on compatibility, such as agriculture, residential, commercial, and industrial.

The area we are in is considered agricultural. However, due diligence should be given in approving businesses or structures that have changed in their nature from the time private property has been granted to homeowners. Numerous homes have been built and bought in the 20-plus years when we moved to the area. To allow the homes to be built, collect property taxes on those properties, assess the value of those properties, and then allow a feedlot/CAFO to form is negligence on the part of the county. This NEW feedlot will absolutely change the quality of life we have enjoyed for over 20 plus years.

Item #5, according to the application by AK Feeders, they plan to pull water from wells. Have they applied for new permits? How will this affect the homeowners that live next to AK Feeders wells? How will they maintain runoff (are new storm drains being installed)? I could go on and on over this item. AK Feeders has patched together an application without getting proper permits or planning. They reference a permit dated May 17th, 2013 but no current permit for the allotted increase in cattle.

Item #7, according to the application the hours of operation will be consistent with the school bus hours of operation and the commute by individuals to their jobs. The AK Feeders mention one small road section (State Line) in front of their property but no other access roads. To get to the access point for AK Feeders, Semis, tractors, feed trucks, etc. must use other roads, Red Top and Peckham. Both of these roads have very sharp corners on them that have multiple accidents due to various reasons. I see no permit or plan to address the access roads to State Line road by AK Feeders or the effect of the increase in large transporting semis will have. The site advisory team did not assess the roads per their report.

Item #8, when we moved to our property we had to have a permit from the Wilder Fire Department for insurance purposes. What will the new facilities require for our already overburdened public services?

In the Canyon County Comprehensive Plan for 2030, there are numerous conditions that will either not be met, have not been met, or violate the land plan by this application. To mention a few;

- P5.01.04a Develop procedures and requirements that can be used to assess the impact of proposed developments on the water supply of adjacent landowners or residents (numerous wells will be affected to the detriment of the neighboring properties).
- P5.01.05 Protect the areas where crucial aquifers are replenished and restrict new development in flood-prone areas. According to the CAFO Site Advisory Team, the area of impact has a very high water table and is high risk. AK Feeders has not addressed this issue other than a patched-together plan of dry scraping. Evidently, all the standing water on their property occurring before they dry scrape will not cause harm. Every rainfall, snowfall, and irrigation event leads to flooding in this area. There is no way around it. At the neighborhood meeting held in July of 2022, the developer stated that "all the cow urine will evaporate and not cause harm".
- P5.01.08 Protect fish, wildlife, and plant habitat.....J.R. Simplot was recently fined for polluting the Snake River with cow manure runoff. Based on the landscape of this area, the drainages that run through the proposed feedlot, the high water table, and the proximity of the Snake River, this will be an occurrence if this feedlot is allowed.
- A5.02.01 Work with IDEQ to identify ways to improve air quality. The amount of dust and increased pollution in the air due to dry scraping, standing piles of manure, spreading of manure, cows moving through the feedlot, etc. have not been addressed. According to the CAFO site team, they did not address air quality issues. I see no plan in the application, permits, or other to address pollution issues.
- On page 38 of the Comprehensive Plan, it states; that air quality affects the health and well-being of Canyon County residents. The Clean Air Act was put into place to protect an individual's right to clean air. Numerous residents in this area suffer from COPD and severe asthma-related illnesses. The proposed CAFO would violate both the Clean Air Act and the Disabilities Act.
- In the land hearing materials on the Canyon County website, there is a Nitrate Priority area map. This property is right at the edge of that map. The Comprehensive Plan addresses Nitrate priority levels on page 40. According to the plan, "Nitrate is one of the most widespread groundwater contaminants in Idaho". The nitrate levels are already unhealthy and at extremely high levels based on testing of individual wells before the development of this feedlot. The AK Feeders application does not address how this proposed feedlot will impact this area and was not addressed by the Site team.

AK Feeders violated the permit process by beginning to develop the feedlot before approval. Reference, Google Earth maps are attached. When the homeowners have asked for information or help from the county they have been told "it is an agricultural area". I would hope the county would want to make sure that even though we are located in an agricultural area, individual property rights (that were given by the county) would be honored. Any application or facility would be required to abide by the rules and regulations put into place by the county and by law and not just rubber-stamped because they are agriculture. There is a deep mistrust of county officials based on how they treat private property owners, the laws they have broken, the numerous lawsuits that have been filed against them, and the lack of care in their official capacities.

We are strongly opposed to the NEW feedlot proposed for 21696 State Line Road, Wilder Idaho 83676. Permit/application number CU2022-0036. I would like this information entered into the official record for the Planning and Zoning Meeting currently scheduled for November 16th, 2023.

Deidre and Randy Brown
22470 State Line Road
Parma, Idaho, 83660





CONDITIONAL USE PERMIT CHECKLIST

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST:

<input checked="" type="checkbox"/> Master Application completed and signed
<input checked="" type="checkbox"/> Detailed letter fully describing the request and addressing any applicable Comprehensive Plan policies and ordinance requirements outlined below
<input checked="" type="checkbox"/> Neighborhood meeting sign-up sheet and copy of neighborhood notification letter
<input checked="" type="checkbox"/> Land Use Worksheet
<input checked="" type="checkbox"/> Site Plan showing existing and proposed site features
<input checked="" type="checkbox"/> Deed or evidence of property interest to all subject properties.
<input checked="" type="checkbox"/> \$950 non-refundable fee, \$600 for a modification

NOTE:

The following criteria are outlined in ordinance 07-07-05: **HEARING CRITERIA:**

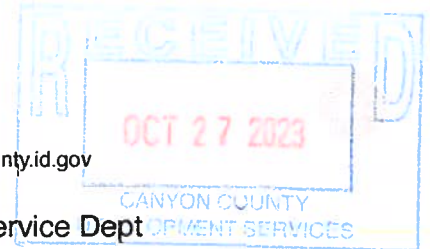
Please provide a response to each of the criteria in the letter of intent.

- (1) Is the proposed use permitted in the zone by conditional use permit;
- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

PROCESS: 1 PUBLIC HEARING (APPROVED BY PLANNING & ZONING COMMISSION)

**Additional studies and information may be required to understand the impact to traffic, the environment, economics and surrounding properties.

From: Susan Isaak isaakrn@gmail.com
Subject: Objection to CUP AK FEEDERS. CU 2022-0036
Date: October 26, 2023 at 3:36 PM
To: BOCC@canyoncounty.id.gov, pam.dilbeck@canyoncounty.id.gov, debbie.root@canyoncounty.id.gov



Planning and Zoning Commissioners Canyon Co Development Service Dept
111 N 11TH St. #310
Caldwell ID 83605

I am submitting this email letter to voice my family opposition to the pending approval of the CUP for AK Feeders in Wilder ID. Please submit this letter into the case file.

This community surrounding the proposed CAFO will be affected by the following:

1). The CAFO siting advisory team has determined that the Environmental Risk as HIGH RISK. There are water contamination issues from the Nitrate Priority area that would only increase the HIGH RISK level. The ground types show how much water drains down into the aquifers causing pollution to home wells. No matter what preventive measures can be taken to redirect flows of surface water mixed with urine and manure, you cannot stop what seeps. There are already extremely high levels of nitrogen detected in our community wells. The Snake River already has environmental concerns from contamination from runoff.

2). Dust and Particulate matter: When the wind blows here, it can start in minutes blowing polluted airborne smells and particulate. We have families with respiratory problems who have asthma, COPD and bronchitis that is worsened by blowing dust, which will come off the scraped fields. When you are using numerous inhalers per day, you must keep yourself protected as much as possible to prevent flares, infections, etc. The current plan is right across Red Top Rd from us. I have movies and pictures of the dust clouds that move from the scraped cowpens nearby. It is our constitutional right to live in a safe, clean environment.

3.) Property values will be affected from the proposed CAFO. When we bought this property, we loved the serene environment of this valley and its beauty. Scattered cattle grazing in nearby fields are not the issue. When there is uptick in traffic with large trucks, large confined herds of cattle mooing, all add to disruptive loud noise which is a nuisance. There is already high traffic on Red Top Rd from harvesting trucks, boats and speeding cars heading into Oregon and back to ID. We bought this property before there was any mention of a CAFO being proposed. We never would have invested our life savings here if we would have known. There are 4-5 generational families who are living here that are upset. There are other issues like flies and pungent odors. This proposal would drive most people away from being interested in your property, thereby reduced selling price. There are other issues like lighting and 24hr operation so there is no quiet time. There are already homes developed here before the CAFO application. People that move in knowing there is a CAFO nearby will have to deal with the consequences.

4.) Protection of snow geese that land in the fields across our property from their migration will be disturbed. The night lighting and scraped fields will not offer them a safe resting field in their voyage. The fields are filled with the white birds. Having a CAFO there will disrupt their habitat for their flight.

5.)The Canyon County 2030 Comprehensive plan states several property rights that should protect the integrity of individual property rights while safeguarding public health, safety and welfare. The right to enjoy the property for its intended use without creating nuisances is necessary. New development that promotes safety and protects natural resources is also necessary.

6). Finally, we have the Constitutional Right to live in a safe, clean, environment. Our wells, rivers, waterways must be protected. We have the right to enjoy our property without nuisances of flies, odors and blowing dust that is man made.

Thankyou

Susan Isaak

Susan Isaak
31492 Red Top Rd
Wilder ID 83676







October 25, 2023

To: Canyon County Development Services Department
111 North 11th Avenue, Suite 310
Caldwell, Idaho 83676

Canyon County Commissioners, Debbie Root Case Planner

Regarding Case No. CU 2022 - 0036 application for a new CAFO development and change of proposed site for AK Feeders at 21696 State Line Rd. Wilder, Idaho.

The CAFO Site Advisory Team determined that this site is HIGH RISK. We as neighbors and homeowners are in complete agreement with this report.

We feel a feedlot in this area will be injurious to our property which shares a fence line with the proposed site. Our domestic well is only about 100 ft. from this fence line and only 28 ft. deep. The essential character of this portion of the arena valley will be destroyed.

My husband who is 74 and I have both worked for most of our lives, for the previous 30 years we managed cattle and horse ranches. Living on the properties as part of our salaries we were able to raise our children in the country with values of being stewards of the land. We saved what we could to someday have our own place to call home. We thought we found the perfect little place next to our neighbor, Mr. DeBenedetti who seemed to steward his land as well by rotating his small cow/calf operation on several hundred acres of pasture. We were wrong, our neighbor now under the name of AKFeeders is wanting to put in a feedlot, for thousands of head of cattle on 70/80 acres. This will destroy the land! A High Risk!

On July 11, 2022 our dream of life here in the arena valley became a nightmare. We attended the neighborhood meeting run by Matt Wilke of White Barn Ventures who was representing AK Feeders. They showed us their site plan to build a CAFO for 6 thousand head of cattle! Next door to our home. The thoughts of all the following concerns took over our lives;

- This would be a violation of our constitutional rights as homeowners to the quiet enjoyment of our own property.
- Contaminate our wells, groundwater, aquifers, surface water and the nearby Snake River.
- Air quality - Odors and fugitive poison particulate dust will be harmful to the health and well-being of all neighbors and homeowners.
- Damage to the wildlife, geese, water fowl, deer, fish etc.
- Negative impact and damage to our roads by heavy traffic, semi trucks for cattle, feed and waste management. Dangerous to drivers, the road is narrow and there are two sharp turns on the corner of Peckham Rd. and Case Rd. as well as the sharp curve where Peckham continues onto State Line Rd.
- Property Values will decline, if we found ourselves in the position where we needed to sell this would be difficult with a feedlot next door. We Did Not purchase property next to a feedlot! There was not a CAFO next door when we purchased our property in September 2019!
- Extreme nuisances from constant noise, insect pollution, light pollution, in their revised application which all of us neighbors and homeowners were not aware of until we received our notice of the Public hearing a couple of weeks ago, AK Feeders stated they will operate 24 hours a day 7 days a week.

- Loss of tranquility, peace and quiet enjoyment of our properties, as well as the natural beauty in our valley.“

AK Feeders were in violation of County Ordinance section 08-01-11 which states “An applicant shall not begin construction of a new CAFO prior to the approval of the CAFO siting permit”. They began construction on Aug. 9, 2022 continuing to the present. None of the construction they have now for a feedlot existed on the site! The only thing they had for the cattle were two large wooden pens that were being used for the cow/calf operation. Again, there WAS NOT a feedlot or CAFO at this site. The new site that was on the notice has never been presented to the neighbors/homeowners. This new proposed site looks like it goes all the way to the property line on the corner of State Line and Peckham Rd. THIS IS ONLY ABOUT 200 FEET FROM THE SNAKE RIVER!

We need to have a new neighborhood meeting to ask the questions we need answers to of the new site plan, more definition of the new location is needed.

We feel that our rights are being taken away if this permit for a CAFO is approved.

Mr. DeBenedetti has other options, he owns cattle operations in California, Oregon and other places in Idaho. He doesn't even live in Idaho, he lives in Oregon. He has the means to have this CAFO in other locations where it won't destroy other homeowners properties, won't contaminate and destroy our wells, or be injurious to properties in the immediate vicinity.

Please take all these concerns seriously, We don't have other options, our life savings are tied up in our property which shares a fence line with the proposed CAFO. Our view from our home and yard will be that of a feedlot with cattle standing on mounds of manure, instead of the cows quietly grazing on the pasture that we have now.

We would like this correspondence entered into the official record for this case CU2022-0036.

Thank you,
Danny and Debbie Cardoza
31252 Peckham Rd.
Wilder, Idaho 83676
dcardflash@aol.com

8 photos attached

From: DEBBIE CARDOZA dcardflash@aol.com

Subject: Photo from my window

Date: Oct 27, 2023 at 10:38:02 AM

To: dcardflash@aol.com



↑ from inside my living room
This is my window sill.

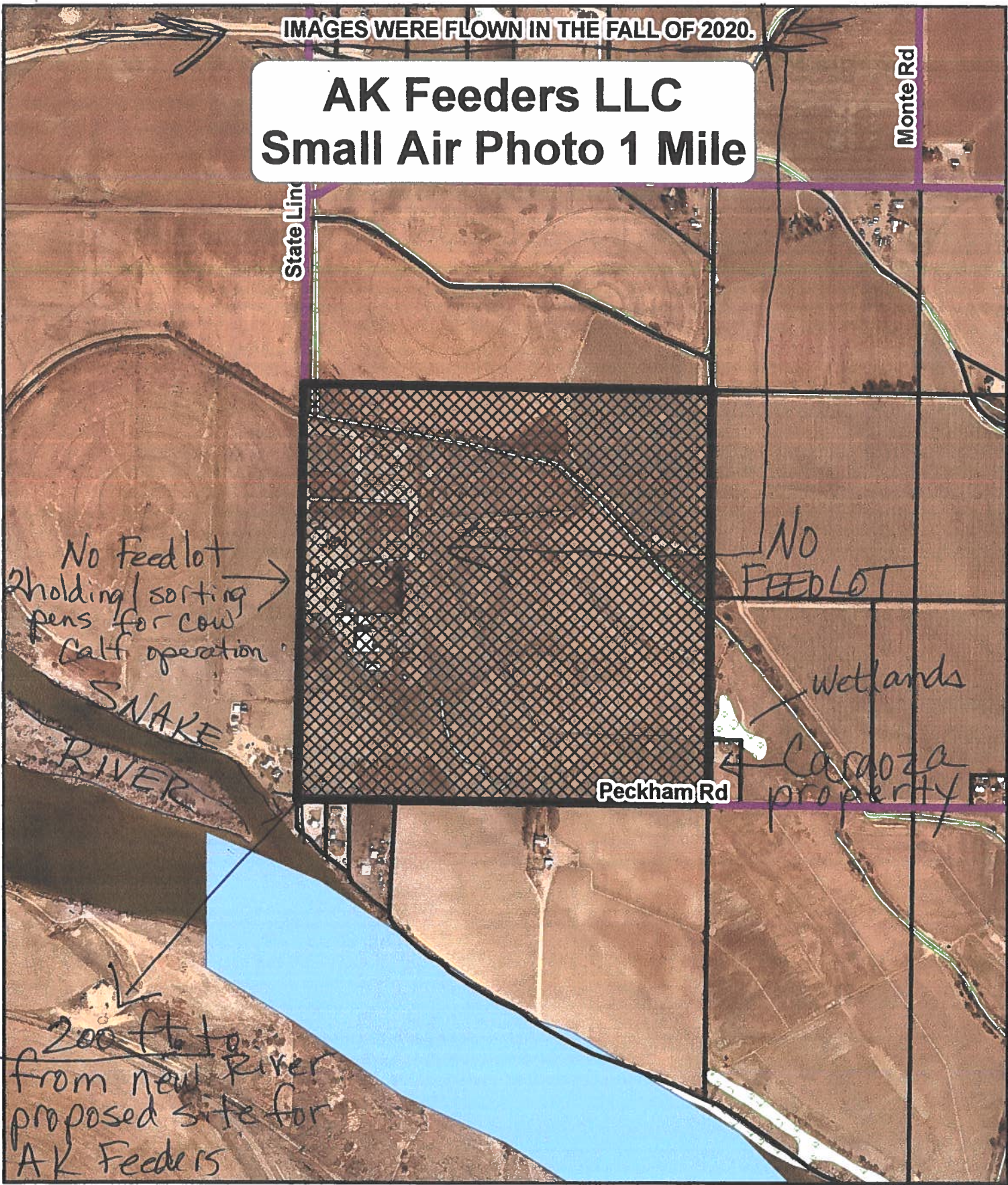
↳ Konradetti AK Forster 110. Bestimmung Konstruktion an Nordfeld 1st

8-9-22



IMAGES WERE FLOWN IN THE FALL OF 2020.

AK Feeders LLC Small Air Photo 1 Mile



From: DEBBIE CARDOZA dcardflash@aol.com

Subject: Well proximity to fence

Date: Oct 27, 2023 at 10:45:34 AM

To: dcardflash@aol.com



proposed AK
Feeders fence
line

Cardoza
property Line



Our Well only 28 feet deep
only 100 feet from DeBenedetti fence line

From: **DEBBIE CARDOZA** dcardflash@aol.com
Subject: **Photo of proximity of fence to well**
Date: **Oct 27, 2023 at 10:39:26 AM**
To: **dcardflash@aol.com**



fence line
proposed
←
from our
property
line
Cardoza



10/5/22 NEW CONSTRUCTION OF
FEED LOT



10/5/22 NEW CONSTRUCTION OF FEEDLOT

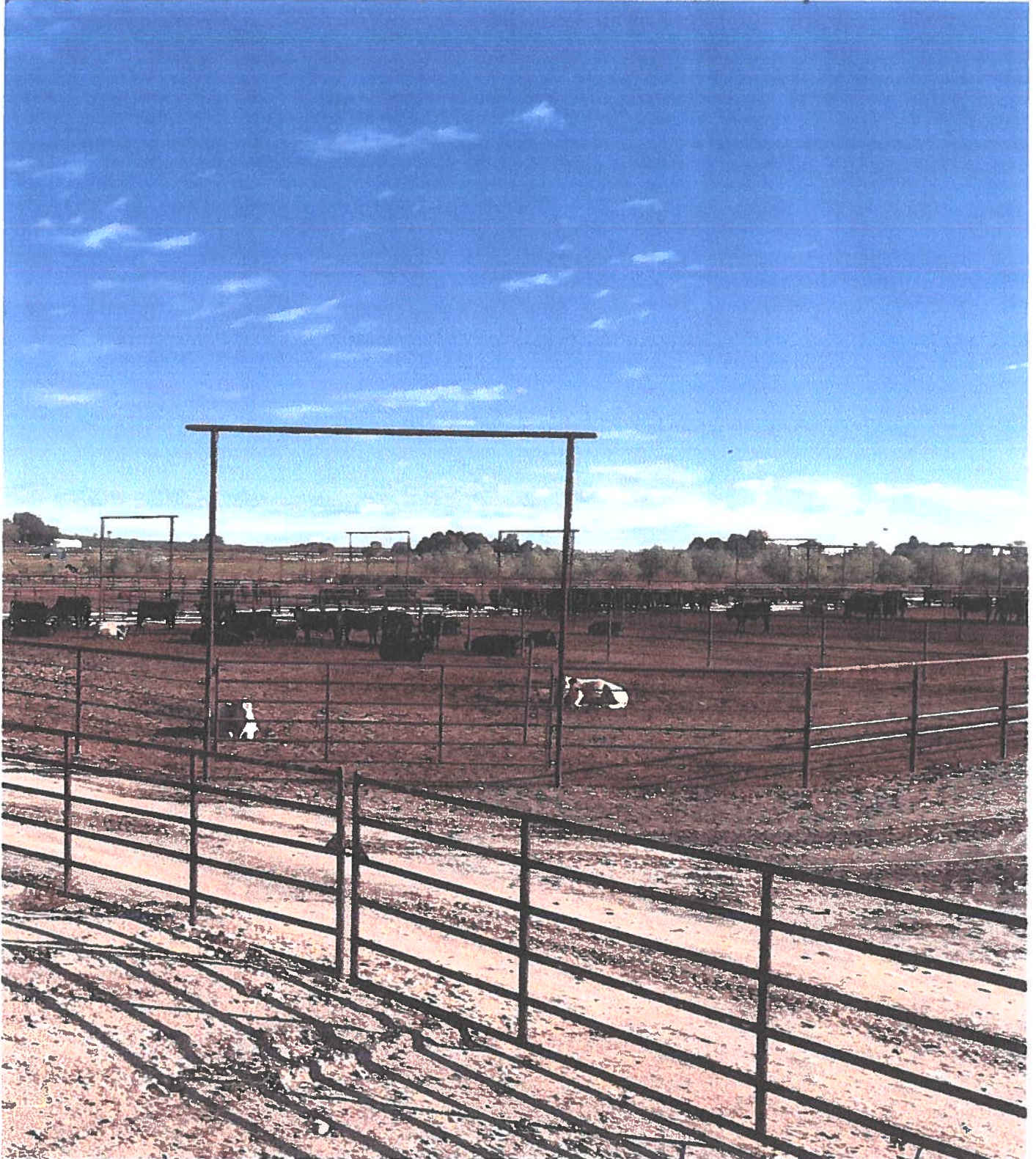
From: DANNY CARDOZA dcardflash@aol.com

Date: Oct 27, 2023 at 10:55:18 AM

To: Debbie Cardoza dcardflash@aol.com

PERMIT STILL NOT APPROVED

→ PHOTO TAKEN - THIS WAS ALL CONSTRUCTED AFTER DeBenedetti applied for Permit.



ALL NEW CONSTRUCTION - STARTED 8/22 - APPROX. 4/2023
8/9/2022

September 15, 2022

To: Canyon County Commissioners Smith, Beek, White
115 Albany St., Rm. 101
Caldwell, ID 83605
bocc@canyoncounty.id.gov

From: Brad & Victoria Case
30769 Red Top Rd.
Wilder, ID 83676
Victoriacase92@gmail.com
208-573-5271

RE: **Case # CU2022-0036; AK Feeders, LLC Master Application with C.C. Development Services**

Canyon County Commissioners:

We are writing in regards to the application for a C.A.F.O. development (see above mentioned case number) in Arena Valley, just west of Wilder, Idaho near the Oregon Border. (Address – 22704 Stateline Rd., Parma, ID). The Case family has lived on nearby land for several generations. We homesteaded this part of Arena Valley in the late 1800's. It is now 5th generation farm and ranch ground in our family, as our son just built his own home on the property. We raised our family here and plan to live out our days on this exceptional rural land, in what used to be a peaceful, quiet area. We have several concerns with a feedlot operation that large in the proposed area:

- Heavy traffic of semi-size trucks
- Constant noise
- Increased traffic/congestion/insufficient road width
- Extreme negative impact on the high table of the aquifer & surface water convergence of the Arena Lake, Case, and Allen drains.
- Dust and insect pollution for all surrounding homeowners
- Property value decline
- Peace/tranquility in our valley
- Waste water run off will go straight to the Snake River in Oregon
- Prolific development of new wells – 6,000 head of cattle consume a lot of water
- Current residential well contamination (research what happened to a whole community in Weiser, Idaho when nitrates destroyed their well water quality).
- The residents who have moved into this valley did so PRIOR to any proposed C.A.F.O., not after.

The proposal states that this is an expansion of an existing C.A.F.O. However, it is not an expansion of existing feedlot facilities. All feed bunk commodity storage

facilities would be built as new. We have been in contact with a lawyer associated with the Idaho Water Users Association, as there are three drains negatively affected by this application. He advised us to demand a C.A.F.O. Siting investigation from Canyon County to the Idaho Department of Ag.

We, as well as our neighbors, are concerned about our property values declining in an area that does not have an existing feedlot. Most in this area do not oppose the current cattle operation (pasturing) of AK Feeders.

We would appreciate a response from your particular agency regarding our concerns. We also would like this correspondence entered into the official record for this case (CU2022-0036).

Thank you very much,

V. Brad Case
Victoria A. Case

CC: Canyon County Development Services
Idaho State Department of Agriculture
Idaho Department of Environmental Quality
Idaho Department of Water Resources
Oregon Department of Transportation
Oregon Department of Environmental Quality

Debbie Root

From: Debbie Root
Sent: Tuesday, February 28, 2023 11:17 AM
To: 'DEBBIE CARDOZA'
Cc: Debbie Root
Subject: RE: [External] News on CU 2022-0036

Debbie,

Thank you for reaching out. The applicants have not submitted all of the required documentation for us to continue processing the application at this time. I have received additional information from them that they are continuing to work on the required documents and should have them to us within the month. It will be important for you to remain vigilant in the process and provide substantiated documentation and comments with regards to the impact this would cause to your property. Personally I would have the well tested regularly so that you have documentation regarding any ill-effects that may be created by an expansion of the feedlot facility and any nutrient management plan that they may set forth for the Department of Agriculture to consider during the review of the siting committee.

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

Development Services Department (DSD)
NEW public office hours
Effective Jan. 3, 2023
Monday, Tuesday, Thursday and Friday
8am – 5pm
Wednesday
1pm – 5pm
**We will not be closed during lunch hour **

-----Original Message-----

From: DEBBIE CARDOZA <dcardflash@aol.com>
Sent: Monday, February 27, 2023 11:07 AM
To: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: [External] News on CU 2022-0036

Hello, the concerned citizens of arena valley would like to know if the site advisory team has started their due diligence on the permit for AK Feeders on State line road In Wilder. We would also like to know if they have submitted a site plan . We are very concerned about our ground water and well contamination my well is only 28 feet deep and the ground water level out here is very high.
Thank you for keeping us informed.

Sent from my iPhone

Debbie Root

From: Dee Dee Alderson <dalderson@marsingschools.org>
Sent: Tuesday, October 24, 2023 6:14 AM
To: Debbie Root; ZoningInfo; BOCC; CC Clerk
Cc: buck@snakeriverwaterkeeper.org; Dejl ranch@aol.com; gt40pilot@yahoo.com
Subject: [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099

This email is **concerning the application and upcoming hearing to create a CAFO at 21696 State Line, Wilder, ID 83676, under ownership of AK Feeders/David Debenedetti and Victoria A. Debenedetti. CU2022-0036** Some of my concerns are as follows:

- The CAFO "application" and "project" that now show on the Canyon County website is **NOT** the same as the original "application" nor its "proposed project" that was shown to those who attended the Neighborhood Meeting on 6/28/22. **The "application" and "project" have been changed and replaced by other parcels. How can this be without providing new information to those whom it will impact? We have been denied our right to review the actual proposal at a legally required Neighborhood Meeting.** The hearing date of November 16, 2023, **MUST be postponed so our legal rights for a Neighborhood Meeting can be upheld.**

- "Notices" were only put on the same road. Two public notice signs were placed, one in front of the property on State Line and one on Peckham. This allows the same people to see the "notice", as one road turns into the other. **No "notice" sign was placed on the main road of Red Top which runs on the north side of their property.** I only found out about the upcoming deadline and notice because a neighbor came by and told me.

- **Heavy traffic of semi trucks:** The "plan" says the semis will use State Line Road; but from there, it is not said. Peckham? Red Top? They do not say. I'm sure trucks won't go very far on State Line Rd., as to the north it turns into gravel. This means they will use Peckham or Red Top, unless they are driving into Oregon. Debenedetti has other cow operations in Idaho and California, so I would presume that he would head there and not through Oregon.

I can continue my comments talking about the excessive smell, flies, dust (damage to local hop fields), excessive year-around semi traffic, property value decline, the loss of our peaceful/tranquil valley, and noise that this Cafo will bring to our lives; however, one of the biggest long term concerns is the **damage to our local aquifer and the Snake River.** The area owned by AK Feeder/Debenedetti has a **very high water table,** as does that whole area. There are already cattle that freely roam in the creek that runs through their property. There is a run-off drain, for excess water or whatever is running through the field, at the corner of State Line Rd. and Peckham Road. This runoff drain flows directly into the Snake River.

- The **Snake River** already suffers from a tremendous amount of pollution from fertilizer runoff and cattle waste. **The addition of a CAFO will only increase the pollution to the Snake River, harming our fish, wildlife, and river even more.**

- **Well Water Poisoning** (drinking water): Our wells are not very deep! Several families have their **wells within steps of the feedlot (CAFO).** Many homes/wells in the area already have a **high nitrate count.** The **Idaho DEQ already shows the prospective CAFO property as having contamination** on their Source Water Assessment and Protection page. (<https://mapcase.deq.idaho.gov/swa/>) The DEQ's High Nitrate map also shows that the CAFO is **just west of an already mapped 2020 High Nitrate Priority Area.** (<https://mapcase.deq.idaho.gov/swa/>). What are we to do if we lose our drinking water? Some of these homes and wells have been here for over a hundred years. My home has been here for 90 years. Whether our home is old or new, **Idaho water MUST be protected!** Placement of a CAFO in an area where the water table and Snake River is not vulnerable is a much wiser decision.

- **Loss of Our Wells:** With the use of additional water for the CAFO, how much will this lower our wells?

- **Pulling Water From the Creek:** I understand that AK Feeders is applying for additional water usage from the live water through their property. **How and why will they be allowed additional shares of water? This is information that must be provided at the new Neighborhood Meeting.**

People should be allowed to use their land. We live in the country, many of us have animals. I like seeing the cows. I love a good steak. I don't mind hearing cows **most of the time**; however, there is a **HUGE difference between running some cows on your land and having a CAFO with 4 to 6 times more animals than David Debenedetti's current operation is allowed.** Victoria A. Debenedetti will not hear or smell the proposed CAFO, as she lives in California. She is not concerned with any water in Idaho.

CAFO are usually placed away from, well, anyone. There is a reason... There are pools of cow manure sludge - CAFOs smell terrible. There is no such thing as a good smelling CAFO! Having delivered truck parts to feedlots and CAFOs in Oregon and Idaho, I know that they smell. They smell all year long, though sometimes it is so bad that you can taste it in the air. Don't believe it? Go visit a few CAFOs. They make your hair, vehicle, and home stink. AK Feeder said, "It will be a dry lot". Dry cow poo still stinks, then when it rains, you're back to sludge. The flies are like the plague of Egypt and **can not** be controlled. The CAFOs/feedlots that I delivered to were far away from people, and far away from water sources. If there were homes around, it is because the CAFO was there first. The **homes near the proposed CAFO site have been here for a while, long before AK Feeders decided to propose a CAFO at 21696 State Line Rd. Wilder, ID., and the Snake River has been here even longer.**

Finally, **loss of the value of our homes. Not just the loss of monetary value, but the loss of enjoyment.**

You must allow us to have a Neighborhood Meeting with this new information, even more so, you must put a **stop to the request of AK Feeder to put a CAFO at the above listed site.** You must protect the water and our right to a peaceful life.

Dee Dee Alderson
22440 State Line Road
Parma, ID 83660
208-741-2145

My address is Parma, because I am north of Red Top Road. I am about a half mile from the proposed CAFO site, and just under a mile from the drainage where AK Feeders currently has runoff draining into the Snake River.

Debbie Root

From: Debbie Root
Sent: Tuesday, October 24, 2023 8:44 AM
To: 'Dee Dee Alderson'
Cc: buck@snakeriverwaterkeeper.org; Dejlranch@aol.com; gt40pilot@yahoo.com; Debbie Root
Subject: RE: [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099

Dee Dee Alderson,

Thank you for your very thoughtful letter. It will be submitted to the hearing body for consideration.

To address a couple of items specifically:

The neighborhood meetings are informational for the neighbors in the immediate vicinity and for the property owner to gauge and consider the concerns of the neighbors. The applicant has met the requirements. The project area initially discussed in the neighborhood meeting and with the initial application has changed—one of the parcels was removed from the application providing for more buffering between the local neighbors and the feed yard. The property area has been consolidated to a portion of the parcel located south of the Allen Drain. Initially the area north of the drain was proposed as part of the CAFO. The properties north of the Allen Drain are not currently under consideration for this CAFO permit. Applications are frequently modified during the review and processing phases of the applications. The public hearing process is the opportunity for the neighbors and community to provide public testimony in opposition or support of the proposed land use—in this case a CAFO (feedlot).

The cattle numbers originally proposed to be 6000 head have been reduced to 3700 head of feeders. The footprint (layout of pens) has been modified to better accommodate the needs of the operator, the site topography, and drainage. The acreage 70-80 acres identified for the operation is not different. The Idaho State Department of Agriculture (ISDA) is the jurisdictional authority over the construction and management of the proposed waste facilities on the site. They are also tasked with ensuring that an operator is not violating the water quality permits and laws. If the county approves the CAFO CUP then the ISDA will review and approve as well as perform ongoing inspections of the facility to ensure compliance with their codes.

Per Canyon County Code noticing procedures staff notified property owners living within 1000 feet of the property boundaries of Parcel R37348010 (163+ acres) of the upcoming hearing and posted hearing notice signs on the two public roads that border the property per State Statutes. Staff also notified the individuals (outside of the radius) who had provided written communications during the course of this application process. The original application materials have been posted to the Canyon County website in the Land Hearing section "In Process Applications" since spring of 2023 and the revised application materials have been on the website for more than a month inclusive of all documents staff has received from applicants, agencies, and property owners.

The public roads in the area will be utilized to transport cattle, feed, employees and support functions of the proposed business. The applicant provided the highway district with a Traffic Analysis as required by the district and the applicant will be required to meet the Highway District requirements. Oregon Department of Transportation (ODOT) has also responded to the application. This is an agriculturally intensive area and agricultural activities including truck traffic, tractors, other farm equipment, employee vehicles etc. are expected on the roadways.

AK Feeders has applied for and been approved for additional stockwater rights. This is groundwater (not surface irrigation or creeks) that will be from a well located on the property and must comply with the permits from the Idaho Department of Water Resources.

I appreciate your concerns and encourage you to attend the Nov. 16th hearing to provide your testimony to the Planning and Zoning Commission.

Respectfully,

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

Development Services Department (DSD)
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Effective Jan. 3, 2023
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**We will not be closed during lunch hour **

From: Dee Dee Alderson <dalderson@marsingschools.org>
Sent: Tuesday, October 24, 2023 6:14 AM
To: Debbie Root <Debbie.Root@canyoncounty.id.gov>; ZoningInfo <ZoningInfo@canyoncounty.id.gov>; BOCC <BOCC@canyoncounty.id.gov>; CC Clerk <CanyonCountyClerk@canyoncounty.id.gov>
Cc: buck@snakeriverwaterkeeper.org; Dejlranch@aol.com; gt40pilot@yahoo.com
Subject: [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099

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Dee Dee Alderson
22440 State Line Road
Parma, ID 83660
208-741-2145

My address is Parma, because I am north of Red Top Road. I am about a half mile from the proposed CAFO site, and just under a mile from the drainage where AK Feeders currently has runoff draining into the Snake River.



Dear Ms. Root:

We have been forwarded a copy of the attached email from one of our neighbors, DeeDee Alderson and your response to her.

1) **We sent you an email a few days ago demanding that the Nov 16 hearing on this AK Feeders matter be postponed due to our rights being violated and you have not responded. Please respond (more detail below).**

2) **Are you licensed and are you empowered by Canyon County to be interpreting State and County laws and stating them as fact to citizens?**

3) The first sentence in your email to Mrs. Alderson states, "The neighborhood meetings are informational for the neighbors in the immediate vicinity and for the property owner to gauge and consider the concerns of the neighbors. The applicant has met the requirements". This is not what Canyon County law states and, no, the applicant has NOT met that "legal" requirement as we informed you in our email to you mentioned in #1 above.

Canyon County Zoning Law CCZO 07-01-15 (1) requires a neighborhood meeting for any proposed conditional use. Section CCZO 07-01-15(3) states: "**(3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.**"

The term "shall be" is legal language meaning "legally required and mandatory" so the purpose of the neighborhood meeting is legally required and mandatory **"TO REVIEW THE PROPOSED PROJECT"**. Under the law, Neighborhood meetings are NOT simply "informational" as you have stated. Neighbors at the only Neighborhood meeting held were NOT shown the "proposed project" (see #4 below).

4) As stated above, we sent you an email a few days ago demanding your November 16 hearing be postponed until such time as Mr. DeBenedetti is required to follow the law and hold another Neighborhood meeting, this time presenting the actual "proposed project" to the neighboring property owners. As we told you in our email, the "proposed project" that was presented to the neighboring property owners was NOT what is now on your web page for your Nov 16 P&Z hearing. Importantly, in your email to Mrs. Alderson you have confirmed the violation of our rights by stating that the "initial application has changed" then going on to chronicle all the changes that had been made from the only "proposed project" neighboring property owners were shown at the Neighborhood meeting.

Your entire email to Mrs. Alderson chronicles all the changes that have been made in the "proposed project" from the "proposed project" we were shown at the Neighborhood meeting. The law requires that all these "changes" that constitute an entirely new "proposed project", should have been presented to the neighboring property owners at the Neighborhood meeting, not in an email from a County planner to one person after the fact. By law, the neighbors should have been shown the **actual** "proposed project" and been able to "discuss neighborhood concerns" and our right to do this has been violated as we told you in our earlier email.

5) In your email to Mrs. Alderson you stated, " Per Canyon County Code noticing procedures staff **notified property owners living within 1000 feet** of the property boundaries of Parcel R37348010 (163+ acres) of the upcoming hearing **and posted hearing notice signs on the two public roads that border the property per State Statutes.**"

Canyon County Code states:

"07-05-01: NOTICE PROCEDURE:

(1) Notice Procedures: Notice shall be given for all proceedings in accordance with Idaho Code sections 67-6509, 67-6511 and 67-6512, as applicable, except as provided for in subsection (2) of this section.

(2) Special Notice Procedures: When notice is required to two hundred (200) or more property owners or purchasers of record, notice shall be provided as follows:

A. Notice shall be provided to property owners or purchasers of record, within the land being considered and properties within **six hundred feet (600') beyond the external boundaries of the land being considered;** and...

B. The county shall publish the public hearing notice in the official newspaper or newspaper of general circulation at least fifteen (15) calendar days prior to the date of hearing. In addition, the county shall provide notice through a display advertisement at least four inches (4") by two (2) columns in size in the official newspaper of the county at least fifteen (15) calendar days prior to the hearing date. **Notice shall also be posted on all public and/or private roads abutting the development not less than one week prior to the hearing."**

Please provide us with the "Canyon County Code" that you referenced to Mrs. Alderson that requires property owners "living **within 1000 feet** of the property boundaries" to be notified.

Please provide us with the "State Statute" that you referenced to Mrs. Alderson that requires hearing notice signs on the public roads that "**border the property**". Idaho's Open Meeting Statute 74-204 makes no mention of placement of road signs.

Please explain why, since County Code 07-05-01(2) B above states that the signs shall ("shall" is a legal term that means that the law mandates it be done) be posted on roads "**abutting the development**", why you posted a road sign on Peckham Road? The new "plan" map on your website does not show the development drawing abutting Peckham Road and the term in this

law, “abutting”, means “have a common boundary with”. The new plan does not abut Peckham Road yet you placed a road sign there.

As just stated above, the “new plan” on your website has a drawing of the proposed site that does not “abut” Peckham Road yet you placed a road sign there. The “plan” neighbors were shown has a drawing of the proposed site near Red Top Road that does not “abut” Red Top Road either yet you did not place a road sign on Red Top. Please explain why you put a road sign on Peckham and not Red Top. As you know, many of the citizen property owners that will be affected by this land use if it were approved live along Red Top Road.

In your email to Mrs. Alderson you made no mention of the requirement in the County law that states, “The county shall publish the public hearing notice in the official newspaper or newspaper of general circulation at least fifteen (15) calendar days prior to the date of hearing”. Please provide a copy of this newspaper notice showing the date it was published”.

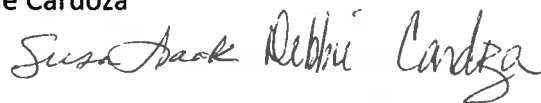
You make a number of affirmative statements in your email to Mrs. Alderson, e.g., “The public roads in this area **will be** utilized to transport cattle, feed...and support functions of the proposed business”; “This is groundwater that **will be** from a well located on the property”. Your email to Mrs. Alderson leaves the impression that this “proposed” Application and land use has already been approved by DSD. **As a result, attached is a Records Request for a copy of DSD’s written recommendation on this project to the P&Z Commissioners.**

We are copying your Office Manager, Jennifer Almeida, on this email to make sure that we get answers to the emails we have sent you, including this one.

Our rights have been violated as stated above and we expect an answer from you about postponing the November 16 hearing.

Susan Isaak & Debbie Cardoza

Attachments:



- Records Request for DSD’s recommendation to P&Z Commissioners Re: AK Feeders proposal
- Copy of Mrs. Alderson email to Ms. Root and Ms. Root’s response

Subject: Fwd: [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099
Date: October 24, 2023 at 6:35 PM
To: Susan Isaak isaakrn@gmail.com



Begin forwarded message:

From: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: RE: [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099
Date: October 24, 2023 at 8:44:03 AM MDT
To: 'Dee Dee Alderson' <dalderson@marsingschools.org>
Cc: "buck@snakeriverwaterkeeper.org" <buck@snakeriverwaterkeeper.org>, "Dejlran@aol.com" <Dejlran@aol.com>, "gt40pilot@yahoo.com" <gt40pilot@yahoo.com>, Debbie Root <Debbie.Root@canyoncounty.id.gov>

Dee Dee Alderson,

Thank you for your very thoughtful letter. It will be submitted to the hearing body for consideration.

To address a couple of items specifically:

The neighborhood meetings are informational for the neighbors in the immediate vicinity and for the property owner to gauge and consider the concerns of the neighbors. The applicant has met the requirements. The project area initially discussed in the neighborhood meeting and with the initial application has changed—one of the parcels was removed from the application providing for more buffering between the local neighbors and the feed yard. The property area has been consolidated to a portion of the parcel located south of the Allen Drain. Initially the area north of the drain was proposed as part of the CAFO. The properties north of the Allen Drain are not currently under consideration for this CAFO permit. Applications are frequently modified during the review and processing phases of the applications. The public hearing process is the opportunity for the neighbors and community to provide public testimony in opposition or support of the proposed land use—in this case a CAFO (feedlot).

The cattle numbers originally proposed to be 6000 head have been reduced to 3700 head of feeders. The footprint (layout of pens) has been modified to better accommodate the needs of the operator, the site topography, and drainage. The acreage 70-80 acres identified for the operation is not different. The Idaho State Department of Agriculture (ISDA) is the jurisdictional authority over the construction and management of the proposed waste facilities on the site. They are also tasked with ensuring that an operator is not violating the water quality permits and laws. If the county approves the CAFO CUP then the ISDA will review and approve as well as perform ongoing inspections of the facility to ensure compliance with their codes.

Per Canyon County Code noticing procedures staff notified property owners living within 1000 feet of the property boundaries of Parcel R37348010 (163+ acres) of the upcoming hearing and posted hearing notice signs on the two public roads that border the property per State Statutes. Staff also notified the individuals (outside of the radius)

the property per State Statutes. Staff also notified the individuals (outside of the radius) who had provided written communications during the course of this application process. The original application materials have been posted to the Canyon County website in the Land Hearing section "In Process Applications" since spring of 2023 and the revised application materials have been on the website for more than a month inclusive of all documents staff has received from applicants, agencies, and property owners.

The public roads in the area will be utilized to transport cattle, feed, employees and support functions of the proposed business. The applicant provided the highway district with a Traffic Analysis as required by the district and the applicant will be required to meet the Highway District requirements. Oregon Department of Transportation (ODOT) has also responded to the application. This is an agriculturally intensive area and agricultural activities including truck traffic, tractors, other farm equipment, employee vehicles etc. are expected on the roadways.

AK Feeders has applied for and been approved for additional stockwater rights. This is groundwater (not surface irrigation or creeks) that will be from a well located on the property and must comply with the permits from the Idaho Department of Water Resources.

I appreciate your concerns and encourage you to attend the Nov. 16th hearing to provide your testimony to the Planning and Zoning Commission.

Respectfully,

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

Development Services Department (DSD)
~~NEW~~ public office hours
Effective Jan. 3, 2023
Monday, Tuesday, Thursday and Friday
8am – 5pm
Wednesday
1pm – 5pm
**We will not be closed during lunch hour **

From: Dee Dee Alderson <dalderson@marsingschools.org>
Sent: Tuesday, October 24, 2023 6:14 AM
To: Debbie Root <Debbie.Root@canyoncounty.id.gov>; ZoningInfo <ZoningInfo@canyoncounty.id.gov>; BOCC <BOCC@canyoncounty.id.gov>; CC Clerk <CanyonCountyClerk@canyoncounty.id.gov>
Cc: buck@snakeriverwaterkeeper.org; Dejlranch@aol.com; gt40pilot@yahoo.com
Subject: [External] CU2022-0036: AK Feeders CAFO at 21696 State Line Rd , Wilder, ID 83676-5099

This email is **concerning the application and upcoming hearing to create a CAFO at 21696 State Line, Wilder, ID 83676, under ownership of AK Feeders/David Debenedetti and Victoria A. Debenedetti. CU2022-0036** Some of my concerns are as follows:

as follows.

- The CAFO "application" and "project" that now show on the Canyon County website is **NOT** the same as the original "application" nor its "proposed project" that was shown to those who attended the Neighborhood Meeting on 6/28/22. **The "application" and "project" have been changed and replaced by other parcels. How can this be without providing new information to those whom it will impact? We have been denied our right to review the actual proposal at a legally required Neighborhood Meeting.** The hearing date of November 16, 2023, **MUST be postponed so our legal rights for a Neighborhood Meeting can be upheld.**

- "Notices" were only put on the same road. Two public notice signs were placed, one in front of the property on State Line and one on Peckham. This allows the same people to see the "notice", as one road turns into the other. **No "notice" sign was placed on the main road** of Red Top which runs on the north side of their property. I only found out about the upcoming deadline and notice because a neighbor came by and told me.

- **Heavy traffic of semi trucks:** The "plan" says the semis will use State Line Road; but from there, it is not said. Peckham? Red Top? They do not say. I'm sure trucks won't go very far on State Line Rd., as to the north it turns into gravel. This means they will use Peckham or Red Top, unless they are driving into Oregon. Debenedetti has other cow operations in Idaho and California, so I would presume that he would head there and not through Oregon.

I can continue my comments talking about the excessive smell, flies, dust (damage to local hop fields), excessive year-around semi traffic, property value decline, the loss of our peaceful/tranquil valley, and noise that this Cafo will bring to our lives; however, one of the biggest long term concerns is the **damage to our local aquifer and the Snake River.** The area owned by AK Feeder/Debenedetti has a **very high water table**, as does that whole area. There are already cattle that freely roam in the creek that runs through their property. There is a run-off drain, for excess water or whatever is running through the field, at the corner of State Line Rd. and Peckham Road. This runoff drain flows directly into the Snake River.

- The **Snake River** already suffers from a tremendous amount of pollution from fertilizer runoff and cattle waste. **The addition of a CAFO will only increase the pollution to the Snake River, harming our fish, wildlife, and river even more.**

- **Well Water Poisoning** (drinking water): Our wells are not very deep! Several families have their **wells within steps of the feedlot (CAFO).** Many homes/wells in the area already have a **high nitrate count.** The **Idaho DEQ already shows the prospective CAFO property as having contamination** on their Source Water Assessment and Protection page. (<https://mapcase.deq.idaho.gov/swa/>) The DEQ's High Nitrate map also shows that the CAFO is **just west of an already mapped 2020 High Nitrate Priority Area.** (<https://mapcase.deq.idaho.gov/swa/>). What are we to do if we lose our drinking water? Some of these homes and wells have been here for over a hundred years. My home has been here for 90 years. Whether our home is old or new, **Idaho water MUST be protected!** Placement of a CAFO in an area where the water table and Snake River is not vulnerable is a much wiser decision.

- **Loss of Our Wells:** With the use of additional water for the CAFO, how much will this lower our wells?

- **Pulling Water From the Creek:** I understand that AK Feeders is applying for additional water usage from the live water through their property. **How and why will**

they be allowed additional shares of water? This is information that must be provided at the new Neighborhood Meeting.

People should be allowed to use their land. We live in the country, many of us have animals. I like seeing the cows. I love a good steak. I don't mind hearing cows **most of the time**; however, there is a **HUGE difference between running some cows on your land and having a CAFO with 4 to 6 times more animals than David Debenedetti's current operation is allowed.** Victoria A. Debenedetti will not hear or smell the proposed CAFO, as she lives in California. She is not concerned with any water in Idaho.

CAFO are usually placed away from, well, anyone. There is a reason... There are pools of cow manure sludge - CAFOs smell terrible. There is no such thing as a good smelling CAFO! Having delivered truck parts to feedlots and CAFOs in Oregon and Idaho, I know that they smell. They smell all year long, though sometimes it is so bad that you can taste it in the air. Don't believe it? Go visit a few CAFOs. They make your hair, vehicle, and home stink. AK Feeder said, "It will be a dry lot". Dry cow poo still stinks, then when it rains, you're back to sludge. The flies are like the plague of Egypt and **can not** be controlled. The CAFOs/feedlots that I delivered to were far away from people, and far away from water sources. If there were homes around, it is because the CAFO was there first. The homes near the proposed CAFO site have been here for a while, long before AK Feeders decided to propose a CAFO at 21696 State Line Rd. Wilder, ID., and the Snake River has been here even longer.

Finally, loss of the value of our homes. Not just the loss of monetary value, but the loss of enjoyment.

You must allow us to have a Neighborhood Meeting with this new information, even more so, you must put a stop to the request of AK Feeder to put a CAFO at the above listed site. You must protect the water and our right to a peaceful life.

Dee Dee Alderson
22440 State Line Road
Parma, ID 83660
208-741-2145

My address is Parma, because I am north of Red Top Road. I am about a half mile from the proposed CAFO site, and just under a mile from the drainage where AK Feeders currently has runoff draining into the Snake River.

Debbie Root

From: Christina Marston <ckmarstonclothing@gmail.com>
Sent: Friday, October 27, 2023 2:19 PM
To: Debbie Root
Subject: [External] Case No. CU2022-0036

Debbie,

Please let me know if you received this and if email is an okay way of getting this letter to you. If it isn't I'll drive a copy to the office this afternoon.

Thanks,
Chris Marston

Case No. CU2022-0036
AK Feeders

To Whom it May Concern:

For the past 100 years The Marston Family has lived in Arena Valley on Red Top Road since buying half a homestead to build a future. Charles and Amelia Marston lived in a tent and hauled water from the Snake River for years before their home was built and their well was hand dug on the property. Charlie raised sheep on the farm by digging a series canals to water the property. Charlie and Amelia raised their son Dudley, who when married lived in a home across the road raising his 2 children Marie and William. Bill took over the property in the 1980's when Dudley passed away. In 2005 we (Derek & Christina) bought the family farm and built a home on it with the plan of raising our family. We have raised our 3 children here teaching them to trap gophers, moving the water, spraying the weeds, and the importance of community. My children were raised going to the Arena Valley Hall for the Annual Potluck and Auction with their Great Grandma Mary and Great Grandpa Bill meeting all their neighbors who still came back years after moving away. The Marston Family has been in Arena Valley for 100 years and we are against AK Feeders turning our community into a CAFO.

Cons of AK Feeders CAFO:

We live in a high Nitrate Zone, and have a high water table being right next to the Snake River.

Multiple drain ditches run through the area, AK Feeders have been unsuccessful at keeping their cattle out of them already. All drain ditches go to the Snake River and the CAFO site is feet from the river

Trucking in and out of CAFO have 2 options Red Top Road or Peckham Road, both have extremely tight correction curves, one being blind half of the year from hop fields (Red Top Road) Harvest semis make Red Top Road dangerous during harvest the CAFO would be year round.

AK Feeders hours of operation are 24 hours a day, not seasonal during harvest but everyday.

In the past year we have already seen changes in the operation. The odors are already strong enough we can't open our windows in the evenings, the flies have increased, and the sound of bellowing animals is daily in the mornings. This is not what I have lived by for almost 20 years.

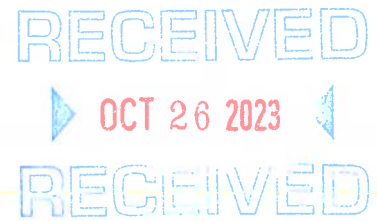
AK Feeders is a new business in Idaho only registering in the last year. This is not an expansion of an existing CAFO but a business wanting to bring in a CAFO to our community.

Property value of our land will be a fraction of what it is currently is worth, costing our family millions of dollars.

We could write a list a mile long of why this not wanted in our community. Water, roads, and our quality of life are my biggest concerns. I did not build my home next to a feedlot that operates 24 hours a day, that risks my domestic well being unusable do to health concerns because of nitrogen contamination, and my front yard no longer a place for my children to play. We are just 1 of this community who have been here multiple generations. We are all pro agriculture because it's our history, but a CAFO doesn't belong in this location. Please hear this community's concerns for our families future generations.

Thank You,
Derek & Christina Marston

31396 Red Top Road



October 25, 2023

To: Canyon County Development Services Department
111 North 11th Avenue, Suite 310
Caldwell, Idaho 83676

Canyon County Commissioners, Debbie Root Case Planner

Regarding Case No. CU 2022 - 0036 application for a new CAFO development and change of proposed site for AK Feeders at 21696 State Line Rd. Wilder, Idaho.

The CAFO Site Advisory Team determined that this site is HIGH RISK. We as neighbors and homeowners are in complete agreement with this report.

We feel a feedlot in this area will be injurious to our property which shares a fence line with the proposed site. Our domestic well is only about 100 ft. from this fence line and only 28 ft. deep. The essential character of this portion of the arena valley will be destroyed.

My husband who is 74 and I have both worked for most of our lives, for the previous 30 years we managed cattle and horse ranches. Living on the properties as part of our salaries we were able to raise our children in the country with values of being stewards of the land. We saved what we could to someday have our own place to call home. We thought we found the perfect little place next to our neighbor, Mr. DeBenedetti who seemed to steward his land as well by rotating his small cow/calf operation on several hundred acres of pasture. We were wrong, our neighbor now under the name of AKFeeders is wanting to put in a feedlot, for thousands of head of cattle on 70/80 acres. This will destroy the land! A High Risk!

On July 11, 2022 our dream of life here in the arena valley became a nightmare. We attended the neighborhood meeting run by Matt Wilke of White Barn Ventures who was representing AK Feeders. They showed us their site plan to build a CAFO for 6 thousand head of cattle! Next door to our home. The thoughts of all the following concerns took over our lives;

- This would be a violation of our constitutional rights as homeowners to the quiet enjoyment of our own property.
- Contaminate our wells, groundwater, aquifers, surface water and the nearby Snake River.
- Air quality - Odors and fugitive poison particulate dust will be harmful to the health and well-being of all neighbors and homeowners.
- Damage to the wildlife, geese, water fowl, deer, fish etc.
- Negative impact and damage to our roads by heavy traffic, semi trucks for cattle, feed and waste management. Dangerous to drivers, the road is narrow and there are two sharp turns on the corner of Peckham Rd. and Case Rd. as well as the sharp curve where Peckham continues onto State Line Rd.
- Property Values will decline, if we found ourselves in the position where we needed to sell this would be difficult with a feedlot next door. We Did Not purchase property next to a feedlot! There was not a CAFO next door when we purchased our property in September 2019!
- Extreme nuisances from constant noise, insect pollution, light pollution, in their revised application which all of us neighbors and homeowners were not aware of until we received our notice of the Public hearing a couple of weeks ago, AK Feeders stated they will operate 24 hours a day 7 days a week.

- Loss of tranquility, peace and quiet enjoyment of our properties, as well as the natural beauty in our valley.“

AK Feeders were in violation of County Ordinance section 08-01-11 which states “An applicant shall not begin construction of a new CAFO prior to the approval of the CAFO siting permit”. They began construction on Aug. 9, 2022 continuing to the present. None of the construction they have now for a feedlot existed on the site! The only thing they had for the cattle were two large wooden pens that were being used for the cow/calf operation. Again, there WAS NOT a feedlot or CAFO at this site. The new site that was on the notice has never been presented to the neighbors/homeowners. This new proposed site looks like it goes all the way to the property line on the corner of State Line and Peckham Rd. THIS IS ONLY ABOUT 200 FEET FROM THE SNAKE RIVER!

We need to have a new neighborhood meeting to ask the questions we need answers to of the new site plan, more definition of the new location is needed.

We feel that our rights are being taken away if this permit for a CAFO is approved.

Mr. DeBenedetti has other options, he owns cattle operations in California, Oregon and other places in Idaho. He doesn't even live in Idaho, he lives in Oregon. He has the means to have this CAFO in other locations where it won't destroy other homeowners properties, won't contaminate and destroy our wells, or be injurious to properties in the immediate vicinity.

Please take all these concerns seriously, We don't have other options, our life savings are tied up in our property which shares a fence line with the proposed CAFO. Our view from our home and yard will be that of a feedlot with cattle standing on mounds of manure, instead of the cows quietly grazing on the pasture that we have now.

We would like this correspondence entered into the official record for this case CU2022-0036.

Thank you,
Danny and Debbie Cardoza
31252 Peckham Rd.
Wilder, Idaho 83676
dcardflash@aol.com

RECEIVED
▶ OCT 26 2023 ◀
RECEIVED

Debbie Root

From: DEBBIE CARDOZA <dcardflash@aol.com>
Sent: Saturday, October 28, 2023 6:22 PM
To: Debbie Root
Subject: [External] CU2022-0036

TO: Canyon County P&Z Commissioners
c/o Debbie Root, DSD

RE: AK Feeders CU2022-0036

Ladies & Gentlemen:

You should find in the file you are reviewing for the above proposed land use, several emails and letters to the DSD Staff from us local property owners indicating that our rights have been violated. These communiques speak for themselves.

We wish to add before the record closes today (10/28/2023), that the "proposed project" we were shown by AK Feeders at their 6/28/22 Neighborhood Meeting and the "Dear Neighbor" letter they sent to us claimed that their "project" would use 70 acres for their desired 6,000 head of cattle. There was no engineered drawing proving the exact amount of acreage they wished to use, only a statement on their Dear Neighbor letter that it was 70 acres. This acreage on the drawing we were shown included about 2/3 of parcel R37315-010, making it about 26 acres on parcel R37315-010 plus whatever their existing barn area is, again, for 6,000 head.

The map of the "new" "proposed project" on the County's Land Use web page that neighboring property owners were never shown, thus violating our rights, shows an acreage in a totally different parcel and much larger than what we were shown plus their existing barn area, yet this "new" "proposed project" calls for only 3,700 head of cattle.

The "project" they showed us, they said, was for 70 acres for 6,000 head of cattle, yet they are using the same flawed, original Application for this "new" "project" still calling for 70 acres but for 3,700 head of cattle. They shouldn't need the same amount of acres (70 acres) for half the number of cattle they appear to now be requesting. Continuing to use the flawed Application with a guess of "plus or minus 70 acres" should not be allowed. We are concerned that this is a sly attempt to get a permit for 70 acres so that they could just expand any time they want to in the future to 6,000 head without needing another permit from the county, thus continuing to violate our Constitutional rights to use of our properties and destroying our property values.

Our rights under the law to "review the proposed project" have been violated and we are demanding that the November 16 hearing be cancelled until Mr. DeBenedetti follows the law and presents the **actual** "proposed plan" to neighboring property owners for our review and comment. The above information is yet another issue that all neighboring property owners have been denied review and comment on because we were never shown this "new" "proposed project".

Cancel your November 16, 2023 hearing on this matter until the law is followed and AK Feeders is required to hold a Neighborhood Meeting to show us the actual "proposed plan" so we can then send our testimony on the actual "proposed plan" to the County before any hearing is held. Also, require AK Feeders to re-do their Application with factual information on it for this actual "proposed plan" and re-submit it to the County.

Sincerely,

Debbie Cardoza
31252 Peckham Road
Wilder, ID 83676

Sent from my iPhone

October 23, 2023

VIA EMAIL

RECEIVED
▶ OCT 25 2023 ◀
RECEIVED

Ms. Pam Dilbeck
Sr. Administrative Specialist
Canyon County Development Services Depart.
111 N. 11th Street, #310, Caldwell, ID 83605

cc: Sabrina Minshall
Director, DSD
Development Services Depart.
Canyon County

RE: You have several problems with your CU2022-0036 AK Feeders

Dear Ms. Dilbeck:

This is in response to your October 12, 2023 email and letter to us responding to our October 10, 2023 Records Request as well as the Public Notice you mailed to neighboring property owners. We have reviewed these materials you sent us and, as you suggested, we have also looked on the County's Land Use Hearings web page for this now-scheduled November 16, 2023 Preliminary Hearing on this matter, and you have several problems.

Canyon County Zoning Law CCZO 07-01-15 (1) requires a neighborhood meeting for any proposed conditional use. Section CCZO 07-01-15(3) states: "**(3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.**"

The first problem you have is that we are being denied our rights to provide written testimony by the date specified on your Notice, October 28, 2023, because the Public Notice you sent us is **NOT** for the Plan that was presented to us at the 6/28/22 Neighborhood Meeting. We cannot provide written testimony for a Plan we know nothing about. The second problem is that the "Application" and "project" on your website is **NOT** the original "Application" nor is it, again, the "proposed project" presented to all of us who attended the only Neighborhood Meeting on 6/28/22 and signed the "Neighborhood Meeting sign-Up" sheet in your file. The "Application" has been doctored and the parcels presented to us for this "project" have also been doctored and replaced with other parcels. A number of the major parameters of this "project" presented to us by AK Feeders at the 6/28/22 Neighborhood Meeting have been completely changed, e.g., the parcels for this project have changed; the location of the "project" has changed; the size of project has changed; the number of cattle has changed, etc. What you have on your website and what you sent us on your Public Notice is, again, **NOT** what we were presented with at the Neighborhood Meeting on 6/28/22 and, therefore, we have been denied our rights to review the actual "proposal" at the legally-required Neighborhood Meeting and to provide written testimony.

EXHIBIT
60

RECEIVED
▶ OCT 25 2023 ◀
RECEIVED

As neighbors, property owners, and citizens who will be affected by this project, the law requires that we be provided with a Neighborhood Meeting to "review the proposed project" which means to "review the ACTUAL proposed project" before it goes to any County hearings. The County is required to follow the law so we are demanding that your November 16 hearing be cancelled until such time as the law is followed and another Neighborhood Meeting be held, this time with the actual details of any AK Feeders' "project" presented to us.

In addition, we know that you have more material in your file that was not provided to us through our Records Request, so your response was inadequate.

We, the undersigned, who also signed the first "Neighborhood Meeting Sign-up" sheet for CU2022-0036 AK Feeders demand that the law be followed and that the November 16, 2023 DSD hearing on this matter be cancelled until such time as another Neighborhood Meeting is provided as required by law for us to review the "actual project" by AK Feeders.

Sincerely,

Name:

Address:

Victoria A. Case
V. Brad Case

30769 Red Top Rd, Wilder, ID 83676
30769 REDTOP RD WILDER ID
83676

Dee Dee Alderson
Tom Alderson

22440 State Line Rd Parma, ID 83660
22440 STATE LINE RD, PARMA, ID

Shawna Rockoster
Christina Newton

22450 State line Rd Parma ID
31396 Red Top Road Wilder, ID 83676

Dick Newton

31396 Red Top Rd Wilder ID 83676

Deirdre Brown
Randall Brown

22470 State Line Road Parma ID
22470 STATE LINE RD, PARMA 83660

Dee Howe

31453 Peckham Rd. Wilder, ID 83671

Ralph Howe

31453 PECKHAM RD WILDER ID
83676

(con't)

Name:

Address:

Nancy Candra
Debbie Candra
PANDORA LAYNE
SUSAN ISAAC
Christy Candra

31252 Peckham Rd. Wilder, Id 83676
31252 Peckham Rd. Wilder 83676
22894 ARENA VALLEY RD WILDER 83676
31492 Red Top Rd Wilder ID 83676
31492 Red Top Rd Wilder ID 83676



CANYON COUNTY
DEVELOPMENT SERVICES DEPARTMENT
 111 North 11th Avenue, Suite 310 • Caldwell, Idaho • 83605
 Phone (208) 454-7458
www.canyoncounty.id.gov/elected-officials/commissioners/dsd

Greetings Property Owner:

NOTICE IS HEREBY GIVEN that the Canyon County Planning & Zoning Commission is scheduled to hold a public hearing on **November 16, 2023** beginning at 6:30 p.m. on the following case. The hearing will be held in the Public Meeting Room on the 1st floor of the Canyon County Administration Building, located at 111 North 11th Avenue, Caldwell, Idaho.

Case No. CU2022-0036: The applicant, AK Feeders, represented by Matt Wilke, is requesting a conditional use permit for a Confined Animal Feeding Operation for 3700 beef cattle. The facility is currently located and will be expanded on approximately 80 acres of parcel R37348010 located at 21696 State Line Road, Wilder, ID. The subject property is zoned "A" (Agricultural).

Public comments are very important in evaluating this case. You are invited to provide written testimony by **October 28, 2023**, or oral testimony at the hearing. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet – allowing the hearing body adequate time to review the submitted information. **All written testimony or exhibits received after the deadline will need to be brought to the public hearing and read into the record by the person submitting the information.** If it is a large document that can't easily be read into the record, the hearing body will determine if they will accept it as a late exhibit.

Copies of all documents concerning public hearing items can be obtained from the county website <https://www.canyoncounty.id.gov/elected-officials/commissioners/dsd/land-hearings/> as they are available. Development Services' public office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except on Wednesdays when public office hours are 1:00 p.m. to 5:00 p.m. If you have questions, please contact the Case Planner, Debbie Root at Debbie.root@canyoncounty.id.gov. In all correspondence concerning this case, please refer to the case number noted.



Assistance is available for persons with disabilities. Please call the Development Services Department at 454-7458 at least five (5) days prior to the hearing so that arrangements can be made

October 27, 2023

HAND DELIVERED



Planning & Zoning Commissioners
Canyon County
c/o Canyon County Development Services Department
111 N. 11th Street, #310
Caldwell, ID 83605

RE: CU2022-0036 AK Feeders' Request for Conditional Use Permit

Dear Commissioners:

Attached you will find the August 18, 2022 District Court's **Amended Memorandum Decision and Order Granting Petitioners' Petition for Judicial Review** striking down the decision by the previous Canyon County Board (VanBeek, White, & Smith) to allow the addition of 6,000 head of cattle to a feedlot owned by Peckham Road Trust located nearly next door to AK Feeders' proposed site, about 5 minutes away.

You will see on the District Court's Order, on page 14 beginning at item "D. Petitioners Have Shown Prejudice to Their Substantial Rights" and continuing on to page 17, why the Court ruled in favor of Petitioners. The Petitioners' May 31, 2022 Reply Brief that lead to the District Court's Order is also attached. It is important to note that the previous Board and the Canyon County Prosecuting Attorney's office did not dispute the District Court's ruling because they did not file a Request for Reconsideration with the District Court nor did they file an appeal with the Idaho Supreme Court, precipitating the Court's Remittitur that is also attached.

Also attached is the DENIAL by the previous P&Z Commissioners dated March 4, 2021 to the Peckham Road Trust request to add 6,000 head of cattle to their site. DSD Staff had also recommended denial of Peckham's proposal. Note the items the P&Z Commissioners cited in their DENIAL that established why the proposal was not consistent with the Comprehensive Plan.

The similarities in the findings by the State Siting Team for both the Peckham Road Trust proposal, struck down by the District Court, and the AK Feeders' proposal are striking, they could be identical twins, with one glaring difference even more problematic for AK Feeders, the CAFO Site Advisory Team's report designated the AK Feeders' proposed project as "**High Risk**" versus the Medium Risk finding for Peckham.

A comparison of page 16 of the Court's Order and the Site Team Report for AK Feeders shows many similarities between the Team's reviews of both Peckham and AK Feeders. For instance, the mean nitrate level in groundwater within a 5-mile radius is virtually identical at 5.3mg/L and the percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 25%-35%. The AK Feeders' Site Team review found 4 "High Risk Factors" that reveal that allowing either 6000 head of cattle (on the only plan shown to the neighbors in AK Feeders' Neighborhood meeting) or the nearly 4,000 head of cattle (now shown on a totally different plan on the County's Land Hearings web page for a November 16, 2023 Hearing that AK Feeders' neighbors know nothing about) on this site would be disastrous because the soil is so porous the cattle waste would easily and quickly go directly into, and further destroy, the aquifer that is next to the Snake River.

On page 15 of the Court's Order, the District Court Judge stated, "...The (Supreme) Court, however, has previously held that substantial rights were harmed when property values are impacted or there is interference with use and enjoyment of property. *Id.* (citing *Price v. Payette Cty. Bd., of Cty. Comm'rs*, 131 Idaho 426, 431, 958 P.2d 583, 588 (1998) (recognizing prejudice to a substantial right and vacating a board decision because it could impact property value or the petitioners' use and enjoyment of their land))", and "The nature of the proof required to establish such prejudice is aptly shown by reference to other cases from (the Idaho Supreme Court". The Judge went on to confirm findings from the Idaho Legislature by stating, "The Idaho Legislature finds that confined animal feeding operations increase social and environmental impacts in areas where these facilities are located".

The Court found that citizens' Constitutional rights to the "use and enjoyment of their property" would be violated by the Peckham proposal to add 6,000 head of cattle near their properties and the property values would be destroyed so the Court vacated and made null and void the Board's decision to allow that proposed use. This AK Feeders' proposed plan is virtually a carbon copy of the Peckham proposal and would be disastrous for citizens living nearby who have been here long before Mr. DeBenedetti appeared. Whether the AK Feeders' plan is for the 6,000 head of cattle that they showed us at their Neighborhood Meeting or the plan we now see posted on the County's website that no local property owners know anything about calling for almost 4,000 head with, as the Site Team states on top of page 3 of their report "...if/when the facility expands", would violate of the Constitutional right to "the use and enjoyment" of our properties and our property values.

By copy of this letter to DSD Staff, we ask that the following documentation be put into the AK Feeders County Record (CU2022-0036) for reference and review by the P&Z Commissioners:

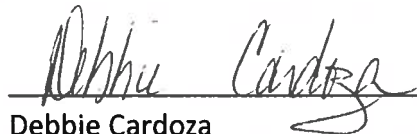
- 1) all documentation in County file CU2020-0001 - Peckham Road Trust
- 2) Petitioners vs. Canyon County, case # CV14-21-10123, all documents in the County legal file for this case

Our Constitution and the Idaho Supreme Court have spoken. Canyon County does not have the right or authority to violate our Constitutional right to “the use and enjoyment of our property” or to destroy our property values that would happen if this land use was approved. As a result, we, as property owners and citizens living near this AK Feeders’ proposed land use DEMAND that you DENY AK Feeders’ Application and proposed land use.

Sincerely,



Susan Isaak
31492 Red Top Road, Wilder, ID 83676



Debbie Cardoza
31252 Peckham Road, Wilder, ID 83676

Attachments:

RE: Peckham Road Trust issue:

- P&Z Commissioners’ DENIAL FCO of CU2020-0001 – Peckham Road Trust
- Petitioners’ Reply Brief to District Court (Case CV14-21-10123)
- Amended Memorandum Decision and Order Granting Petitioners’ Petition for Judicial Review from District Court (Case CV14-21-10123)
- District Court Remittitur (Case CV 14-21-10123)

Suggestions for Testifying at the Public Hearing

Be informed . . .

Review the proposal, the staff report, applicable provisions of the ordinance and comprehensive plan. Learn the criteria used to consider the proposal's merits, or other pertinent material.

Be on time . . .

Although the item you are interested in may not be first on the agenda, you never know when it will be heard. The governing body has authority to adjust the schedule according to its discretion. Thus, anticipate attending from the beginning.

Speak to the point . . .

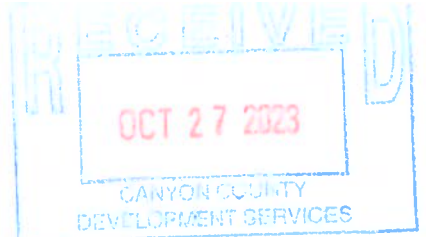
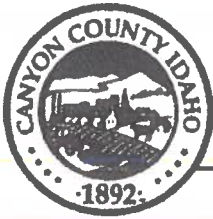
The governing body appreciates pertinent, well organized, and concise comments. Redundant testimony is discouraged and each individual is given 3 minutes to comment. Long stories, abstract complaints, or generalities may not be the best use of time. Neighborhood groups are encouraged to organize testimony and have one person speak on behalf of the group -- "opposition representative," like the applicant's representative, receives 10 minutes to make comments. Applicant has 5 minutes to rebut or discuss issues raised by any opposition.

If you don't wish to speak, write . . .

At most hearings, previously submitted written testimony has been reviewed by the governing body before the meeting. It is unreasonable to submit extensive written comments or information at the hearing and expect them to be reviewed prior to a decision. All documents or written comments should be submitted to the Development Services Department by October 28, 2023.

Hearing Case: AK Feeders LLC
Case No.: CU2022-0036
R37347
Conditional Use Permit CU2022-0036

Notice of Public Hearing



**Canyon County Planning and Zoning Commission
Peckham Road Trust - CU2020-0001**

FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER

1. Peckham Rd. Trust is requesting a modification of a conditional use permit (Case No. CU2004-92) to allow the existing feedlot (CAFO) to expand from the approved 6,000 head of beef cattle to 12,000 head. The operation will be expanded from the current nine (9) parcels to 13 parcels, R36987010, R36987, R36988, R36989, R36991, R36991010, R36967, R36968012, R36968013, R36975010, R36992, R36992010, & R36986. The facility is located at 27443 Peckham Rd., Wilder, ID in Section 21, T4N, R5W, BM, Canyon County, Idaho.
2. The 13 parcels total approximately 183 acres and are zoned "A" (Agricultural).
3. The request is an expansion of the existing CAFO (Case No. CU2004-92).
4. Parcel No.s R36967, R36968013, R36968012, R36975010 are located within Wilder's Area of City Impact. The city designates the properties as "low density residential."
5. The property has adequate access to the public road system.
6. On July 22, 2020, the Board of Commissioners sent a Siting Team Request Letter to the Department of Agriculture. The siting team was formed and completed a site analysis on September 8, 2020 and December 15, 2020.
7. The neighborhood meeting was held in compliance with CCZO §07-01-15 on 12/3/19.
8. Notifications were completed in compliance with CCZO §07-05-01. Agency Notice was transmitted on 9/14/20, 1/7/21 and included notice to the City of Wilder. Property owners within 300 ft. were notified on 9/25/20, 11/25/20, and 1/7/21. Publication of the legal notice on 9/30/20, 11/25/20, and 1/13/21. The property was posted on 10/8/20 and on or before 1/21/21.
9. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing held on 1/28/21, 2/4/21, 2/11/21, public testimony, and all other documents in case file CU2020-0001.

Conclusions of Law

For case file CU2020-0001 the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (CCZO §07-07-05).

1. **Is the proposed use permitted in the zone by conditional use permit?**

Conclusion: The proposed use is permitted in the zone by conditional use permit.

Finding: Canyon County Zoning Ordinance §07-10-27 provides opportunity for the proposed use as a conditional use permit.

2. **What is the nature of the request?**

A modification of a conditional use permit (Case No. CU2004-92) to allow the existing feedlot (CAFO) to expand from the approved 6,000 head of beef cattle to 12,000 head. The operation will be expanded from the current nine (9) parcels to 13 parcels, R3698701, R36987, R36988, R36989, R36991, R3699101, R36967, R36968012, R36968012,

R3697501, R36992, R3699201, & R36986.

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with the Canyon County Future Land Use Map which designates the area as "Agriculture."

Finding: The proposed use is consistent with the Canyon County Future Land Use Map, which designates the property as "Agriculture."

The use is consistent with the following 2020 Canyon County Comprehensive Plan goals and policies:

Economic Development Goal No. 2: "To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities." The property is zoned "A" (Agricultural) and the requested use is an agricultural activity, permitted by conditional use permit.

Economic Development Goal No. 4: "Provide an economically viable environment that builds and maintains a diverse base of business." The use provides employment in the agricultural industry within Canyon County.

Economic Development Policy No. 1: "Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community." The property is zoned "A" (Agriculture). The feedlot provides employment in the agricultural industry within Canyon County.

Transportation Policy No. 13: "Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency services purposes." The property has frontage on public roadways under Golden Gate Highway District No. 3 jurisdiction. The facility will have emergency access points as well as a primary access to the feedlot (Exhibit 3).

Transportation Policy No. 19: "Require and accept traffic studies in accordance with highway district procedures that evaluate the impact of traffic volumes, both internal and external, on adjacent streets and preserve the integrity of residential neighborhoods where applicable." The applicant has completed a traffic impact study (Exhibit 66). The applicant will be adhere to Golden Gate Highway District No. 3 requirements, including, but not limited to a structural capacity analysis of Peckham Road from Rodeo Lane To Batt Corner Road due to proposed increase in heavy truck traffic, prior to expansion of the facility (Exhibit 24b).

Agriculture Goal No. 1: "Acknowledge, support, and preserve the essential role of agriculture in Canyon County." The property is zoned "A" (Agriculture) and is utilized for agriculture use.

Agriculture Goal No. 2: "Support and encourage the agricultural use of agricultural lands." The property is zoned "A" (Agriculture) and is utilized for agriculture use.

X **The use is not consistent** with the following 2020 Canyon County Comprehensive Plan goals and policies:

X Property Rights Policy No. 8: *"Promote orderly development that benefits the public good and protects the individual with minimum of conflict"* The expansion of the feedlot to 12,000 head of cattle will double the number of animals currently housed at the facility. The property is zoned "A" (Agriculture), however, there are numerous residences within close proximity to the site. There are also 200 platted lots within one (1) mile of the site. The increase in numbers will increase truck traffic to /from the site creating an impact to surrounding property owners. The property is also located within a nitrate priority area (Ada Canyon Nitrate Area) and numerous wells within the vicinity have tested high in nitrate (Exhibit 16).

X Land Use Goal No. 1: *"To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services."* The feedlot is in close proximity to existing residential uses. The operation is also located within a nitrate priority area in which numerous domestic wells in the vicinity have tested high in nitrates (Exhibit 16).

X Land Use Policy No. 6: *"Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality."* The property is located within a nitrate priority area in which numerous domestic wells in the vicinity have tested high in nitrates. The request to increase the animals on site poses a Medium/Moderate Risk, as noted in the siting team report (Exhibit 5b).

X Natural Resources Water Goal No. 1: *"Water is an essential and limited natural resource. Groundwater and surface water should be preserved and protected."* The property is within a nitrate priority area in which numerous domestic wells in the vicinity have tested high in nitrates (Exhibit 16). The expansion also encroaches on a historic landfill (Exhibit 21).

X Natural Resources Water Policy No. 1: *"Encourage the protection of groundwater and surface water quality."* Expansion of the feedlot beyond the current boundary will increase the footprint of the facility over a historic landfill. Although the applicant indicates the area will be used as a "composting area," this may involve trucks/equipment activity within the dumpsite. Furthermore, the facility will be expanding within a nitrate priority area (Exhibit 18).

X Hazardous Areas Policy No. 6: *"Discourage development near solid waste disposal areas unless it is an ancillary use."* The "composting area" as shown on the applicant's site plan (Exhibit 3) is located over an historic landfill.

X Agriculture Policy No. 5: *"Recognize that confined animal feeding operations ("CAFOS") may be more suitable in some areas of the county than in other areas of the county."* Although the site is currently being utilized as a feedlot under the approval of a conditional use permit (CU2004-92), the expansion of the site being considered is within a nitrate priority area and encroaches over an historic landfill. Expansion of the site may not be suitable in this area.

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: The proposed use may will injurious to other property in the immediate vicinity and will negatively change the essential character of the area.

Finding: The proposed expansion has the potential to negatively change the essential character of the area with the increase in truck traffic to and from the site. Golden Gate Highway District No. 3 has requested the applicant complete a structural capacity analysis from Peckham Road and

Batt Corner Road.

The feedlot will encroach upon a historic landfill which could potentially pose a risk to public health and the environment, as noted in the siting team report (Exhibit 5b). The site plan depicts this area as being a “composting area,” however, any disturbance of the site should be avoided.

Also noted as “moderate risk” factors in the siting team report, is the percentage of wells over 5mg/l within a five mile radius is 35% (Exhibit 5b).

5. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use;

Conclusion: Adequate facilities for sewer, irrigation, drainage and storm water drainage facilities, and utility systems will be required at the time of expansion.

Finding: Adequate water, sewer, irrigation, drainage and storm water drainage facilities will be provided. The applicant will be required to comply with state and federal regulations with respect to the CAFO siting team report and recommendations as well as the Nutrient Management Plan.

6. Does legal access to the subject property for the development exist or will it exist at the time of development;

Conclusion: Legal access exists for the subject property.

Finding: The property has frontage on Fish Road, Peckham Road, and Rodeo Lane. The Fish Road and Peckham Road access points will be utilized for emergency purposes only. Daily traffic will only utilize the south leg of Rodeo Lane. All requirements of Golden Gate Highway District shall be adhered to (Exhibit 24, 24a, & 24b).

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: There will may be undue interference with existing or future traffic patterns.

Finding: There may be undue interference with existing or future traffic patterns due to the increase of heavy truck traffic to and from the site. The expansion request will double the amount of cattle housed at the facility from the current 6,000 head to 12,000 head.

The applicant has completed a Traffic Impact Study for the proposed use (12,000 head), see Exhibit 66. The expansion is estimated to generate 90 trips per weekday.

The traffic impact study (TIS) states that there will be no 129,000 pound heavy trucks anticipated at the site. All heavy truck traffic from the feedlot operations utilize truck routes [Exhibit 66 pg. 2, 1.6]. No heavy truck traffic generated by the feedlot is expected on Fish Road or Peckham Road, west of the site. The internal road network within the site will circulate traffic to various areas of the property. The internal roads will be utilized to deliver feed to the livestock pens.

- The feedlot will continue to use the existing access points. No new site accesses are proposed with the expansion.
- The Fish Rd. & Peckham Road access is intended for emergency/irrigation use as noted in the TIS.

- The site will not have operational access to Fish Road or the existing private approach on Peckham Road, west of Rodeo Lane.
- Daily traffic will only utilize the south leg of Rodeo Lane.

The study concluded that no intersection turn lanes were warranted under 2020 existing traffic conditions as well as 2023 build out traffic conditions. [Exhibit 66, pg. 2 & 3, 2.1-4.3]

Golden Gate Highway District No. 3 has reviewed the draft traffic impact study. The district has requested the applicant submit an updated study in response to the comments outlined in Exhibit 24, 24 a and 24b. The district will require the applicant to provide a structural analysis of Peckham Road (from Rodeo Ln. to Batt Corner Rd.) prepared by a professional engineer or geologist licensed in the State of Idaho and approved by GGHD3.

- 8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

Conclusion: Essential services will be provided and this application will not negatively impact existing services or require additional public funding.

Finding: The proposed CAFO expansion is not anticipated to impact essential services.

Canyon County Ambulance District, Wilder School District, Canyon County Sheriff, and Wilder Fire Protection District were notified of the request and did not provide responses to indicate that the proposed use would have a negative impact. No mitigation measures are proposed at this time.

Additional Criteria for Approval of a CAFO Expansion: Canyon County Code: §08-01-12:

A. General Requirements:

1. The expanding CAFO shall be within an area zoned A (Agricultural), M-1 (Light Industrial), M-2 (Heavy Industrial), where appropriate.

Conclusion: The subject property is in an area zoned "A" (Agricultural).

2. The expanding CAFO shall comply with and not be in violation of any federal, state or local law or regulatory requirements.

Conclusion: The siting team, which included staff from Idaho Department of Environmental Quality, Idaho Department of Water Resources (IDWR) and Idaho State Department of Agriculture (ISDA), did not find any violations on-site. Idaho State Department of Agriculture also submitted Exhibit 27, and stated the feedlot is in compliance.

3. An applicant shall not begin construction of an expanding CAFO prior to approval of the CAFO siting permit.

Conclusion: During the siting team review on September 9, 2020 and December 15, 2020 there were no new structures or development on the subject property.

4. An expanding CAFO shall comply with IDAPA rules governing dead animal disposal.

Conclusion: Idaho State Department of Agriculture is the regulatory agency for disposal, IDAPA 02.04.17.

B. Animal Waste:

1. The expanding CAFO shall comply with the terms of its nutrient management plan for land application.

Conclusion: The CAFO shall comply with the terms of the approved nutrient management plan (Exhibit 6).

2. The expanding CAFO shall be in compliance with all applicable environmental regulations and requirements.

Conclusion: The CAFO shall comply with all applicable environmental regulations and requirements.

3. All new lagoons shall be constructed in accordance with state and federal regulations.

Conclusion: Any new lagoons on site must comply with IDAPA 02.04.14 "Rules Governing Waste".

C. Site Setbacks:

Conclusion: The site plan provided by the applicant demonstrates the existing CAFO and proposed expansion meets all eight (8) criteria for setbacks. Required site setbacks are to be maintained on an on-going basis.

CCZO §08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.

- NP (Nutrient Pathogen Study) provided by applicant may be beneficial.

Order

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein, the Planning and Zoning Commission **denies** Case # CU2020-0001 request for a modification of a Conditional Use Permit (CU2004-92) to allow the expansion of the existing feedlot from 6,000 head of cattle to a maximum of 12,000 head.

APPROVED this 4TH day of March, 2021.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

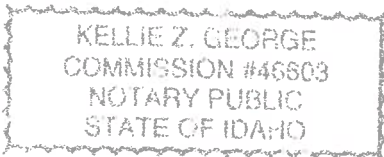

Robert Sturgill, Chairman

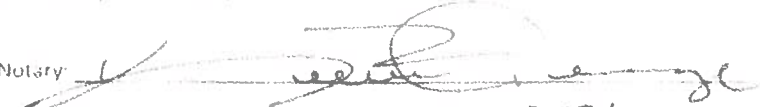
State of Idaho)

ss

County of Canyon County)

On this 4 day of March, in the year of 2021, before me Kellie Z George, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: 
My Commission Expires 3-14-2024



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

BRENDA ABBOTT, DANIEL BALE, PAUL
CHISMAR, GEORGE AND JULIA
COCHRAN, ANGELA GALLOWAY,
RICKI GILMAN, MERLE HAMMONS,
DENNIS AND STACIE HARVEY,
GERARD AND SHARI HASTINGS,
KELLY AND CALVIN HUIT, STEPHEN
AND MARY LOU KAPLAN, J.A. LONN
AND MARY LEITCH, GREGORY AND
ELIZABETH LIEFER, NEIL AND BONNIE
MORSE, DANIELLE OROZCO, RICHARD
ROBOTKAY, FRANCISCO A.
RODRIGUEZ, HAMES AND LINDA SLY,
ALVIN AND FERN SMALLWOOD,
DAVID AND SANDRA L. SMALLWOOD,
AND KENT VAUGHTERS,

Petitioners.

vs.

CANYON COUNTY, a political subdivision
of the State of Idaho, acting through the
CANYON COUNTY BOARD OF COUNTY
COMMISSIONERS,

Respondent.

Case No. CV14-21-10123

**AMENDED¹ MEMORANDUM
DECISION AND ORDER GRANTING
PETITIONERS' PETITION FOR
JUDICIAL REVIEW**

¹ The only change to this decision is the removal of the following language from the Order: "This case is remanded to the Board of County Commissioners of Canyon County for further proceedings consistent with this opinion."

On November 12, 2021, Petitioners Brenda Abbott, Daniel Bale, Paul Chismar, George and Julia Cochran, Angela Galloway, Ricki Gilman, Merle Hammons, Dennis and Stacie Harvey, Gerard and Shari Hastings, Kelly and Calvin Huit, Stephen and Mary Lou Kaplan, J.A. Lonn and Mary Leitch, Gregory and Elizabeth Liefer, Neil and Bonnie Morse, Danielle Orozco, Richard Robotkay, Francisco A. Rodriguez, Hames and Linda Sly, Alvin and Fern Smallwood, David and Sandra L. Smallwood, and Kent Vaughters (collectively “Petitioners”) filed a Petition for Judicial Review. Petitioners filed their Opening Brief on April 11, 2022. Respondent Canyon County and Intervenor/Applicant Peckham Road Trust filed separate Response Briefs on May 9, 2022. On May 31, 2022, Petitioners filed their Reply Brief. The Court heard oral argument from the parties on June 24, 2022, and took the matter under advisement.

I. BACKGROUND

Peckham Road Trust (“Peckham”) owns a confined animal feeding operation (“CAFO”) located at 27443 Peckham Road, Wilder, Idaho, in Canyon County. The existing CAFO has been established since 1966. Peckham filed an application with the Canyon County Planning and Zoning Commission (“Commission”) for a modification of a conditional use permit. Peckham requested to expand its existing CAFO from the approved 6,000 head of beef cattle to 12,000 head, and to expand the CAFO from the current nine (9) parcels to thirteen (13) parcels.

The Commission requested a siting team from the Idaho Department of Agriculture perform a site review of the CAFO and determine whether the proposed modification is suitable for its location. The siting team determined that the proposed expansion posed a moderate environmental risk. On March 4, 2021, the Commission denied Peckham’s request for a modification to its conditional use permit to expand the existing CAFO from 6,000 head of cattle to 12,000 head.

Peckham appealed the Commission's decision to the Canyon County Board of Commissioners ("Board"). The Board received evidence and testimony at multiple public hearings and reviewed Peckham's proposed expansion de novo. Petitioners, who are residents living in close proximity to the CAFO, submitted written comments to the Board describing the potential impacts to their properties if the Board approves the expansion of the CAFO. R., pp. 1123, 1325, 1327, 1342, 1344, 1348-50, 1536, 1542, 1546, 1569, 1571-2561-62, 2650, 2757, 2762-66, 2773-87. Petitioners alleged the following impacts: (1) concerns for their health because of the CAFO's proximity to an old landfill; (2) potential leaching waste into the groundwater that could impact their drinking water; (3) an increase in noise, odors, flies, and traffic; and (5) concerns that their property values would decrease.

At the July 13, 2021 public hearing, Commissioner Kerri Smith noted the need for conditions imposed on the CAFO to mitigate the potential adverse impacts on the people and properties in the vicinity of the CAFO:

I find it hard if we were to approve the conditional use permit to not have any conditions in front of us that would help us determine if it – because of Darin Taylor's testimony I think he said it best that there are concerns for changing the character of the area. So conditional use permits help place conditions so that you can mitigate those concerns.

July 13, 2021 Transcript ("T."), p. 217, ll. 18-25. Commissioner Smith further stated the following in support of approving Peckham's conditional use permit:

And so for those reasons I would like to approve the conditional use permit. However, I do believe that we need to thoughtfully consider what those conditions of approval are to protect the operator and to protect the constituents that live there. And so I would like to give some time to allow the applicant and staff to review conditions today or over the next couple of weeks based on the testimony that was received, to hear some of those mitigating factors that we can consider for the constituents, and then also to allow them to operate within the rules of the state and federal guidelines for these without us getting into the weeds too much on them.

July 13, 2021 T., p. 239, ll. 1-15.

The Board set a hearing on July 27, 2021 to discuss the conditions they wanted to add to the conditional use permit. At the hearing, the Planning and Zoning Staff prepared conditions for the Board's consideration. The Board discussed and deliberated on the proposed conditions at length before issuing its final decision.

On August 2, 2021, the Board issued its Findings of Fact, Conclusions of Law and Order ("FCO") approving Peckham's application to modify its conditional use permit to expand its CAFO to 12,000 head of beef cattle and to thirteen (13) parcels. The Board's decision included twenty (20) conditions of approval. Petitioners filed a request for reconsideration of the Board's decision, but the Board failed to respond to the request within 60 days as required under I.C. § 67-6535(2)(b) and the request for reconsideration was, therefore, denied.

On November 12, 2021, Petitioners filed a Petition for Judicial Review. Peckham filed a Motion to Intervene and the parties stipulated to allow Peckham to intervene. The Court granted Peckham's Motion to Intervene on March 18, 2022. Petitioners filed their Opening Brief on April 11, 2022. Canyon County and Peckham filed separate responding briefs on May 9, 2022. On May 31, 2022, Petitioners filed their reply brief.

II. APPLICABLE STANDARD

The Local Land Use Planning Act ("LLUPA") allows an affected person to seek judicial review of a final decision approving, denying, or failing to act upon a land use application, as provided for in the Idaho Administrative Procedure Act. *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 14, 343 P.3d 41, 43 (2015); I.C. § 67-6521(1)(d). "For purposes of judicial review of LLUPA decisions, a local agency making a land use decision, such as the Board of Commissioners, is treated as a government agency under [the Idaho Administrative Procedure Act]." *Hungate v. Bonner Cty.*, 166 Idaho 388, 392, 458 P.3d 966, 970 (2020). The court reviewing an agency

decision must consider the proceedings as a whole and evaluate the adequacy of the procedures and resulting decisions “in light of practical considerations with an emphasis on fundamental fairness and the essentials of reasoned decision making.” I.C. § 67-6535(3). “The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.” I.C. § 67-5279(1).

The court must affirm the agency action unless it finds that the agency’s findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) not supported by substantial evidence on the record as a whole; or
- (e) arbitrary, capricious, or an abuse of discretion.

I.C. § 67-5279(3). “There is a strong presumption that the zoning board’s actions were valid and that it has correctly interpreted its own zoning ordinances.” *Rouwenhorst v. Gem Cty.*, 168 Idaho 657, 666, 485 P.3d 153, 162 (2021).

An agency’s actions are considered arbitrary or capricious “if made without a rational basis, or in disregard of the facts and circumstances, or without adequate determining principles.” *Id.* at 662, 485 P.3d at 158 (quoting *Lane Ranch P’ship v. City of Sun Valley*, 145 Idaho 87, 91, 175 P.3d 776, 780 (2007)). “So long as the Board’s findings, conclusions and decision are sufficiently detailed to demonstrate that it considered applicable standards and reached a reasoned decision, [the Court] will find that the decision was not arbitrary or capricious and was based on substantial evidence in the record.” *Id.* (internal quotations omitted). An agency’s discretionary decisions are reviewed for an abuse of discretion under a four-part standard: whether the agency “(1) correctly perceived the issue as one of discretion; (2) acted within the outer boundaries of its discretion; (3) acted consistently with the legal standards applicable to the specific choices

available to it; and (4) reached its decision by the exercise of reason.” *Lunneborg v. My Fun Life*, 163 Idaho 856, 863, 421 P.3d 187, 194 (2018); *see also Haw v. Idaho State Bd. of Med.*, 143 Idaho 51, 54, 137 P.3d 438, 441 (2006).

Further, the agency action shall be affirmed “unless substantial rights of the appellant have been prejudiced.” I.C. § 67-5279(4). “The party challenging the decision of the Board must not only demonstrate that the Board erred in a manner specified by I.C. § 67-5279(3) but must also show that its substantial rights have been prejudiced.” *Hawkins v. Bonneville Cty. Bd. of Comm’rs*, 151 Idaho 228, 232, 254 P.3d 1224, 1228 (2011) (quoting *Kirk-Hughes Dev., LLC v. Kootenai Cty. Bd. of Comm’rs*, 149 Idaho 555, 557, 237 P.3d 652, 654 (2010) (citing I.C. § 67-5279(4))).

The petitioner must show both an error under § 67-5279(3) and prejudice under § 67-5278(4), but nothing in the IAPA requires the courts to address these two requirements in any particular order. This Court may therefore affirm a governing board’s decision solely on the grounds that the petitioner has not shown prejudice to a substantial right. *See Kremasky v. Nez Perce Cty. Planning & Zoning*, 150 Idaho 231, 235-36, 245 P.3d 983, 987-88 (2010) (upholding a conditional-use permit because the petitioner failed to challenge the district court’s adverse ruling regarding substantial rights); *Kirk-Hughes Dev.*, 149 Idaho at 558, 237 P.3d at 655 (same).

Hawkins, 151 Idaho at 232, 254 P.3d 1228. Therefore, remand is only appropriate if an error prejudiced the petitioner’s substantial rights. *Jasso v. Camas Cty.*, 141 Idaho 790, 793, 264 P.3d 897, 900 (2011); I.C. § 67-5279(4).

III. DISCUSSION

Petitioners assert that the Board’s decision should be vacated because (1) the Board failed to decide whether the proposed CAFO expansion was consistent with the County’s Comprehensive Plan, (2) the Board did not impose sufficient conditions in Peckham’s conditional use permit, (3) the Board failed to consider the City of Wilder’s Area of Impact, and (4) the Board’s decision

violates their fundamental rights. All of the parties also assert that they are entitled to attorney fees.

A. The Board Abused its Discretion by Failing to Conclude Whether Peckham's Proposed CAFO Expansion was Consistent with the Comprehensive Plan.

Petitioners assert that the Board's decision to approve Peckham's application is deficient and warrants reversal because the Board failed to conclude whether the proposed CAFO expansion is consistent with the Canyon County Comprehensive Plan as required by Canyon County Code § 07-07-05(3). Petitioners further assert that the Board's decision is not supported by the substantial evidence to the contrary in the record and is clearly erroneous, and that the Commission properly concluded that the proposed expansion was not consistent with the Canyon County Comprehensive Plan, and that the Planning and Zoning Commission's decision was based on a reasoned analysis and an application of the facts to the relevant provisions of the Comprehensive Plan and ordinances.

Canyon County argues that the Board's written findings meet the LLUPA requirements, but if the Court finds that the decision is deficient, the Board's conclusions are supported by the record. Canyon County further argues that the Board's findings that the proposed CAFO expansion is consistent with several goals and policies of the 2020 Canyon County Comprehensive Plan demonstrates that the Board made an affirmative finding that the expansion is consistent with the Comprehensive Plan. Peckham also argues that the record as a whole supports a finding that the Board concluded that the proposed expansion was consistent with the Comprehensive Plan.

Idaho Code § 67-6535 governs the issuance of findings of fact or conclusions of law relevant to a local land use agency's approval or denial of a land use application as follows:

- 1) The approval or denial of any application required or authorized pursuant to this chapter shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation

of the city or county. Such approval standards and criteria shall be set forth in express terms in land use ordinances in order that permit applicants, interested residents and decision makers alike may know the express standards that must be met in order to obtain a requested permit or approval. Whenever the nature of any decision standard or criterion allows, the decision shall identify aspects of compliance or noncompliance with relevant approval standards and criteria in the written decision.

- 2) The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
 - a) Failure to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of same, on appeal.

I.C. § 67-6535. “[T]he reasoned statement must plainly state the resolution of factual disputes, identify the evidence supporting that factual determination, and explain the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest.” *Jasso*, 151 Idaho at 794, 264 P.3d at 901. In order to satisfy I.C. § 67-3535, a local decision-maker “must articulate in writing both (1) the facts found and conclusions reached and (2) the rationale underlying those findings and conclusions.” *Id.*

However, I.C. § 67-6535 requires more than conclusory statements from which a decision-maker’s resolution of disputed facts and legal reasoning may be inferred. It is not the role of the reviewing court to scour the record for evidence which may support the decision-maker’s implied findings and legal conclusions. To the contrary, the reviewing court’s responsibility is not to evaluate the sufficiency of the evidence or the soundness of the legal principles upon which a decision *may* have rested; rather, the role of the reviewing court is to evaluate the process by which the decision was reached, considering whether substantial evidence supported the factual findings, and evaluate the soundness of the legal reasoning advanced in support of the decision.

Id. at 795-96, 264 P.3d at 902-03 (emphasis in original).

When considering a conditional use permit application, Canyon County Zoning Ordinance § 07-07-05(3) requires the presiding party to find adequate evidence to answer in its findings of fact, conclusions of law, and order or recommendation whether the proposed use is consistent with the Canyon County comprehensive plan.

The Board's decision is an abuse of discretion because it failed to comply with the requirements for approving a conditional use permit under Canyon County Code § 07-07-05. The County's zoning ordinance requires the Board to decide whether the modification of Peckham's conditional use permit is consistent with the County's Comprehensive Plan. Canyon County Code § 07-07-05(3). The Board failed to do so. In the Board's Conclusions of Law, it stated: "The proposed use is consistent with the Canyon County Future Land Use Map which designates the area as 'Agriculture.'" R., p. 2873. The Board then found that the use is consistent with seven goals and policies in the Comprehensive Plan. The Board failed to decide whether the use is consistent with the Comprehensive Plan as required by Canyon County Code § 07-07-05. *See* I.C. § 67-6535(1). While it is clear that the Board found the use consistent with the Future Land Use Map and seven goals and policies in the Comprehensive Plan, the Board did not state that it had considered the entire Comprehensive Plan or that the use is consistent with the Comprehensive Plan. The County and Peckham argue that this is a "negligible defect" or a scrivener's error. The Court is not persuaded by this argument. The Court will not assume that the Board reached a conclusion that it did not state in its written findings. The Board's decision is an abuse of discretion because it failed to act consistently with the legal standards that governed its decision,

B. The Board Did Not Abuse Its Discretion When Adding Conditions to the Conditional Use Permit.

Petitioners assert that the Board's decision approving Peckham's conditional use permit application should be vacated and remanded because the Board abused its discretion by failing to

recognize it had authority to impose conditions in the conditional use permit that go beyond the requirements in the CAFO ordinance and state/federal law. They also argue that the Board abused its discretion by failing to include sufficient conditions to minimize adverse impacts of the open canal site setbacks and the dump site/landfill to persons or property located in the vicinity of the CAFO. Petitioners cite to the Idaho Supreme Court's decision in *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 41 (2015), in support of their arguments. Canyon County argues that the Board did not abuse its discretion because it recognized its authority to include additional conditions of approval to Peckham's conditional use permit, and imposed stricter conditions than required by the ordinance. Peckham also argues that it is clear from the record that the Board understood its ability to impose additional or more restrictive conditions in approving the conditional use permit.

Pursuant to Canyon County Code § 07-07-17, special conditions may be attached to a conditional use permit including, but not limited to, conditions that “[m]inimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity,” or “[r]equire more restrictive standards than those generally required in [the zoning regulations].” *See also* I.C. § 67-6512(d)(1) and (7).

The Board did not abuse its discretion when deciding what special conditions to include in the conditional use permit. It is clear from the record that the Board understood that it had authority to impose additional and/or more restrictive conditions on the conditional use permit to mitigate the potential adverse impacts of the CAFO expansion. During the public hearings, the Board heard testimony from residents who live near the existing CAFO and their concerns for their health, use and enjoyment of their property, and potentially decrease in their property values. The Board took their concerns into consideration when deciding what conditions to impose to minimize any

adverse impacts to the people and properties in the vicinity of the CAFO. The Board held a hearing to decide what conditions to add to the conditional use permit.

In condition of approval no. 3, the Board requires the CAFO expansion to “comply with all site setbacks as provided in the County CAFO Ordinance (Canyon County Code Section 08-01-012(1)(C).” R., p. 2877. In addition to the requirements set forth in Canyon County Code § 08-01-12(1)(C), the Board ordered in condition of approval no. 10 that the CAFO “shall comply with the recommendations in the Mitigation section of the CAFO Siting Team report, to minimize potential water source contamination (Exhibit 99 and attached to FCOs as Exhibit B.” R., p. 2878. The CAFO Siting Team report states that the “facility should ensure a two hundred (200) foot setback from the stockpiling or land application of waste or wastewater to any domestic or irrigation well or down-gradient surface water of the state of Idaho.” R., p. 2884. The 200-foot site setback is a more restrictive standard than the 100-foot setback required in Canyon County Code § 08-01-12(1)(C)(6).

In general, the Board ordered that the CAFO shall comply will all applicable federal, state, and county laws, ordinances, rules, and regulations, including compliance with the Idaho Department of Agriculture, the Idaho Department of Environmental Quality, and the Idaho Environmental Protection Agency requirements. Petitioners argue that the Board’s condition of approval no. 19 concerning the dump site/landfill is an insufficient condition because the condition does not require the CAFO to avoid impacting the historic landfill. Rather, the condition only orders that the plan operations “should avoid impacting the historic landfill,” and cites to the siting team report, Exhibit 99. R., p. 2879. While the Board chose not to make this a requirement, it was under no obligation to do so. The Board, in condition of approval no. 4, also requires the following: “Prior to expansion, The [*sic*] feedlot shall be developed in substantial conformance

with the updated site plan attached to the FCOs as Exhibit A. The composting area shall be located as identified on said plan and shall not be located over the historic landfill sit.” R., p. 2878. The conditions ordering the CAFO to avoid the historic landfill are additional conditions imposed by the Board to minimize potential health and environmental hazards to the people and properties in the vicinity.

The Board understood that it could order additional and/or more restrictive conditions than required by law, and it did so throughout the 20 conditions of approval imposed on the CAFO, including the site setbacks and the dump site/landfill. The Board considered the concerns raised by the residents in the vicinity of the CAFO and imposed conditions to minimize the potential adverse impacts to the residents and their properties pursuant to Canyon County Code § 07-07-17. Based on the foregoing, the Board did not abuse its discretion.

C. The Board Correctly Applied the Canyon County Comprehensive Plan to the Wilder Area of City Impact.

Petitioners assert that the Board failed to consider and discuss the Wilder area of city impact land map designation in its decision. Petitioners concede that the Board included the Wilder’s area of city impact designation in its Findings of Fact, but asserts that there is no discussion as to whether it impacted the Board’s analysis or conclusions. Canyon County argues that the Board correctly applied its own comprehensive plan in its written findings pursuant to Canyon County Code § 09-17-15(1). Canyon County further argues that neither LLUPA nor Canyon County ordinances require a written finding regarding the area of city impact land map designation. Peckham argues that Petitioners lack standing to raise this issue.

LLUPA confers standing to seek judicial review of a local land use decision to an “affected person” aggrieved by the decision. I.C. § 67-6521(d). The Idaho Supreme Court noted that “while it recognizes the underlying policy of I.C. § 67-6521(d) conferring standing to affected persons,

the legislature cannot, by statute, relieve a party from meeting the fundamental constitutional requirements of standing.” *Evans v. Teton Cty.*, 139 Idaho 71, 75, 73 P.3d 84, 88 (2003) (citing *Noh v. Cenarrusa*, 137 Idaho 798, 53 P.3d 1217 (2002)). An affected person is “one having a bona fide interest in real property which may be adversely affected by” the issuance or denial of a special use permit. I.C. § 67-6521(1)(a)(i).

Petitioners have standing to raise whether the Board properly considered the Wilder area of city impact land map designation. Petitioners live in the vicinity of the existing CAFO. The proposed CAFO expansion includes an expansion of land and an increase in the total head of cattle. Petitioners have alleged that this expansion will adversely impact their health, use and enjoyment of their property, and property values. Though the expanded CAFO includes parcels in the Wilder area of city impact, Petitioners are affected persons aggrieved by the Board’s decision.

Pursuant to Canyon County Code § 09-17-15, the Canyon County comprehensive plan shall apply to the Wilder area of city impact.

The Canyon County comprehensive plan, as amended, shall apply to the Wilder area of city impact. Canyon County recognizes that the city of Wilder has also developed a comprehensive plan and accompanying map for the Wilder area of city impact. Canyon County shall give consideration to the city’s comprehensive plan map designations when evaluating development requests within the Wilder area of city impact.

Canyon County Code § 09-17-15(1). Further, Canyon County zoning ordinances shall apply within the Wilder area of city impact. Canyon County Code § 09-17-17. “There is a strong presumption that the zoning board’s actions were valid and that it has correctly interpreted its own zoning ordinances.” *Rouwenhorst*, 168 Idaho at 666, 485 P.3d at 162.

The Board correctly interpreted its zoning ordinance and applied the Canyon County comprehensive plan to the Wilder area of city impact. The Board made a finding of fact that the CAFO expansion would include four (4) parcels located within the Wilder area of city impact, and

that Wilder designates the four (4) parcels as “low density residential.” R., p. 2872. This shows that the Board gave consideration to Wilder’s comprehensive plan map designations. In Canyon County, this land is located in an “A” agricultural zone. The Board’s findings and reasonings throughout its decision state that the property is zoned agricultural and a CAFO is permitted in an agricultural zone if a conditional use permit is granted. For these reasons, the Board did not abuse its discretion when it applied the Canyon County comprehensive plan to the parcels located in the Wilder area of city impact.

D. Petitioners Have Shown Prejudice to Their Substantial Rights.

Petitioners assert that they have been injured and had their fundamental rights violated by the Board’s decision to approve the conditional use permit to expand the existing CAFO from 6,000 head of beef cattle to 12,000 head, and from the current nine (9) parcels of land to thirteen (13) parcels. They assert that this expansion will increase truck traffic creating an impact to surrounding property owners, increase nitrates in the area that could impact domestic wells in the area, increase health and environmental impacts to nearby property owners, reduce property values, and increase noise, lights, odor, and flies. Canyon County argues that Petitioners have failed to show that their substantial rights have been prejudiced. Peckham further argues that Petitioners did not present any site-specific testimony or evidence in support of their allegations that their property values or other rights would be prejudiced.

An agency action shall be affirmed “unless substantial rights of the appellant have been prejudiced.” I.C. § 67-5279(4). “The party challenging the decision of the Board must not only demonstrate that the Board erred in a manner specified by I.C. § 67-5279(3) but must also show that its substantial rights have been prejudiced.” *Hawkins*, 151 Idaho at 232, 254 P.3d at 1228 (quoting *Kirk-Hughes Dev., LLC v. Kootenai Cty. Bd. of Comm’rs*, 149 Idaho 555, 557, 237 P.3d

652, 654 (2010) (citing I.C. § 67-5279(4))). The petitioner opposing a permit “must still show, not merely allege, real or potential prejudice to his or her substantial rights.” *Id.* (holding that a petitioner must show “something more” than the county misapplied its own ordinance).

In [*917 Lusk, LLC v. City of Boise*], the petitioner satisfied the “something more” test articulated in *Hawkins* by showing that the proposed construction of 622 bedrooms for student housing in their neighborhood, with only 280 parking spaces, would potentially drive business away from the neighborhood, require time and expense for the petitioner to police parking on its own property, and cause a reduction of value of the petitioner’s property. 158 Idaho 12, 19, 343 P.3d 41, 48 (2015). The Court held that the bare facts of the project, without even attempting to evaluate the impact of guests who arrive by automobile, presented “sufficient evidence that Lusk is in jeopardy of economic harm from the project to satisfy the requirements set forth in *Hawkins*.” *Id.*

Hungate v. Bonner Cty., 166 Idaho 388, 394, 458 P.3d 966, 972 (2020).

The Idaho Supreme Court has not established a bright line test governing whether a petitioner’s substantial rights have been violated. *Id.* The Court, however, has previously held that substantial rights were harmed when property values are impacted or there is interference with the use and enjoyment of property. *Id.* (citing *Price v. Payette Cty. Bd. of Cty. Comm’rs*, 131 Idaho 426, 431, 958 P.2d 583, 588 (1998) (recognizing prejudice to a substantial right and vacating a board decision because it could impact property value or the petitioners’ use and enjoyment of their land)). “The nature of the proof required to establish such prejudice is aptly shown by reference to other cases from [the Idaho Supreme Court].” *Id.*

The Idaho Legislature finds that “[c]onfined animal feeding operations increase social and environmental impacts in areas where these facilities are located.” I.C. § 67-6529B. Expansion of the Peckham’s CAFO from 6,000 head of cattle to 12,000 head would further increase the social and environmental impacts in the area. Petitioners have shown that the CAFO expansion would adversely impact their persons or property and prejudice to their substantial rights.

The CAFO Siting Team states “The Environmental Risk, as determined by the Team, is Medium Risk. In addition to the factors described below, the team applied a moderate risk based on the site’s location with a Nitrate Priority Area, the number of downgradient domestic wells, and the presence of a historic landfill facility.” R., p. 2883. The Siting Team found that the following risk factors contributed to the environmental risk rating:

High Risk Factors

- The aquifer geology is composed of gravels and sand.

Moderate Risk Factors

- Predominate soil type is loamy fine sand that is somewhat well drained.
- Clay layers are not continuous, but are generally present and range from 10 to greater than 100 feet thick.
- The mean nitrate level in ground water within a 5-mile radius is 5.39 mg/L.
- The percentage of wells over 5 mg/L of nitrate within a 5-mile radius is 35%.
- The time of travel to the closest downgradient spring is between 6-10 years.
- Downgradient distance to the nearest off-site domestic well is approximately 700 feet.
- Nearest downgradient exposed surface water canal is greater than 1,000 feet to the south of the facility. However, facility contains an underground canal which is exposed at the eastern and western edges of property boundary.
- Average annual precipitation is 10-11 inches.

R., p. 2883. This report gives credence to Petitioners’ concerns that the CAFO expansion would adversely impact the local environment, their health, the nitrates in their water, and their property values.

Petitioners have also shown that the increase in odors and flies from the CAFO expansion would interfere with the use and enjoyment of their property and decrease their property values.

An increase from 6,000 head of cattle to 12,000 head is likely going to smell worse and adversely affect the neighbors. This expansion will also increase the amount of excrement being produced on Peckham’s property and possibly increase the number flies as well. Although the record says

that Peckham will improve the current CAFO site through this expansion, it is reasonable to assume that doubling the number of cattle could cause harm to the neighbors. There is a significant likelihood that this will interfere with Petitioners' use and enjoyment of their properties and decrease their property values. *See Hawkins, supra*. For these reasons, Petitioners have shown that the Board's decision prejudiced their substantial rights, and Petitioners' Petition for Judicial Review is granted.

E. No Party is Entitled to Attorney Fees.

Petitioners request attorney fees under I.C. § 12-117. The County also requests attorney's fees pursuant to I.C. § 12-117, and argues that Petitioners should not be awarded attorney's fees if they are the prevailing party because the County acted with a reasonable basis in fact or law in issuing its decision on Peckham's conditional use permit application. Peckham requests its attorney's fees under I.C. §§ 12-117 and 12-121 because it had to join this Petition for Judicial Review to ensure its rights and interests were protected.

Idaho Code § 12-117(1) provides for the award of attorney's fees "in any proceeding involving as adverse parties a state agency or a political subdivision and a person ... if [the court] finds that the nonprevailing party acted without a reasonable basis in fact or law." A "political subdivision" includes a county. I.C. § 12-117(6)(d). The Idaho Supreme Court has held that I.C. § 12-117 requires as adverse parties a county and a person, and that one person cannot recover from another person "solely because of the presence of a governmental entity in the litigation." *Citizens Against Linscott/Interstate Asphalt Plant v. Bonner Cty. Bd. of Comm'rs*, 168 Idaho 705, 720-21, 486 P.3d 515, 530-31 (2021) (declining to award attorney fees on appeal to a petitioner against a non-government intervening party).

Idaho Code § 12-121 only applies in civil actions. *S Bar Rach v. Elmore Cty.*, 170 Idaho 282, ___, 510 P.3d 635, 667 (2022). “A petition for judicial review is not a civil action because it is not commenced by the filing of a complaint.” *Id.* (citing *In re Workers Comp. Bd.*, 167 Idaho 13, 24-25, 467 P.3d 377, 388-89 (2020)). Therefore, I.C. § 12-121 cannot be the basis for an award of attorney’s fees in proceedings initiated by the filing of a petition for judicial review. *Id.* Whether to award attorney’s fees is discretionary for the district court. *Id.* at ___, 510 P.3d at 665-66.

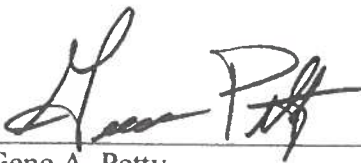
Canyon County and Peckham are not prevailing parties and, therefore, they are not entitled to attorney’s fees. Petitioners are the prevailing parties in this Petition for Judicial Review. Petitioners, however, cannot recover their attorney’s fees from Peckham pursuant to I.C. § 12-117 because Peckham is not a political subdivision. Also, the Court finds that Petitioners are not entitled to an award of attorney’s fees because Peckham and the County did not act without a reasonable basis in fact or law. For these reasons, the requests for attorney’s fees are denied.

IV. ORDER

Based on the foregoing, IT IS HEREBY ORDERED that Petitioners’ Petition for Judicial Review is GRANTED.

8/18/2022 09:43 AM

Dated:



Gene A. Petty
District Judge

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

BRENDA ABBOTT, DANIEL BALE, PAUL CHISMAR, GEORGE AND JULIA COCHRAN, ANGELA GALLOWAY, RICKI GILMAN, MERLE HAMMONS, DENNIS AND STACIE HARVEY, GERARD AND SHARI HASTINGS, KELLY AND CALVIN HUIT, STEPHEN AND MARY LOU KAPLAN, J.A. LONN AND MARY LEITCH, GREGORY AND ELIZABETH LIEFER, NEIL AND BONNIE MORSE, DANIELLE OROZCO, RICHARD ROBOTKAY, FRANCISCO A. RODRIGUEZ, JAMES AND LINDA SLY, ALVIN AND FERN SMALLWOOD, DAVID AND SANDRA L. SMALLWOOD, AND KENT VAUGHTERS,

Petitioners,

vs.

CANYON COUNTY, a political subdivision of the State of Idaho, acting through the CANYON COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent.

Case No. CV14-21-10123



PETITIONERS' REPLY BRIEF

On appeal of final action by the Canyon County Board of County Commissioners

Before the Honorable Judge Gene A. Petty

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EXHIBIT
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I. ADDITIONAL ARGUMENT

Respondent Canyon County and Intervenor/Applicant Peckham Road Trust attempt to convince this court that the Board of County Commissioners' Decision in this matter is legally sound, despite the significant deficiencies identified by the Petitioners. They also make an effort to convince the court that none of the 32 individual Petitioners in this matter have any substantial rights that have been prejudiced by the Board's Decision to authorize a significant expansion of the existing feedlot. These arguments fall short of the mark, requiring that the Decision be vacated and that the matter be remanded for further proceedings.

A. The Decision's Required Findings and Conclusions Cannot be Inferred by the Court.

In response to *Petitioners' Opening Brief*, Canyon County readily admits that there is a "deficiency in the written findings" of the Board – namely that the Decision contains no finding that the proposed use is consistent with the County's Comprehensive Plan. *Respondent's Brief* at 3. The Applicant begrudgingly acknowledges this, as well. *Intervener/Applicant's Response Brief* at 19. A determination that the proposed use is consistent with the Comprehensive Plan is required for the approval of a conditional use permit under Canyon County's Zoning Ordinance. CCZO § 07-07-05 As a result, this deficiency is fatal to the Board's Decision.

The County urges the court to nonetheless uphold the Decision on the basis that its omission of the required finding is "a scrivener's error" or a "minor flaw." *Respondent's Brief* at 5, 8. The Applicant similarly labels this legal deficiency as a "negligible defect" or a "scrivener's error." *Intervener/Applicant's Response Brief* at 9. However, a scrivener's error is a type of error that is absolutely clear, such as a typographical mistake, clerical error or unintentional addition or omission of a word, altering the meaning of a document. www.definitions.uslegal.com; www.yourdictionary.com. That is not what occurred here.

The Decision completely fails to make any finding as to whether – let alone how – the proposed use is consistent with the Comprehensive Plan. This glaring omission cannot simply be ignored by the court. And the court cannot – as suggested by both the County and the Applicant – make this finding for the County. “It is not the role of the reviewing court to scour the record for evidence which may support the decisionmaker’s implied findings and legal conclusions.” *Jasso v. Camas County*, 151 Idaho 790, 795, 264 P.3d 897, 902 (2011); see also *Crown Point Development v. City of Sun Valley*, 144 Idaho 72, 156 P.3d 573 (2007) (remanded to make proper factual findings). Such circumstances, constitute a failure to provide a reasoned statement for decision, contrary to the requirements of I.C. § 67-6535. *Id.* “Failure to identify the nature of compliance . . . with express approval standards or failure to explain compliance . . . with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization.” I.C. § 67-6535(2)(a).

B. The Board Failed to Recognize its Discretion to Address Concerns with “Open Water.”

In its response, the County proclaims: “This is not *917 Lusk*.” *Respondent’s Brief* at 7. However, the Board’s failure to recognize its discretion to include conditions specific to the concerns raised about the “open water” on the subject property is exactly like the circumstances in *917 Lusk, LLC v. City of Boise*, 158 Idaho 12, 343 P.3d 41 (2015) (reversing and remanding decision to grant conditional use permit for failure to recognize discretion to impose conditions beyond minimum standards). In that case, the singular issue was whether Boise’s City Council recognized the discretion that it had to place conditions on parking, beyond those contained in its ordinance. Here, the parallel question is whether the Canyon County Board understood the discretion that it had to impose conditions on the “open water” that exists on the subject property. It is clear that it did not.

Critically, the Board’s Decision did not identify either I.C. § 67-6512(d) or CCZO § 07-07-17 as decision criteria, both of which provide authority for the County to regulate “open water,” beyond the minimum requirements of the CAFO Ordinance. The Decision incorrectly concluded that the permit must be granted if the CAFO Ordinance was met. R p. 2876.

Setbacks from “open water” canal segments or monitoring of water quality to ensure that waste does not drain into those waters were both raised as potential mitigation measures by the Board during the proceedings. Contrary to the County’s argument that there was no basis for such conditions being considered, the CAFO Siting Team Report identified this risk factor. R pp. 2877, 2883. It was also raised in written public comments to the Board. R pp. 2773-74 (noting that waste ponds would drain into open canal segments). However, the input provided by staff made clear – erroneously – that the CAFO Ordinance, including the requirement that the Applicant need only comply with state and federal law, wholly addressed those “open water” issues. There was no room for the suggested mitigation measures. Aug. 2, 2021 Tr p. 6, L. 6-25, p. 16, L. 23 – p. 18, L. 21; R p. 2870. As a result, the Board failed to comprehend the discretion that it had to impose setbacks or monitoring requirements on the open canal segments.

Canyon County and the Applicant argue that the Board’s imposition of other types of conditions serves as proof that it understood the discretion that it had. It simply chose not to exercise that discretion when it came to dealing with the “open water” issue. *Respondent’s Brief* at 9. However, this runs contrary to the discussion that occurred on the record between the Board and County staff, specific to the “open water” issue. Again, this is very similar to the parking discussion that occurred between the City of Boise and its staff in *917 Lusk*. In both instances, the decisionmaker was erroneously led to believe that it had no discretion over that particular issue.

Compounding the problem here is that there is no reasoned, written explanation of the Board's supposed decision not to exercise the Board's discretion to address the "open water" issue. Without the written explanation required by I.C. § 67-6535(2), it is not possible for the court to conclude that the Board has "perceived the issue in question as discretionary" or that it "acted within the outer limits of its discretion and consistently with the legal standards applicable to the available choices, and reached its own decision through an exercise of reason." *Krempasky v. Nez Perce Cnty. Planning & Zoning*, 150 Idaho 231, 237, 245 P.3d 983, 989 (2010) (quoting *Haw v. Idaho State Bd. of Med.*, 143 Idaho 51, 54, 137 P.3d 438, 441 (2006)).

In response to the concern that the Decision provides only that the CAFO expansion "should avoid impacting the historic landfill to prevent any impact to human health & environment" (R p. 2879), rather than making the condition mandatory, the County and the Applicant blame the Siting Report. *Intervener/Applicant's Response Brief* at 34. However, the Siting Team was making a recommendation to the County, which explains the Report's use of the word "should." To accept that recommendation, the County needs to make the condition mandatory, through use of the word "shall" or "must," as it did for all other approved conditions. R pp. 2877-79. This abuse of discretion by the Board needs to be addressed on remand.

The County and the Applicant failed to respond to the Petitioners' argument that the Decision did not require any financial assurance from the Applicant for the expanded CAFO, despite the large financial costs that could be required to correct potential problems, including the "very costly" removal and proper disposal of all found waste from disturbing the landfill, as noted by the CAFO Siting Team. R p. 2884. This is a further abuse of discretion.

Again, the specific impacts to property owners in the vicinity were not adequately addressed by the Board, despite the fact that such injury must be avoided to approve a conditional

use and that authority exists to impose additional conditions. CCZO § 07-07-01 (higher standards of site development may be required “in order to assure that the proposed use will be compatible with other property and uses in the vicinity”); CAFO Ordinance § 08-01-05 (“The provisions of this article are minimum standards”); I.C. § 67-6512(d)(7) (authorizes conditions requiring more restrictive standards than those generally required in an ordinance). The Idaho Supreme Court has made clear that such limited action constitutes an abuse of discretion. *917 Lusk*, 343 P.3d at 45-47 (2015). That is certainly the case here.

As a result, the Board’s Decision must be reversed and remanded.

C. The Decision did not Consider the City of Wilder Area of Impact.

The County and the Applicant respond that it was sufficient that the Decision provided an “acknowledgment” and “called out” the City of Wilder’s Area of Impact designation for the subject property. *Respondent’s Brief* at 11; *Intervener/Applicant’s Response Brief* at 39. Of course, this falls far short of the ordinance, which requires that “Canyon County shall give consideration to the city’s comprehensive plan map designations when evaluating development requests within the Wilder area of city impact.” Wilder City Area of Impact Ordinance § 09-17-15(1).

To take into consideration means “to bear in mind; consider; deliberate.” *Colliers English Dictionary* (12th Ed. 2014); *Webster’s College Dictionary* (2010). The Board’s Decision does not indicate that any of these things were done with the City’s Area of Impact designation for the subject property, thereby running afoul of I.C. § 67-6535(2).

The Applicant attempts to evade this shortcoming by arguing – as an additional issue raised in this judicial review action – that the Petitioners do not have standing to raise it. *Intervener/Applicant’s Response Brief* at 35-38. For this proposition, the Applicant first argues that the Petitioners cannot stand in the shoes of the City of Wilder. The Petitioners are doing no such thing. They have a right, pursuant to LLUPA and the Idaho APA, to challenge the County’s

Decision. That is not dependent upon the City of Wilder. The issue was separately raised to the Board by one of the Petitioners. R p. 1595.

In addition, the Applicant argues that the Petitioners do not have standing under *Coalition for Agriculture's Future v. Canyon County*, 160 Idaho 142, 369 P.3d 920 (2016). However, the reliance on this case is badly misplaced. The case did not involve judicial review of an agency decision under the APA. It was an action filed under the Uniform Declaratory Judgment Act. *Id.* at 143-44. Accordingly, it does not address the issue of who an “affected person” entitled to judicial review is within the meaning of the APA. The decision precluded a party who could have appealed an adverse zoning decision through judicial review from later challenging the decision by bringing a declaratory judgment action. *Id.* at 147. That does not describe the instant case at all, where Petitioners have filed a timely petition for judicial review, pursuant to the APA. In fact, the decision recognized that an adjacent property owner suffered a particularized injury due “to detrimental dust, noise, and traffic” created by the proposed activity, sufficient to demonstrate a particularized harm. *Id.* That is very similar to the harm alleged by many of the Petitioners here.

So long as the Petitioners demonstrate prejudice to their substantial rights – an issue which is further addressed below, they have the ability to bring an APA action. This includes consideration of whether the Board’s Decision was consistent with the law, including the County’s ordinances, of which the Wilder City Area of Impact Ordinance is one. The Applicant’s attempt to argue that the Petitioners do not have standing to raise this issue is misplaced.

Because the Decision does not contain an explanation of the Board’s consideration of the City’s Area of Impact designation for the subject property, it must be reversed and remanded.

D. The Petitioners Clearly have Substantial Rights that Stand to be Prejudiced.

To receive relief, the Petitioners must show real or potential prejudice to their substantial rights. *Hawkins v. Bonneville Cnty. Bd. Of Comm'rs*, 151 Idaho 228, 233, 254 P.2d 1224, 1229

(2011). The County and the Applicant claim that the Petitioners have failed to make this showing. In particular, the Applicant claims that the Petitioners only made general arguments in their testimony and comments, not specific to the proposed CAFO expansion. *Intervener/Applicant's Response Brief* at 42. This is simply incorrect.

The Applicant points to *Hungate v. Bonner County*, 166 Idaho 388, 458 P.3d 966 (2020) to support its argument that the Petitioners do not have substantial rights that stand to be prejudiced. However, the case is easily distinguished. In *Hungate*, the Court found that there was “no additional harm in granting” the requested variance, when the buildings had been there for twenty years. *Id.* at 968. Great weight was placed on this fact. *Id.* at 972. The same cannot be said about the proposed CAFO expansion in this case, which proposes to double the number of permitted livestock from what is currently allowed. In addition, there was no evidence in the record to support the claims of potential impacts in *Hungate*. *Id.* at 973-74.

In this matter, there are 32 individual Petitioners. Ample evidence exists in the record regarding the potential to impact the substantial rights of those parties, thereby satisfying the “something more” test of *Hungate*. *Id.* at 972. Following is a summary of those potential impacts.

Petitioner Brenda Abbott submitted written comments that the expanded CAFO would adversely impact her irrigation right-of-way, that disturbance of the landfill site could cause impacts to her property, and that waste ponds draining into the open canal segments on the subject property would run in front of her home. R pp. 1364-81, 2760, 2773-74.

Petitioner Paul Chismar commented that leaching of waste into the groundwater from the expanded CAFO could impact his drinking water well. R p. 2757.

Petitioner Angela Galloway commented about potential impacts to her property from the CAFO expansion's potential disturbance of the abandoned landfill. R pp. 1325-28.

Petitioner Merle Hammons provided detailed, specific comments that he lives “across the street” from the proposed CAFO expansion and shared test results showing that his drinking water well is already “approaching maximum concentration of 10.0 mg/L” of nitrates, which is likely to increase with the expansion. He also expressed concerns about his property value potentially decreasing by 50-90%. R pp. 1123, 1357-58, 1571, 1599.

Petitioners Dennis and Stacie Harvey commented that they live just west of the proposed expansion, which will result in increased noise, odors, and traffic on and near their property, and an increase in nitrates in the groundwater that supplies their drinking water well, which is tested regularly. They also expressed concerns about the reduction in property values that would result from all of these increased impacts. R pp. 1569, 2753.

Petitioner Shari Hastings provided comments about the increased noise, odor, flies, and dust that would occur on her property, one mile away, as a result of the CAFO expansion, as well as impacts to her drinking water well and property values. R pp. 1344, 1536, 2532, 2548.

Petitioners Stephen and Mary Lou Kaplan commented that the noise and smell from the CAFO expansion 1.3 miles from their property “would make any outdoor activity impossible” and “would negatively impact our neighborhood.” R pp. 1542, 1546.

Petitioners Gregory and Elizabeth Liefer are “property owners located 300 yards” from the proposed CAFO expansion who built their retirement home there in 2016. Their comments detailed increased odors from the expansion, as well as increased road usage, damage and safety hazards associated with the expanded CAFO. In addition, the Liefers commented on potential impacts to their residential well, surface runoff from the site, and potential dumpsite disturbance impacts. All of this will cause reduced property values for them. R pp. 1341-43.

Petitioner Francisco Rodriguez lives adjacent to the proposed CAFO expansion and his comments detailed potential impacts to his domestic well, R pp. 1348-1350, 1823, 2561, 2567.

Petitioner Kent Vaughters commented that his property is “within about 100 feet” of the proposed expansion and that smells from the site will increase on his property. R p. 2650.

The Petitioners are all affected persons, as defined by Title 67, Chapter 65, Idaho Code. They have been injured and had their fundamental rights violated by the Board’s Decision. These residents live in close proximity to the CAFO and are all injured by the Decision. The Petitioners stand to be directly affected by the expansion of the CAFO from the 6,000 head of beef cattle to 12,000 head and from the current nine (9) parcels (totaling 113 acres) to 13 parcels (totaling 183 acres). As detailed above, there is substantial evidence in the record of the potential prejudice to the Petitioners’ substantial rights resulting from the Board’s Decision to grant the conditional use permit, thereby satisfying the *Hungate* test.

E. Petitioners are Entitled to Attorney Fees; the Applicant is Not.

The Petitioners renew their request for attorney fees in this action, pursuant to Idaho Code § 12-117. The statute allows for an award of attorney fees in any proceeding involving as adverse parties a political subdivision and a person, if the court finds that the non-prevailing party acted without a reasonable basis in fact or law.

As explained above, the Board did not make required factual findings in its Decision. It failed to recognize the discretion that it had to impose certain, additional conditions to protect property owners in the area. And the Board failed to consider the City of Wilder’s Area of Impact designation, as required by the County’s own ordinance. The County could have addressed these shortcomings by acting upon the Petitioners’ request for reconsideration, but it failed to do so. The Board has therefore acted with no reasonable basis in approving the Application, thereby entitling the Petitioners to attorney fees under Idaho Code §12-117.

Conversely, the Applicant is not entitled to attorney fees in this matter. As a threshold matter, the Applicant is not likely to be the prevailing party. Even if so, the Applicant is not adverse to the County and is therefore not eligible for attorney fees under Idaho Code §12-117. And the Petitioners' positions in this matter are not obviously unreasonable, frivolous, or without foundation, thereby precluding an award of attorney fees under Idaho Code § 12-121.

Canyon County has not requested attorney fees and is not entitled to the same.

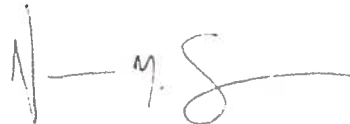
II. CONCLUSION

For the reasons set forth above, the Petitioners respectfully request that the Board's Decision approving the Application be vacated and rendered null and void, and further that they be awarded reasonable attorney fees and costs.

The Petitioners renew their request for oral argument on their Petition for Judicial Review.

DATED this 31st day of May, 2022.

PARSONS BEHLE & LATIMER

A handwritten signature in black ink, appearing to read "N. M. Semanko", written over a horizontal line.

Norman M. Semanko
Attorneys for Petitioners



**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

BRENDA ABBOTT, DANIEL BALE, PAUL CHISMAR, GEORGE AND JULIA COCHRAN, ANGELA GALLOWAY, RICKI GILMAN, MERLE HAMMONS, DENNIS AND STACIE HARVEY, GERARD AND SHARI HASTINGS, KELLY AND CALVIN HUIT, STEPHEN AND MARY LOU KAPLAN, J.A. LONN AND MARY LEITCH, GREGORY AND ELIZABETH LIEFER, NEIL AND BONNIE MORSE, DANIELLE OROZCO, RICHARD ROBOTKAY, FRANCISCO A. RODRIGUEZ, HAMES AND LINDA SLY, ALVIN AND FERN SMALLWOOD, DAVID AND SANDRA L. SMALLWOOD, AND KENT VAUGHTERS,

Petitioners,

vs.

CANYON COUNTY, a political subdivision of the State of Idaho, acting through the CANYON COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent.

CASE NO. CV14-21-10123

REMITTITUR

TO: Board of County Commissioners of Canyon County

The District Court having announced its Decision in this cause on **August 18, 2022**

which has now become final:

REMITTITUR

EXHIBIT
61 D

IT IS HEREBY ORDERED that the Board of County Commissioners of Canyon County shall forthwith comply with the directive of the District Court, if any action is required.

DATED: 10/14/2022 3:43:37 PM

By: M Martinez
Deputy Clerk

RESOLUTION NO: 23-178

The Canyon County Board of Commissioners considered and adopted the following resolution which shall be effective on the 29th day of June, 2023.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek the Board resolves as follows:




WHEREAS, AK Feeders have requested a Conditional Use Permit to provide for a CAFO operation to allow 3700 head of beef animals in a feedlot on a portion of parcel R37348010 (163.23 acre) in an "A" (Agricultural) Zone; and

WHEREAS, prior to this hearing it is desirable to have a CAFO siting advisory team view the property located at 21696 Stateline Rd., Wilder, Idaho in a portion of the NW quarter of Section 14, Township 4N, Range 6W, BM, Canyon County, Idaho.

WHEREAS, IDAPA 02 Title 04 Chapter 18: Rules for Governing CAFO Site Advisory Team, Section 200: The Formation of a Site Advisory Team states: "A board of county commissioners may request the formation of a CAFO site advisory team to provide a site suitability determination by submitting to the Director (of the Department of Agriculture) a written request supported by the adoption of a resolution by the county."

NOW THEREFORE, good cause having been shown, the Board formally requests, by written correspondence, that the Department of Agriculture form a CAFO siting advisory team to view the aforementioned property.

- Motion Carried Unanimously
- Motion Carried/Split Vote Below
- Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: CHRIS YAMAMOTO, CLERK

By: J Ross
Deputy

June 26, 2023

Chanel Tewalt, Director
Idaho State Department of Agriculture
ATTN: County CAFO Siting Team
2270 Old Penitentiary Road
Boise, ID 83712

RE: Request for a CAFO Siting Advisory Team Review

Director,

Through this letter we are respectfully requesting the CAFO siting advisory team view the property located at 21696 Stateline Road, Wilder, Canyon County, Idaho. We are making our request for a siting team review based upon the request by AK Feeders, David De Benedetti, manager, for a Conditional Use Permit to expand the existing operation to 3700 animals, on "A" (Agricultural) zoned properties owned by AK Feeders, LLC. The request will be heard by the Canyon County Planning and Zoning Commission pending the Siting Team Report.


We would request you provide all back-up information related to the siting team review report, including, but not limited to:

- Please provide copies of all worksheets and notes used by the team in evaluating the site.
- Please provide a detailed narrative of any specific concerns of the team and the answers to the concerns.
- Please evaluate the availability of well water for the proposal and effects on ground water in the area. Is the area a nitrate priority area?
- Please address odor and pest concerns—both the current operation and the proposed expansion.
- Please address waste management for both the current operation and the proposed expansion.
- Please address waste management for both the current operation and the proposed expansion, including any problems or concerns.
- Please indicate the names of all persons present during the site evaluation and their agency or responsibility.


We appreciate your consideration of our request and look forward to your response. If you have any questions, please contact Debbie A. Root at the Development Services Department office at (208) 455-6034.

Sincerely,

CANYON COUNTY BOARD OF COMMISSIONERS



Commissioner Leslie Van Beek



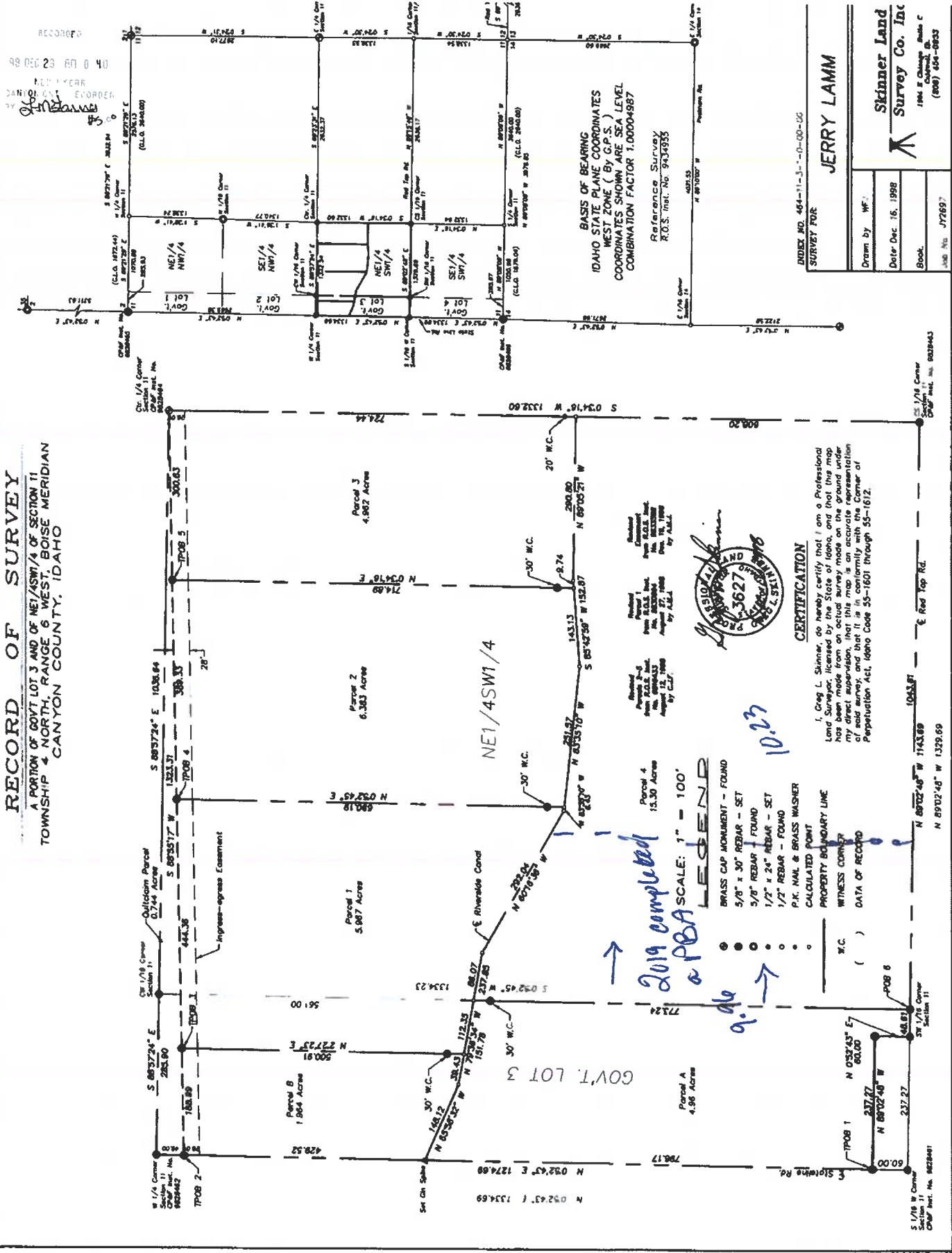
Commissioner Brad Holton



Commissioner Zach Brooks

RECORD OF SURVEY

A PORTION OF GOVT LOT 3 AND NE1/4SW1/4 OF SECTION 11
TOWNSHIP 4 NORTH, RANGE 6 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO



2019 completed
a PBA SCALE: 1" = 100'

10.23

qide

- LEGEND**
- BRASS CAP MONUMENT - FOUND
 - 5/8" x 30" REBAR - SET
 - 5/8" REBAR - FOUND
 - 1/2" x 24" REBAR - SET
 - 1/2" REBAR - FOUND
 - P.K. NAIL & BRASS WASHER
 - CALCULATED POINT
 - PROPERTY BOUNDARY LINE
 - WITNESS CORNER
 - () DATA OF RECORD

CERTIFICATION

I, Greg L. Skinner, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been made from an actual survey made on the ground under my personal supervision, that the location and description of said survey and that it is in conformity with the Corner of Perpetuation Act, Idaho Code 55-1601 through 55-1612.



BASIS OF BEARING
IDAHO STATE PLANE COORDINATES
WEST ZONE (By G.P.S.)
COORDINATES SHOWN ARE SEA LEVEL
COMBINATION FACTOR 1.00004987

Reference Survey
R.O.S. Inst. No. 9334935

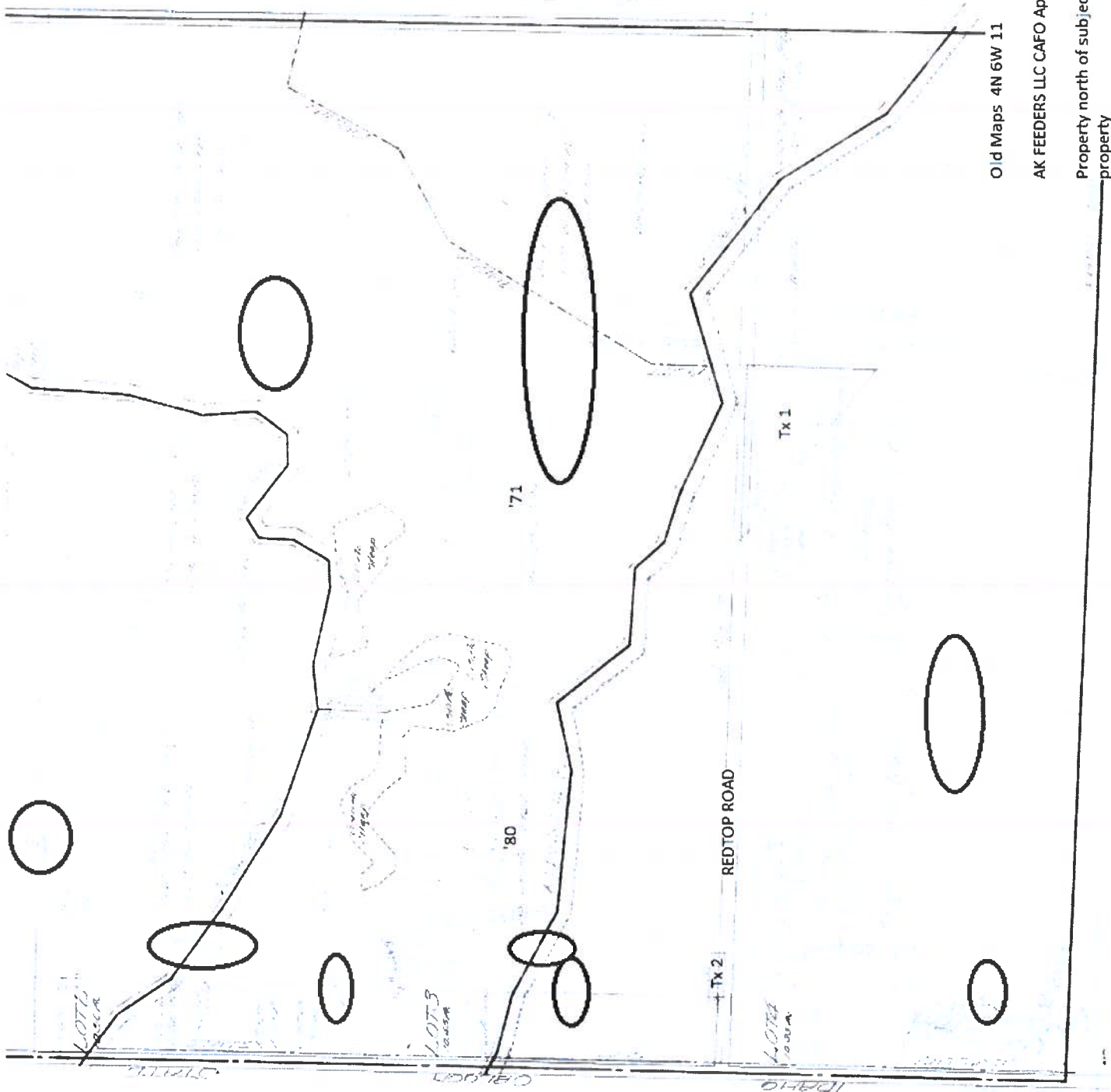
JERRY LAMM

INDEX NO. 464-11-3-2-0-00-00
SURVEY FOR

Drawn by WF
Date Dec. 16, 1998
Book
Job No. J7267

Skinner Land Survey Co. Inc.
1964 E. Channing Blvd. C
(801) 464-0653

RECORDED
ALL YEAR
CORPORATE
JERRY LAMM

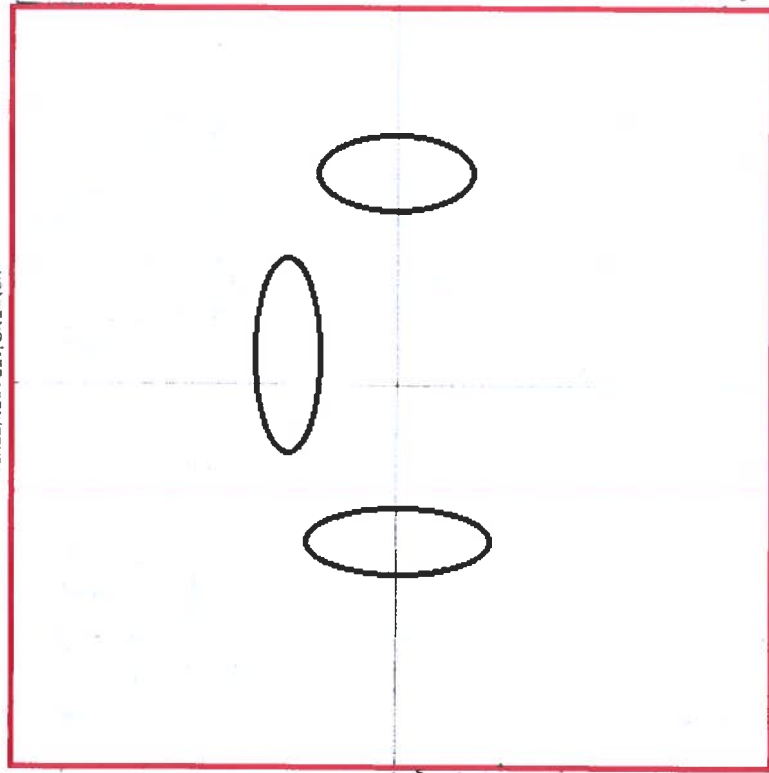


Old Maps 4N 6W 11

AK FEEDERS LLC CAFO App

Property north of subject property

SCALE, 400 FEET, ONE INCH



OREGON

IDAHIO OREGON STATE LINE

71

LOT 4
50,000 sq. ft.

LOT 1
50,000 sq. ft.

TX 1

TX 1A

SNAKE RIVER

LOT 1
50,000 sq. ft.

Old Maps 4N 6W 14

AK Feeders, LLC CAFO App

Subject property

Debbie Root

From: Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>
Sent: Wednesday, November 1, 2023 10:15 AM
To: Debbie Root
Subject: [External] RE: AK Feeders--grazing livestock and

Hello Debbie,

Thank you very much for contacting. The rules state cattle can have access to a waterway, however, cattle cannot be confined over a waterway to a point where they are a significant contributor to degradation. It's hard to judge by the pictures, but this does not look like a problem we could address.

Thanks

Pradip Adhikari, PhD

Soil Scientist/Nutrient Management Specialist
Idaho State Department of Agriculture
Animal Industries/Dairy/Nutrient Management
2270 Old Penitentiary Road
Boise, ID 83712
Email: Pradip.adhikari@isda.idaho.gov
Phone: 208-332-8541 ext 541 (O)
208-917-0275 (C)



From: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Sent: Tuesday, October 31, 2023 3:43 PM
To: Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>
Subject: AK Feeders--grazing livestock and

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Pradip,

For my own knowledge as it will possibly come up at the hearing for AK Feeders....

Our GIS aerial photos show that the AK Feeders cattle (grazing) are accessing the waterways on the property including the Allen Drain and the Arena Case Drain. They do have stockwater permits for both drains.



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 22

AGRICULTURE AND HORTICULTURE

CHAPTER 49

BEEF CATTLE ENVIRONMENTAL CONTROL ACT

22-4902. DECLARATION OF POLICY AND STATEMENT OF LEGISLATIVE INTENT. (1) The legislature recognizes the importance of protecting state natural resources including surface water and ground water. It is the intent of the legislature to protect the quality of these natural resources while maintaining an ecologically sound, economically viable, and socially responsible beef cattle industry in the state. The beef cattle industry produces manure and process wastewater which, when properly used, supplies valuable nutrients and organic matter to soils and is protective of the environment, but may, when improperly stored and managed, create adverse impacts on natural resources, including waters of the state. This chapter is intended to ensure that manure and process wastewater associated with beef cattle operations are handled in a manner which protects the natural resources of the state.

(2) Successful implementation of this chapter is dependent upon the department receiving adequate funding from the legislature. Moreover, the legislature recognizes that it is important for the state to obtain a delegated national pollutant discharge elimination system (NPDES) program from the United States environmental protection agency under the clean water act. The department's authority to enforce this chapter should be consistent and coordinated with the department of environmental quality's authorities pursuant to title 39, Idaho Code, to protect state ground and surface waters, and to obtain approval from the United States environmental protection agency to implement and administer an Idaho NPDES program governing the discharge of pollutants to the waters of the United States as defined in the federal clean water act.

History:

[22-4902, added 2000, ch. 63, sec. 1, p. 139; am. 2001, ch. 103, sec. 7, p. 261; am. 2004, ch. 187, sec. 1, p. 579; am. 2010, ch. 343, sec. 1, p. 900; am. 2016, ch. 129, sec. 1, p. 376.]

How current is this law?



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 22
AGRICULTURE AND HORTICULTURE
CHAPTER 49

BEEF CATTLE ENVIRONMENTAL CONTROL ACT

22-4903. AUTHORITY AND DUTIES OF DIRECTOR CONCERNING BEEF CATTLE ANIMAL FEEDING OPERATIONS. (1) The director of the department of agriculture through the division of animal industries is authorized to regulate beef cattle animal feeding operations to protect state natural resources, including surface water and ground water. The department is authorized to adopt rules to implement the provisions of this chapter.

(2) Nothing in this chapter shall affect the authority of the department of environmental quality to administer and enforce an Idaho NPDES program for beef cattle feeding operations, including without limitation, the authority to issue permits, access records, conduct inspections and take enforcement action, as set forth in chapter 1, title 39, Idaho Code, and the rules adopted pursuant thereto. The provisions of this chapter do not alter the requirements, liabilities and authorities with respect to or established by an Idaho NPDES program.

(3) The director of the department of environmental quality and the director of the department of agriculture shall, as appropriate, establish an agreement relating to the administration of an Idaho NPDES program that recognizes the expertise of the department of agriculture. The director shall have the authority to exercise any other authorities delegated by the director of the department of environmental quality regarding the protection of ground water, surface water and other natural resources associated with beef cattle feeding operations, and this shall be the authority for the director of the department of environmental quality to so delegate.

(4) The director of the department of environmental quality shall consult with the director of the department of agriculture before certifying discharges from beef cattle animal feeding operations as provided under 33 U.S.C. section 1341.

History:

[22-4903, added 2000, ch. 63, sec. 1, p. 140; am. 2001, ch. 103, sec. 8, p. 262; am. 2004, ch. 187, sec. 2, p. 580; am. 2016, ch. 129, sec. 2, p. 377.]

How current is this law?



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 22

AGRICULTURE AND HORTICULTURE

CHAPTER 49

BEEF CATTLE ENVIRONMENTAL CONTROL ACT

22-4904. DEFINITIONS. When used in this chapter:

(1) "Administrator" means the administrator, or his designee, for the animal industries division of the Idaho department of agriculture.

(2) "Beef cattle" means slaughter and feeder cattle or dairy heifers that are kept on or contiguous to the animal feeding operation and are owned or controlled by the animal feeding operation.

(3) "Beef cattle animal feeding operation" means an animal feeding operation which confines the number of slaughter and feeder cattle or dairy heifers as set forth in 40 CFR 122.23(b)(1), (b)(2), (b)(4), (b)(6) or (b)(9).

(4) "Best management practices" means practices, techniques or measures which are determined to be reasonable precautions, are a cost-effective and practicable means of preventing or reducing pollutants from point sources or nonpoint sources to a level compatible with environmental goals, including water quality goals and standards for waters of the state. Best management practices for water quality shall be adopted pursuant to the state water quality management plan, the Idaho ground water quality plan or this chapter.

(5) "Department" means the Idaho department of agriculture.

(6) "Director" means the director of the Idaho department of agriculture or his designee.

(7) "Manure" means animal excrement that may also contain bedding, spilled feed, water or soil.

(8) "Modification" or "modified" means structural changes and alterations to the wastewater storage containment facility which would require increased storage or containment capacity or such changes which would alter the function of the wastewater storage containment facility.

(9) "Noncompliance" means a practice or condition that causes an unauthorized discharge, or a practice or condition, that if left uncorrected, will cause an unauthorized discharge.

(10) "National pollutant discharge elimination system (NPDES)" means the point source permitting program established pursuant to section 402 of the federal clean water act.

(11) "Nutrient management plan" means a plan prepared in conformance with the nutrient management standard, provisions required by 40 CFR 122.42(e)(1), or other equally protective standard for managing the amount, placement, form and timing of the land application of nutrients and soil amendments.

(12) "Nutrient management standard" means the 1999 publication by the United States department of agriculture, natural resources conservation service, conservation practice standard, nutrient management code 590 or other equally protective standard approved by the director.

(13) "Person" means any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties.

(14) "Process wastewater" means liquid containing beef cattle manure, process-generated wastewater and any precipitation which comes into direct contact with livestock manure and facility products or byproducts.

(15) "Unauthorized discharge" means a discharge of process wastewater or livestock manure to state surface waters that does not meet the requirements of this chapter or water quality standards.

(16) "Wastewater storage and containment facilities" means the portion of an animal feeding operation where manure or process wastewater is stored or collected. This may include corrals, feeding areas, waste collection systems, waste conveyance systems, waste storage ponds, waste treatment lagoons and evaporative ponds.

(17) "Waters of the state" means all accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state.

History:

[22-4904, added 2000, ch. 63, sec. 1, p. 140; am. 2004, ch. 187, sec. 3, p. 580; am. 2016, ch. 129, sec. 3, p. 377.]

How current is this law?



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 22
AGRICULTURE AND HORTICULTURE
CHAPTER 49

BEEF CATTLE ENVIRONMENTAL CONTROL ACT

22-4905. DESIGN AND CONSTRUCTION. Each new beef cattle animal feeding operation and each modified beef cattle animal feeding operation shall design and construct all new and modified wastewater storage and containment facilities in accordance with the engineering standards and specifications provided by the natural resource conservation service or the American society of agricultural engineers (ASAE) or other equally protective standard approved by the director. The department's review and approval of plans under this section shall supersede the Idaho department of environmental quality's implementation of plan and specification review and approval provided under section 39-118, Idaho Code. Such design and construction shall be considered a best management practice.

History:

[22-4905, added 2000, ch. 63, sec. 1, p. 141; am. 2001, ch. 103, sec. 9, p. 263.]

How current is this law?



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 22
AGRICULTURE AND HORTICULTURE
CHAPTER 49

BEEF CATTLE ENVIRONMENTAL CONTROL ACT

22-4906. NUTRIENT MANAGEMENT PLAN. Each beef cattle animal feeding operation shall submit a nutrient management plan to the director for approval. Beef cattle animal feeding operations that are operating on or before July 1, 2000, shall submit a nutrient management plan to the director for approval no later than January 1, 2005. Any new operation commencing operations after July 1, 2000, shall not operate prior to the director's approval of a nutrient management plan. An approved nutrient management plan shall be implemented and considered a best management practice. Following department review and approval, the plan, and all copies of the plan, shall be returned to the operation and maintained on site. Such plans shall be available to the administrator on request. Operations that elect to utilize a web-based nutrient management planner, housed with the Idaho state department of agriculture, are consenting to allow the plan to be housed on file with the Idaho state department of agriculture. The nutrient management plan, information provided and generated in utilization of a web-based nutrient management planner, and all information generated by the beef cattle animal feeding operation as a result of a plan shall be deemed to be trade secrets, production records, or other proprietary information, shall be kept confidential, and shall be exempt from disclosure pursuant to section 74-107, Idaho Code.

History:

[22-4906, added 2000, ch. 63, sec. 1, p. 141; am. 2004, ch. 187, sec. 4, p. 581; am. 2020, ch. 66, sec. 1, p. 154.]

How current is this law?



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6529. APPLICABILITY TO AGRICULTURAL LAND – COUNTIES MAY REGULATE SITING OF CERTAIN ANIMAL OPERATIONS AND FACILITIES. (1) No power granted hereby shall be construed to empower a board of county commissioners to enact any ordinance or resolution which deprives any owner of full and complete use of agricultural land for production of any agricultural product. Agricultural land shall be defined by local ordinance or resolution.

(2) Notwithstanding any provision of law to the contrary, a board of county commissioners shall enact ordinances and resolutions to regulate the siting of large confined animal feeding operations and facilities, as they shall be defined by the board, provided however, that the definition of a confined animal feeding operation shall not be less restrictive than the definition contained in section 67-6529C, Idaho Code, including the approval or rejection of sites for the operations and facilities. At a minimum, a county's ordinance or resolution shall provide that the board of county commissioners shall hold at least one (1) public hearing affording the public an opportunity to comment on each proposed site before the siting of such facility. Several sites may be considered at any one (1) public hearing. Only members of the public with their primary residence within a one (1) mile radius of a proposed site may provide comment at the hearing. However, this distance may be increased by the board. A record of each hearing and comments received shall be made by the board. The comments shall be duly considered by the board when deciding whether to approve or reject a proposed site. A board of county commissioners may reject a site regardless of the approval or rejection of the site by a state agency.

History:

[67-6529, added I.C., sec. 67-6529, as added by 1975, ch. 188, sec. 2, p. 515; am. 2000, ch. 217, sec. 1, p. 605; am. 2003, ch. 297, sec. 1, p. 805.]

How current is this law?



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6529C. DEFINITIONS. As used in this act, the following definitions shall apply:

(1) "CAFO," also referred to as "concentrated animal feeding operation" or "confined animal feeding operation," means, for those counties that have requested a site suitability determination, a CAFO as defined in the applicable ordinance of the county wherein the CAFO is located. If the requesting county has not defined CAFO in its ordinances, CAFO means a lot or facility where the following conditions are met:

(a) Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any twelve-month period;

(b) Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility; and

(c) The lot or facility is designed to confine or actually does confine as many as or more than the numbers of animals specified in any of the following categories: seven hundred (700) mature dairy cows, whether milked or dry; one thousand (1,000) veal calves; one thousand (1,000) cattle other than mature dairy cows or veal calves; two thousand five hundred (2,500) swine each weighing fifty-five (55) pounds or more; ten thousand (10,000) swine each weighing less than fifty-five (55) pounds; five hundred (500) horses; ten thousand (10,000) sheep or lambs; or eighty-two thousand (82,000) chickens.

Two (2) or more concentrated animal feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes;

(2) "CAFO site advisory team" shall mean representatives of the Idaho state department of agriculture, Idaho department of environmental quality and Idaho department of water resources who review a site proposed for a CAFO, determine environmental risks and submit a suitability determination to a county. The department of agriculture shall serve as the lead agency for the team;

(3) "Environmental risk" shall mean that risk to the environment deemed posed by a proposed CAFO site, as determined and categorized by the CAFO site advisory team and set forth in the site advisory team's suitability determination report;

(4) "Suitability determination" shall mean that document created and submitted by the CAFO site advisory team after review and analysis of a proposed CAFO site that identifies the environmental risk categories related to a proposed CAFO site, describes the factors that contribute to the environmental risks and sets forth any possible mitigation of risk.

History:



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6529D. ODOR MANAGEMENT PLANS – COUNTY REQUEST FOR SUITABILITY DETERMINATION – LOCAL REGULATION. (1) Counties may require an applicant for siting of a CAFO to submit an odor management plan as part of their application.

(2) A board of county commissioners considering the siting of a CAFO may request the director of the department of agriculture to form a CAFO site advisory team to provide a suitability determination for the site.

(3) This act does not preempt local regulation of a CAFO.

History:

[67-6529D, added 2001, ch. 381, sec. 4, p. 1338.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6529E. PROCESS FOR COUNTY REQUEST – CONTENTS OF THE REQUEST. (1) A board of county commissioners shall submit its request for a suitability determination by a site advisory team in writing to the director of the department of agriculture and shall support its request by the adoption of a resolution.

(2) Information in the request shall include, but not be limited to, the county's definition of "CAFO" as set forth in any applicable county ordinance, the relevant legal description and address of a proposed facility, the actual animal capacity of the facility, the types of animals to be confined at the proposed facility, all information related to water and water rights of the facility, any relevant vicinity maps and any other information relevant to the site that will assist the site advisory team in issuing its suitability determination. The board of county commissioners shall also provide the site advisory team with a copy of the odor management plan for the CAFO, if required to be submitted by the site applicant at the time of application.

History:

[67-6529E, added 2001, ch. 381, sec. 5, p. 1338; am. 2006, ch. 218, sec. 2, p. 654; am. 2011, ch. 180, sec. 2, p. 512.]

How current is this law?

Search the Idaho Statutes and Constitution

Debbie Root

From: Pradip Adhikari <Pradip.Adhikari@ISDA.IDAHO.GOV>
Sent: Wednesday, December 28, 2022 11:34 AM
To: Debbie Root
Cc: Mitchell Vermeer
Subject: [External] RE: CAFO Siting Team process questions
Attachments: IDAPA 02_04_30.pdf

Hello Debbie,

Thank you very much for contacting ISDA, regarding the siting of DeBenedetti family, AK Feeders LLC, at 21696 State Line Road, Wilder, ID.

Currently, the CAFO siting advisory team consisted of representatives from IDEQ, IDWR, and the ISDA. On the behalf of ISDA, I am the team lead representative of the CAFO site advisory team. At present, ISDA does not required any application and per diem fees.

As you mentioned in your email, CAFO siting team still needs several documents such as a siting request application from the county, Nutrient Management Plan approved by ISDA, water right information, vicinity map, soil information, etc. in the application package. The detailed required documents are listed in the IDAPA 02.04.30, subchapter B (attached with this email see pages 9-11). Within thirty days of receiving a request for the siting, which includes all the required documents, the CAFO team will conduct the siting and submit the suitability determination reports to the county.

Please do not hesitate to contact me if you need further information or have any questions.

Happy Holidays !!

Thanks

Pradip Adhikari, PhD

Soil Scientist/Nutrient Management Specialist
Idaho State Department of Agriculture
Animal Industries/Dairy/Nutrient Management
2270 Old Penitentiary Road
Boise, ID 83712
Email: Pradip.adhikari@isda.idaho.gov
Phone: 208-332-8541 ext 541 (O)
208-917-0275 (C)



Mr. Vermeer,

Debbie Root

From: Debbie Root
Sent: Tuesday, December 27, 2022 11:37 AM
To: 'Mitchell.Vermeer@isda.idaho.gov'
Cc: Debbie Root
Subject: CAFO Siting Team process questions

Mr. Vermeer,

I hope that you have had a very nice holiday season in spite of the challenging weather. I am a Planner III with Canyon County Development Services. I have recently returned to the employ of the County and have been assigned a Conditional Use Permit application for a 6000 head CAFO permit for the DeBenedetti family, AK Feeders LLC, at 21696 State Line Road, Wilder, ID. I have been away from this position for several years working for a city (no CAFOs). Prior to that I had worked with Marv Patton and John Bilderback on several CAFO permits and Siting Team requests.

My question(s) to you is in line with previous experience with ISDA with the regards to the application documents and fees required before the Siting Team is requested. Formerly, the ISDA, NRCS, and EPA teams, allowed for the applicant to work with them to obtain many of the documents required to meet the Siting Team review process, i.e., well logs, soils, contour maps, etc. How much of this information can be provided **after** the County's request for a Siting Team Suitability Determination (Statute only provides for 30 days) or is it your preference to have a relatively complete set of documents sent with the request from the County Commissioners. The application I currently have in my office is very incomplete so we are not yet moving forward with the application—although I am told that the applicant has been moving forward with improvements on site this summer and fall.

Further, the statute 67-6529H SITE SUITABILITY DETERMINATION-APPLICATION FEES indicates that the County shall collect a fee from the application of \$1200 plus mileage and per diem. In the past we have not been required by your office to collect this fee. I assume this is due to the 67-6529H(2) and (3) which exclude operations that pay a butterfat assessment and/or brand inspection fee. I would need a confirmation of fee requirement or waiver from your office for the proposed AK Feeders CAFO site suitability determination.

If there is a more appropriate contact person as we work through this CAFO permit please forward that contact information.

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

Debbie Root

From: DEBBIE CARDOZA <dcardflash@aol.com>
Sent: Wednesday, November 8, 2023 10:27 AM
To: Debbie Root
Subject: [External] Violating our rights

cc: Planning & Zoning Commissioners for CU2022-0036 AK Feeders

Dear Ms. Root,

Thank you for providing us with another response. While we appreciate your several efforts to rewrite the law to deny us our rights, once again, the Canyon County Zoning Law CCZO 07-01-15(3) states: “**(3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.**” The “shall be” in this law means **mandatory and required.**

The law does not state that the purpose of the neighborhood meeting shall be to review the “**initial** proposed plan” as you have stated, otherwise the lawmakers would have written it that way. It does not state that the neighborhood meeting shall be “to potentially incorporate that feedback into their project plans” as you stated, then, in this case, to present an entirely different plan to the County. No. It states that the neighborhood meeting requires the review of the **actual** “proposed project and discussion of neighborhood concerns.” We have been denied both a review of the **actual** proposed project and discussion of concerns with the Applicant at a Neighborhood Meeting as the law “requires”.

As we told you before, the plan on your website is completely different from what we were shown at the Neighborhood Meeting. The location of the “project” is in an entirely different place; the “project” is on entirely different parcels of land; the size of the project is completely different; the number of cattle is entirely different, etc. We would have had entirely different questions to ask the Applicant at the Neighborhood Meeting had we been shown the plan now on your website and we were denied that opportunity provided to us under the law.

You stated, “...the meeting is intended to provide the applicant feedback and concerns from the neighborhood/property owners in the vicinity, and to potentially incorporate that feedback into their project plans.” Please provide us with the statute that confirms your statement.

Your statement, “You have submitted meaningful and thoughtful response/concerns with regards to the project” is incorrect. Our response to you has been about the violation of our rights under the law, not about the project. Again, our rights under Canyon County Zoning Law



CCZO 07-01-15(3) have been denied. We were not shown this new plan on your website and allowed to discuss neighborhood concerns of this plan with the Applicant and get his answers at a Neighborhood Meeting that would have enabled us to then formulate any concerns and then provide them as meaningful written testimony.

By going forward with your November 16, 2023 hearing you are knowingly denying our rights because we have informed you that we were not presented with the "plan" that you now have on your webpage at the initial Neighborhood Meeting and were not allowed to discuss neighborhood concerns with the Applicant and get answers from him at that time as the law requires.

We demand again that you cancel your November 16 hearing until such time as the Applicant has been required to follow the law and provide the actual "proposed project" to the neighbors for their review and discussion with the Applicant so that we can then formulate and provide meaningful written testimony. Not allowing us to discuss any concerns about the actual "proposed project" with the Applicant at a Neighborhood Meeting and get his answers violates our rights under CCZO 07-01-15(3). Your telling neighbors to just look at your website and try to figure it out does not comport with the provisions of the law.

Because with each new email you continue to reinterpret the law, again, please provide us with your law license number.

As we have told you before, the Constitution and the Idaho Supreme Court precedent do not allow Canyon County officials to violate citizens' rights.

Mrs. Debbie Cardoza

Sent from my iPhone

Debbie Root

From: DEBBIE CARDOZA <dcardflash@aol.com>
Sent: Monday, November 6, 2023 11:11 AM
To: Debbie Root
Subject: Re: [External] CU2022-0036

Ms. Root,

Thank you for your timely response, as you can probably tell by now this means everything to myself and my husband and family. With the interest rates at almost 8 percent and the fact that the home we bought (not next door to a feedlot) will depreciate in value if a CAFO goes in, gives us little hope to find another place to live. My husband (74) has asthma and COPD and is retired, he's also suffering from Lemeers Syndrome now which has put the brunt of this on me & I have been in survival mode. We are just trying to save our home and keep a roof over our heads where we can actually live the outdoor lifestyle we want and have the rights to as property owners and tax payers. I don't understand how one man has more rights than all the home owners surrounding him who object to this proposed feedlot which he started building last fall.

Sincerely,

Debbie Cardoza

Sent from my iPhone

On Nov 6, 2023, at 10:07 AM, Debbie Root <Debbie.Root@canyoncounty.id.gov> wrote:

Ms. Cardoza,

Thank you for your thoughtful response. I have spoken with our legal team prior to responding back to your email to Pam Dilbeck regarding the neighborhood meeting and information provided at that meeting. I am the planner of record and I am the appropriate contact for issues/concerns regarding case file CU2022-0036. I have received all of your letters and have incorporated them into the staff report for the Commission's review and consideration.

The neighborhood meeting is informational for both the potential applicant and the property owners/interested parties that attend the meeting. The applicant did present their initial proposed plan at the meeting. As stated before, the meeting is intended to provide the applicant feedback and concerns from the neighborhood/property owners in the vicinity, and to potentially incorporate that feedback into their project plans. This is typical and expected. The proposed plans are also often changed after staff, agency, or engineering review to meet requirements or to mitigate concerns that the public, agencies and staff may have.

Further, DSD at the direction of the Board of County Commissioners also provides the initial application online when the applicants submits for review. The County now also provides the documents in the case file that will be reviewed for the staff report and FCOs in a file posted online 40 days prior to the hearing and provides notice to property owners at that same time so that there is time to review the documents and project plans for comment by the public so that feedback can be incorporated into the analysis and review of the project.

You clearly received the notices for both the neighborhood meeting and for the public hearing. You have submitted meaningful and thoughtful response/concerns with regards to the project and those

documents are in the staff report and available for the Commission's review. We will have the staff report, Draft findings, and exhibits available online in the next day or two.

Respectfully,

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

Development Services Department (DSD)
NEW public office hours
Effective Jan. 3, 2023
Monday, Tuesday, Thursday and Friday
8am - 5pm
Wednesday
1pm - 5pm
**We will not be closed during lunch hour **

From: DEBBIE CARDOZA <dcardflash@aol.com>
Sent: Monday, November 6, 2023 9:43 AM
To: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: [External] CU2022-0036

Dear Ms. Root –

Thank you for your Nov 3, 2023 email response to us to our October 23 email inquiry to Ms. Pam Dilbeck, Sr. Administrative Specialist in your Department and our Oct. 27, 2023 hand delivered letter and email to you. It took your office 12 days to respond to our email to Ms. Dilbeck. Because you are now responding to email requests to Ms. Dilbeck, we will be directing all our future inquiries to you in the hopes of getting more timely responses.

As we told Ms. Dilbeck, Canyon County Zoning Law CCZO 07-01-15(3) states: “ **(3) *The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.***”

Your Nov 3 email response to us states, “The neighborhood meeting is intended to be informational to both the property owners in the vicinity of the proposed use and to the applicant to gain information from the neighbors including concerns, opportunities to improve or to potentially modify their plans and mitigate neighbor concerns before or during the application process.”

Please provide us with the County Statute that supports your legal interpretation of the Canyon County Zoning Law regarding Neighborhood Meetings, the Statute that states that the purpose of the Neighborhood Meeting is for the Applicant “to modify their plans” AFTER showing the “proposed project” to local property owners and, in this case, create an entirely different plan to present to the County, thus circumventing local property owners and their legally required CCZO 07-01-15(3) “review” of the “proposed project”.

As we told Ms. Dilbeck and you in our recent emails to you both, by not cancelling your November 16 hearing on AK Feeders and requiring AK Feeders to hold another Neighborhood Meeting so property owners can review the **actual** “proposed project” as required by law, you are knowingly and purposefully denying us our legal right to “review the proposed project” under CCZO 07-01-15(3). By not cancelling the November 16 hearing, you have also now denied us our right to provide meaningful written testimony.

As we stated in our October 27, 2023 letter to the P&Z Commissioners, the U.S. Constitution and Idaho Supreme Court precedent do not allow County officials to violate our Constitutional rights, yet that is exactly what you have done. We call upon you again to cancel your November 16, 2023 hearing on AK Feeders until such time AK Feeders holds another Neighborhood Meeting and, this time, presents us with the **actual** “proposed project” as the law requires. As you know, AK Feeders did not just “modify their plans”, they completely changed them, e.g. totally different location, different size of project, etc.

For future reference, our names are “Mrs. Cardoza” and “Mrs. Isaak” not “ladies”.

Debbie CardozaSusan Isaak

cc: P&Z Commissioners for CU 2022-0036 AK Feeders

Sent from my iPhone

RECEIVED
OCT 30 2023
RECEIVED
Late

AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16th, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28th.

We thank you for your support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, *Spencer Johnson* am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

727 Hooped Rd.
Adrian, Oregon 97901
Address

508-550-7414
Email/Phone Number



AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

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We thank you for your support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Rhyan Gallegos, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

26749 Old Fort Boise RD
Address

208-604-4524
Email/Phone Number



AK Feeders LLC
21696 State Line Road,
Wilder, ID 83676

Dear cattle producers, farmers, family, and friends,

AK Feeders LLC is undergoing the process to develop a 3,700 head feedlot on the Idaho/Oregon state line (located between Wilder, ID and Adrian, OR). The goal is to provide the smaller producer a place to grow their stock for sale.

While going through the proper procedures to ensure the success of this project, AK Feeders LLC will have a hearing on November 16th, 2023 for the public to attend. At this hearing, you can show your support for this project, see the details of the feedlot, and hear more about the benefits. Prior to this hearing, we are asking for your support.

If you are in support of this project, please tear and sign the letter below and mail to the Canyon County Planning & Zoning Commission with the complimentary stamped envelope provided before October 28th.

We thank you for your support.

Dear Canyon County Development Services Department (Canyon County Planning & Zoning Commission),

Under Case No. CU2022-0036, AK Feeders LLC is applying for a conditional use permit for a Confined Animal Feeding Operation (CAFO) that will support 3,700 head of beef cattle on Parcel R37348010 located at 21696 State Line Road, Wilder, ID 83676.

I, Ray & Vickie Rueth, am in favor of this project and application. This is an agricultural operation that will support other agricultural operations.

26749 Old Fort Boise Rd.
Address PARMA ID 83660

rdairy@email.com
Email/Phone Number



AK FEEDERS, LLC

CU2022-0036

CONFINED ANIMAL FEEDING OPERATION

Planning & Zoning Commission

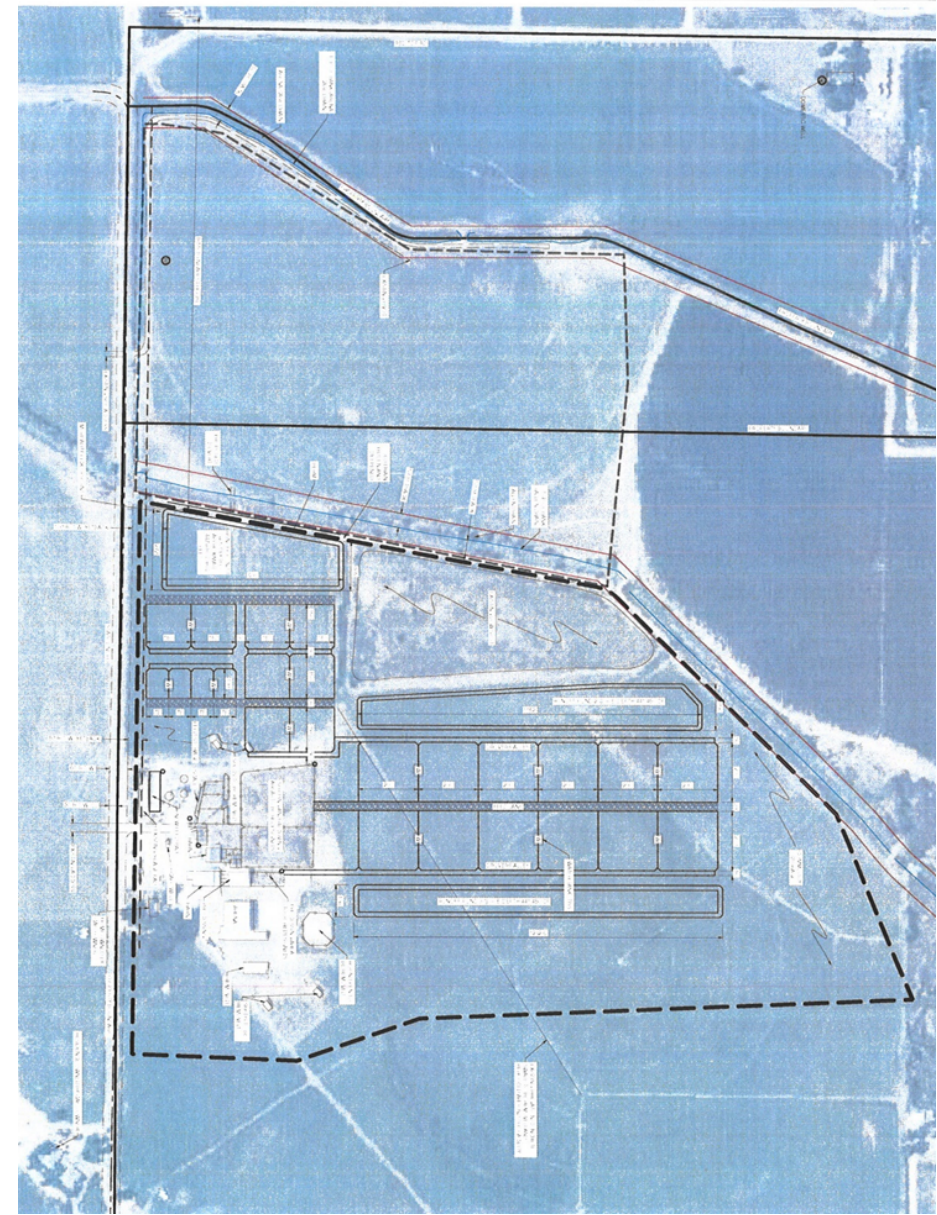
November 16, 2023



AK FEEDERS: Request

The applicant is requesting a conditional use permit (CUP) to provide for a 3700 head Confined Animal Feeding Operation (CAFO) for beef cattle on approximately 80 acres of parcel R37348010 (163.23 acres) south and west of the Allen Drain at 21696 State Line Road, Wilder, ID

The property is zoned "A" (Agricultural) and a CAFO is allowed by CUP in the Agricultural zone.



Confined Animal Feeding Operation

08-01-03: PURPOSE:

The purpose of this article is to provide for the orderly placement and regulation of CAFOs in Canyon County, and to require all CAFOs operating in Canyon County to obtain all required permits and be in compliance with all applicable federal and state environmental standards, and to be sited, where appropriate, within the A (agricultural), IP (industrial park), M-1 (light industrial), or M-2 (heavy industrial) zones, and meet certain development standards. (Ord. 07-002, 1-18-2007)

ANIMAL NUMBERS: The minimum number of animals at the facility for the facility to be defined as a CAFO:

- (3) One thousand (1,000) cattle or other mature dairy cows or veal calves. Cattle includes, but is not limited to, heifers, steers, bulls and cow/calf pairs;

CAFO:

- (1) Confined animal feeding operation, also referred to as "concentrated animal feeding operation", means a facility where all the following conditions are met:
 - A. Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days, or more in any twelve (12) month period; and
 - B. Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the facility; and
 - C. The facility is designed to confine or actually does confine the minimum of animal numbers as listed in the "animal numbers" definition provided herein.



Canyon County Code: CUP & CAFO Criteria

CCZO §07-06-07– Conditional Use Permit Criteria

1. Is the proposed use permitted in the zone by conditional use permit?
2. What is the nature of the request?
3. Is the proposed use consistent with the comprehensive plan?
4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?
5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?
6. Does legal access to the subject property for the development exist or will it exist at the time of development?
7. Will there be undue interference with existing or future traffic patterns?
8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)



AK FEEDERS: CAFO CRITERIA

08-01-11: CRITERIA FOR APPROVAL AND DEVELOPMENT STANDARDS FOR NEW FACILITIES:

(1) Prior to approval of a CAFO siting permit for a new CAFO, and after public hearing, the commission shall find that the proposed new CAFO meets the following requirements:

A. General Requirements:

1. The new CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.
2. The new CAFO shall comply with and not be in violation of any federal, state or local laws or regulatory requirements.
3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit.
4. A new CAFO shall comply with IDAPA rules governing dead animal disposal.

B. Animal Waste: (Regulated by ISDA, IDEQ, IDWR)

1. The new CAFO shall comply with the terms of its nutrient management plan for land application.
2. The new CAFO shall be in compliance with all applicable environmental regulations and requirements.
3. All new lagoons shall be constructed in accordance with state and federal regulations.



AK FEEDERS: Criteria

- C. **Site Setbacks:** An expansion of an existing CAFO, other than a simple expansion of the number of animals, shall comply with the following site setbacks. If the expansion requires a change in only one or more of the following, the particular item shall comply with the particular setback listed below. The site shall not be required to meet new setback requirements unless the requested expansion requires a change in that particular item. For example, if there is no change in the size or location of the ensilage process, an operator need not bring that particular use into conformance with the requirements of subsection C2 of this section regarding setback from an existing residence.
1. The locating of animal waste systems, corrals, wells and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
 2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
 3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
 4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.



AK FEEDERS: Criteria

Section C continued

5. No new CAFO shall be approved unless the following questions are answered to the satisfaction of the commission or board:
 - (A) Whether the proposed facility will be injurious to or negatively change the essential character of the vicinity.
 - (B) Whether the proposed facility would cause adverse damage, hazard and nuisance to persons or property within the vicinity.
 - (C) Whether studies should be ordered at the CAFO applicant's expense to aid the commission/board in determining what additional conditions should be imposed as a condition of approval to mitigate adverse damage, hazard and nuisance effects.
 6. The animal waste system shall not be located or operated closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
 7. No animal waste system shall be located and/or operated closer than one hundred feet (100') from a domestic or irrigation well.
 8. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
 9. The setbacks contained herein shall not apply to land application.
- D. **Exemption To Subsection (1)C Site Setbacks:** Certain land parcels may not be conducive to setback requirements due to unique locations, demographics and technology. Where appropriate, the commission may grant an applicant a variance to setback requirements pursuant to section [07-08-01](#) (variance) of this code. If this setback includes animal waste systems, the systems shall meet all state and federal regulations and be approved by the regulatory agency exercising authority. (Ord. 07-002, 1-18-2007)



AK FEEDERS:

08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or **new CAFO complies with the criteria set forth in this article**, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.
- (2) Construction of the new or expanding CAFO must commence within three (3) years of the issuance of the CAFO siting permit and be completed within five (5) years of the same date.



AK FEEDERS: SITE

- The subject property is located in the southwest corner of Canyon County adjacent to the Idaho/Oregon border and near the Snake River.
- Parcel R37348010 contains 163.23 acres.
- The CAFO is proposed to be situated on approximately 80 acres within the subject property (*yellow boundary is approximate*)



AK FEEDERS: SITE

- The subject property contains an existing feedlot facility
- In the fall of 2022 the applicant added feedlot capacity to the property.
- Canyon County Code provides for this operation to house up to 999 head of feedlot cattle.
- A CAFO is required for 1000 head of beef cattle confined to a feedlot.



Canyon County GIS Aerial Image 2022



Canyon County GIS Aerial Image 2020



AK Feeders: Site History



5/9/1994



8/22/2002



8/31/2011



6/23/2009



10/5/2012



AK FEEDERS: Site History



4/29/2015



6/29/2017

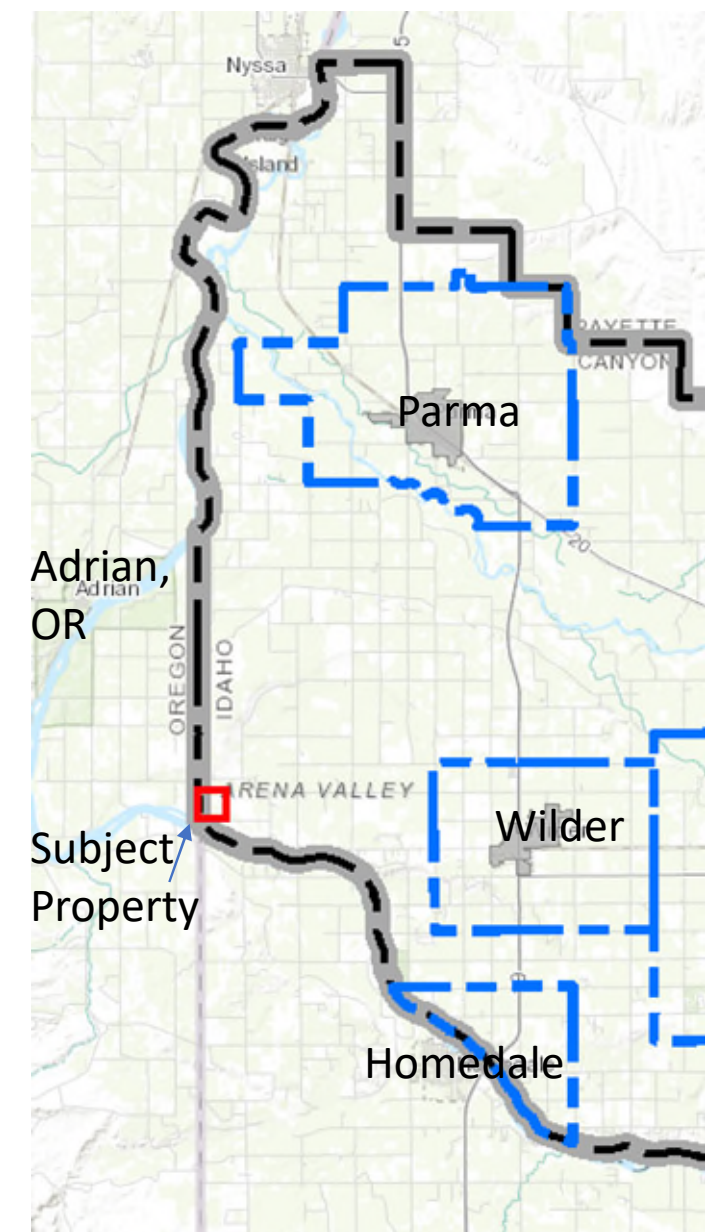


3/26/2021



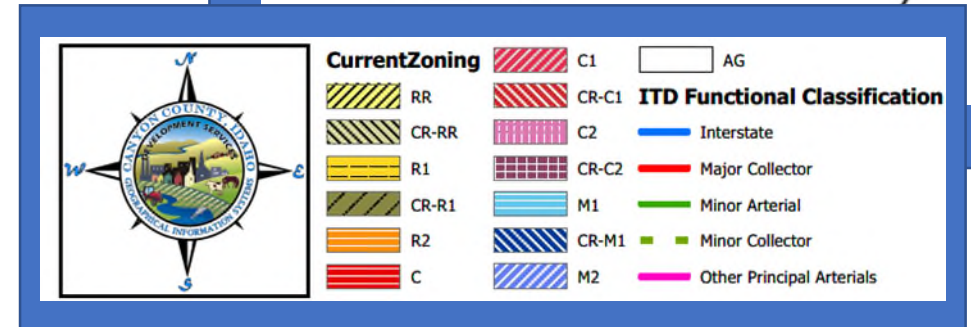
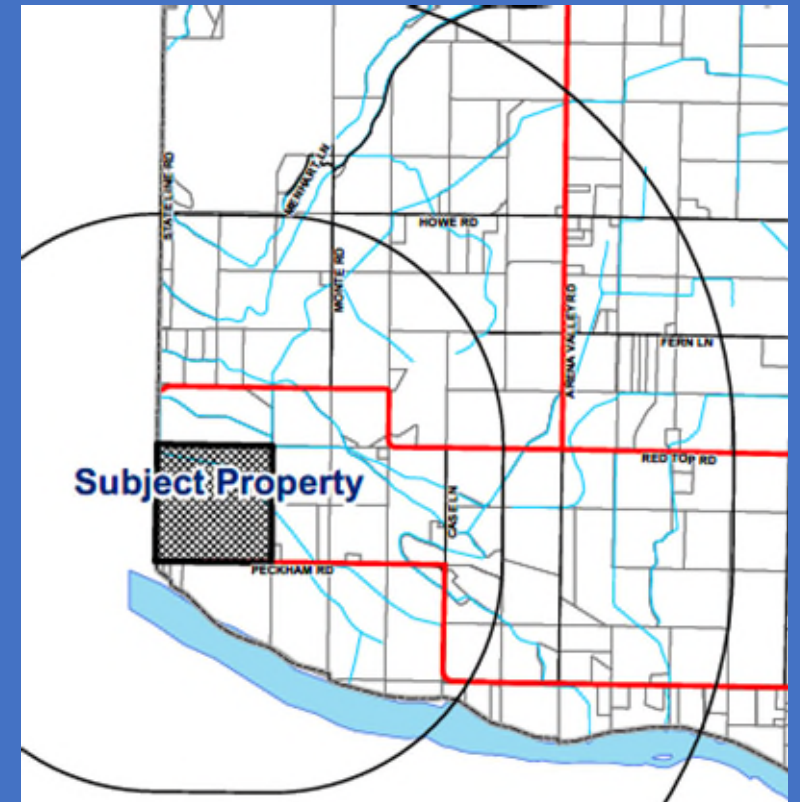
AK FEEDERS: VICINITY

- The subject property is not in an area of city impact.
- Adrian, OR is approx. 4 miles northwest
- Parma is approx. 7.5 miles north and east
- Wilder is approx. 5 miles east
- Homedale is approx. 5.6 miles southeast

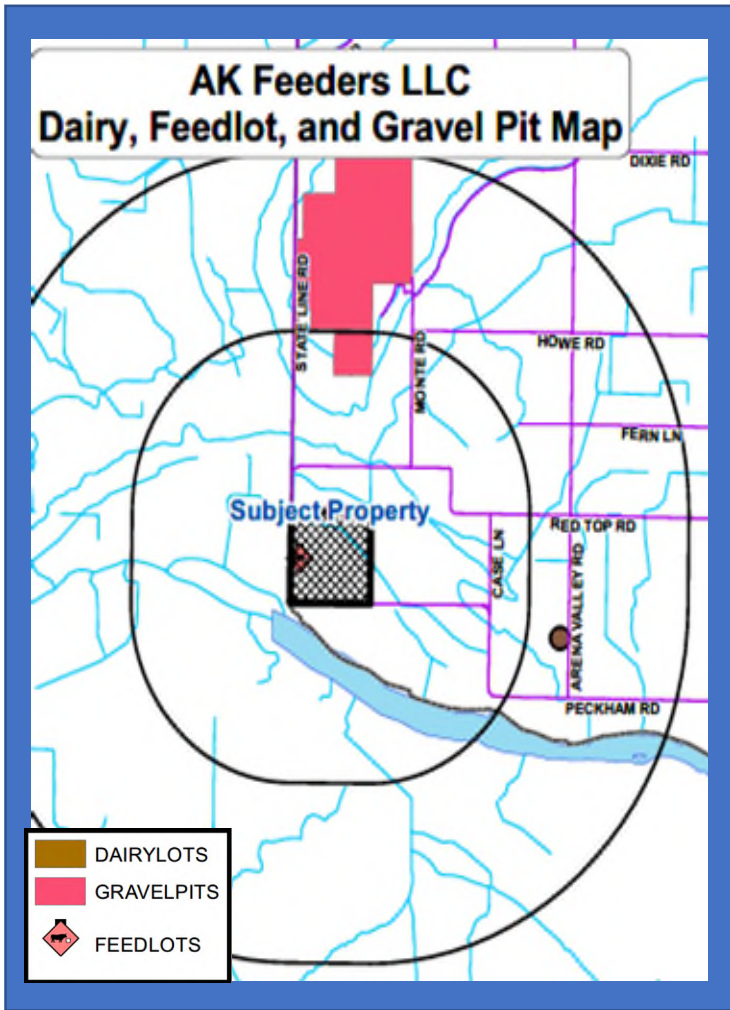


AK FEEDERS: Zoning & Classification Map

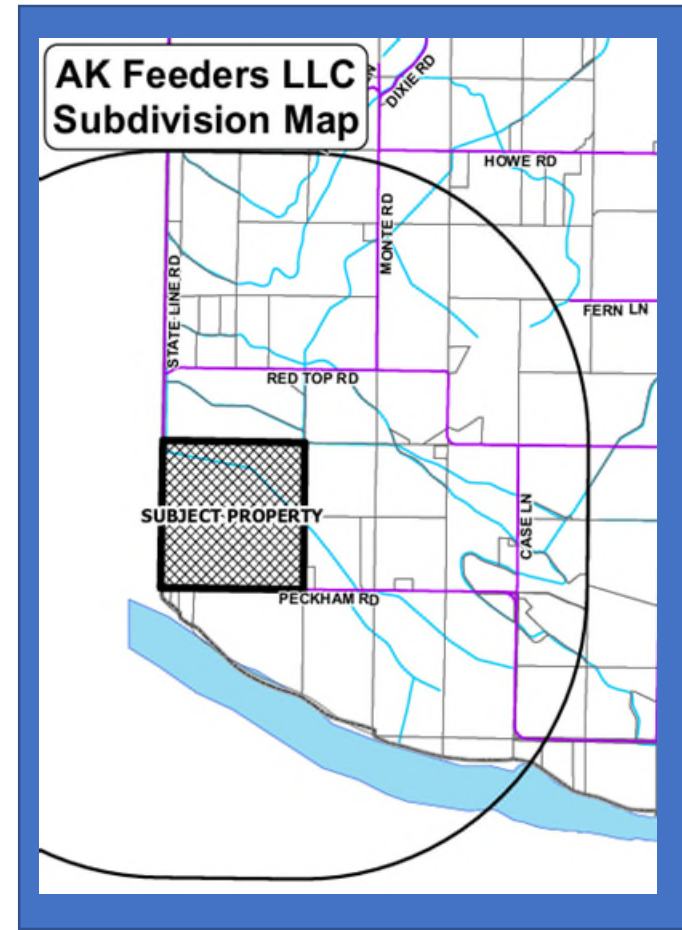
- The Zoning of the subject property is agricultural.
- All properties within the one mile and two mile bands are also zoned agricultural
- Red Top, Peckham and Arena Valley Roads are classified as Major Collectors on the ITD Functional Classification Map
- The 2020 Comprehensive Plan identifies this area as Agriculture
- The predominant use of the properties in this area of the county is Agricultural



AK FEEDERS: Maps



Not located in a Nitrate Priority Area



No platted subdivisions within one mile or more of the proposed CAFO site.

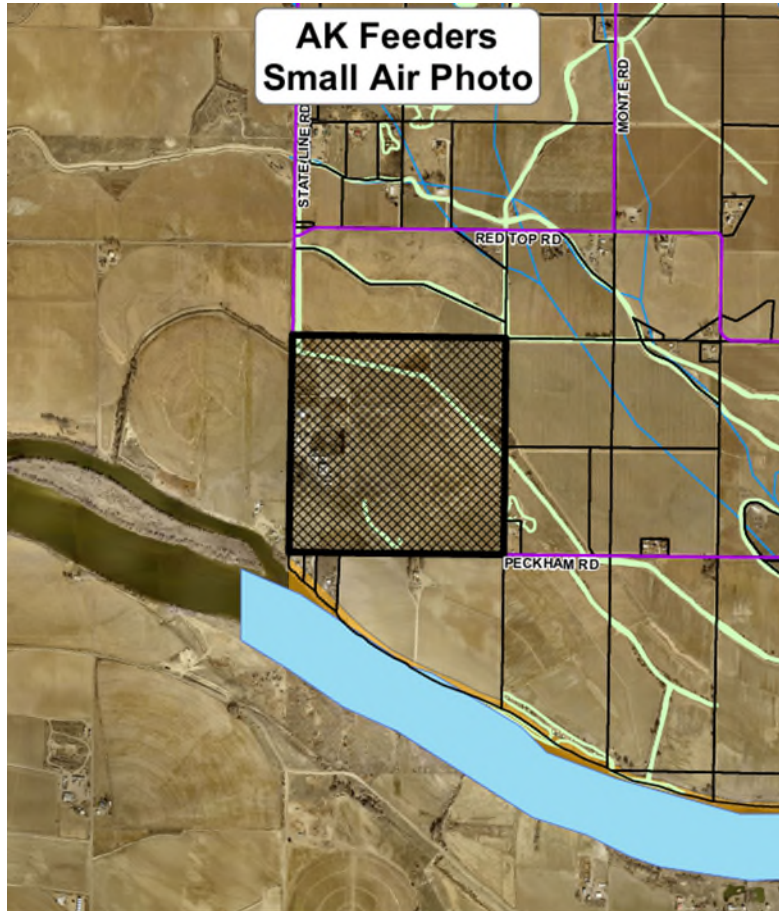


EXHIBIT # 35

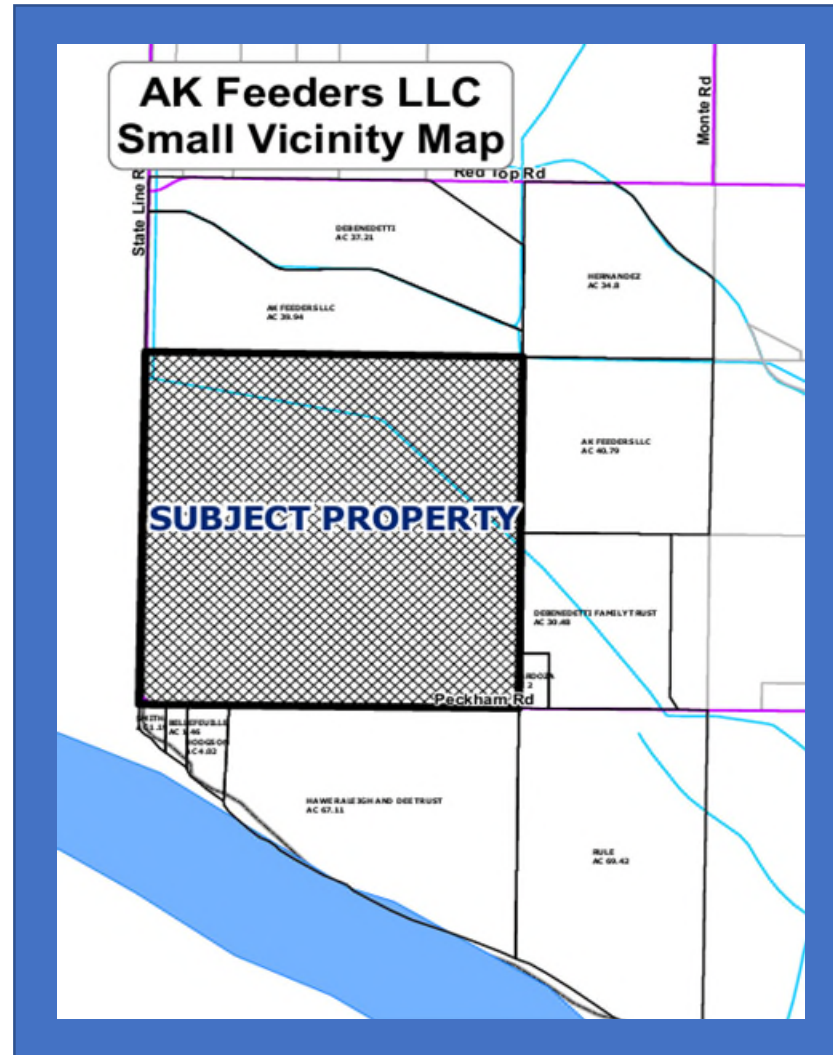
EXHIBIT # 39

EXHIBIT # 41

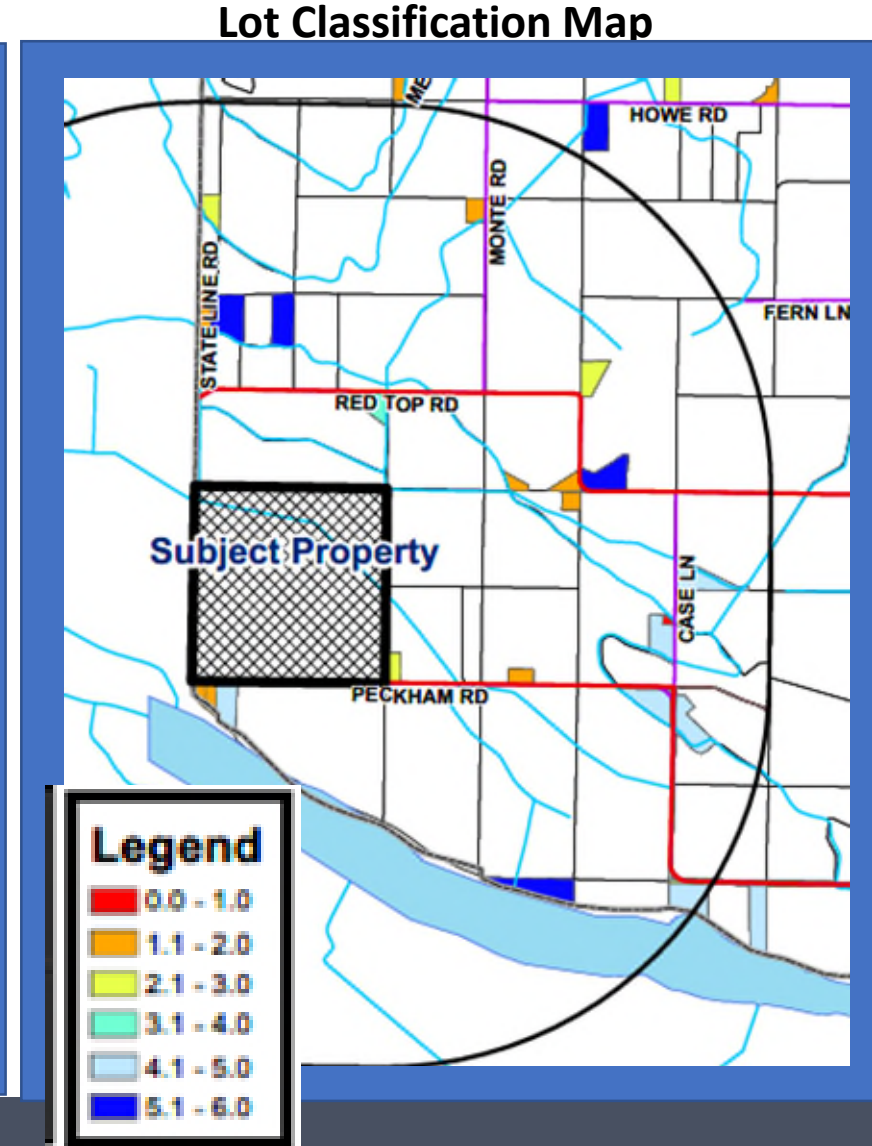
AK FEEDERS: Surrounding Land Use/Character



AK Feeders
Small Air Photo



AK Feeders LLC
Small Vicinity Map



Lot Classification Map



Exhibit # 32

Exhibit # 40

Exhibit # 43

AK FEEDERS: Comprehensive Plan

The Comprehensive Plan designation for this property and surrounding area is **Agriculture**.

- The 2020 Plan describes the land use classification 'Agriculture' as follows: The agricultural land use designation is the base zone throughout Canyon County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, as well as rangeland and ground of lesser agricultural value.
- The Plan directs the hearing body to utilize measures such as a conditional use permit with conditions that mitigate potential interference with existing residential uses and potential impacts on ground and surface water. The Plan also directs expansion of agricultural uses and economic opportunities, which as proposed are accomplished in this application.
- Staff provides a thorough review of Plan components in the Draft Findings of Fact and Conclusions of Law for the Planning and Zoning Commission's consideration in Exhibit 2 with considerations of the application, the letters of support and opposition, as well as the Siting Team report with proposed mitigations.



AK FEEDERS: Comprehensive Plan

Chapter 13: Agricultural Component

Goals:

1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.
2. Support and encourage the agricultural use of agricultural lands.
3. Protect agricultural lands and land uses from incompatible development.

Policies:

1. Preserve agricultural lands and zoning classifications.
2. Develop and implement standards and procedures to ensure that development of agricultural land is compatible with agricultural uses in the area.
3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.
4. Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
5. Recognize that confined animal feeding operations (“CAFO’s”) may be more suitable in some areas of the county than in other areas of the county.





Dairy owned by Jackson Land, LLC and located on Arena Valley Road approximately 1.25 miles east of the proposed CAFO facility on State Line Road



Properties along Case Lane from Peckham to Red Top
Predominantly Agricultural including crops and grazing



Looking westerly on Red Top at Case Ln intersection



Travelling westerly on Red Top towards sharp curve from Case Ln



Looking west across the Vernon Case property from Red Top

Travelling westerly on Red Top, Case property to left





Travelling west on Red Top, rural development on south side of road.

Agricultural in nature with cows, pastures, semi-trucks and large hay stacks surrounded by agricultural crop lands



AK Feeders Barnyard



Travelling westerly on Red Top Road looking southwest near the northwest corner of 31301 Red Top Road.

Looking across David DeBenedetti property towards the AK Feeders' site on State Line Road.

AK Feeders Barnyard





Travelling west on Red Top Road—looking southwesterly towards the AK Feeders' yard

Across DeBenedetti parcel —Isaak property on north side of road at this location.



Red Top Road near Isaack property looking southeasterly across the valley. The character of the area is predominantly agricultural with pastures, cropland, and hops fields.



AK Feeders Barnyard



31492 Red Top

The Isaack property lies to the north of Red Top Road at this location.



Looking westerly down Red Top Road at 31492 Red Top



Looking northwesterly from 31492 Red Top driveway



Rural development lying north of Red Top Road and north of the AK Feeders' proposed CAFO facility

Looking north and west from Red Top Road towards rural agricultural development and north westerly towards Oregon. The hay stack below is on the west side of State Line Rd in Oregon.



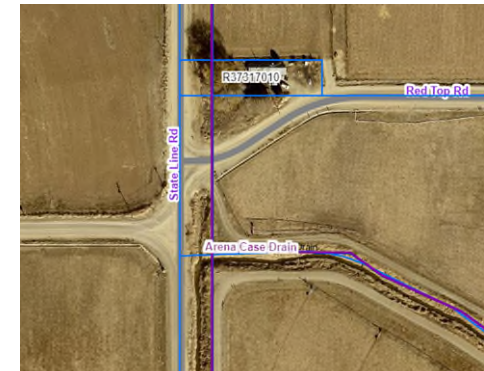


From Red Top looking across 37.21 acre DeBenedetti property and across adjacent 39.95 acre AK Feeders' property both lying north of the Allen Drain. The proposed CAFO is situated on approximately 80 acres south of the Allen Drain. The ranch structures (barnyard) can be seen from Red Top Road inclusive of the covered ensilage pit and barns

To the Right: travelling west on Red Top Road towards intersection of Red Top and State Line Road



Parked on State Line Road south of the intersection of State Line and Red Top Roads. The intersection is offset at this location. State Line continues north in this photo





Looking North on State Line Road
near intersection of Red Top Road



Looking north easterly from State Line
Road



Looking north easterly –moving
east



Looking Easterly from State Line



Looking Southeasterly from State Line



Looking South down State Line Road towards the AK Feeder proposed CAFO facility



From State Line looking west –Oregon side



South Westerly from State Line Road



Arena Case Drain confluence into the Allen Drain where it crosses under State Line Road into Oregon.



From the bridge looking easterly up the Allen Drain. The AK Feeders' CAFO facility is proposed to the south of the Allen Drain as seen in the picture to the right.



From the Allen Drain bridge
looking easterly and southerly
towards and at the AK Feeders'
facility along State Line Road





The facility currently has cattle in the existing feedlot. Looking from State Line Road into the subject property.

From State Line Road looking North across from the existing feedlot.



Looking east from State Line Road at the feed pens constructed in the fall of 2022.





Looking south/southeasterly at the feed pens, ensilage and farm structures on the subject property



This picture is taken from State Line Road across the road from the feedlot. To the northeast the development along Red Top Road can be seen. The development is buffered by two approximate 40 acre fields and by the agricultural pastures and cropland adjacent to the homes. The character of the area is predominantly Agricultural.





Looking north on State Line Road from the primary entrance to the AK Feeders facility.

Below: Looking from the entrance into the facility and current processing pens.





On State Line Road looking easterly into the AK Feeders facility.

Below: Looking southerly down State Line Road from the AK Feeders' facility entrance.





Top Left:
looking south
on State Line
towards the
sharp curve
transitioning
into Peckham
Road.



Above: From State Line looking
east into the subject property
pasture on the southern half of the
163.23 acres.



From State Line Road looking to the
southern boundary of the subject property
at the southwest corner along Peckham
Road.



Left: Looking northeasterly from the corner of State Line and Peckham Roads.

Bottom: Looking to the west along Peckham Road back to corner at State Line. Peckham Road borders the 163 acre subject property on it's southern boundary.





From near 31641 Peckham Road on Peckham road looking northwesterly toward subject property.



Looking north from Peckham Road



Looking northeasterly across the subject property from Peckham Road.



Looking east along Peckham Road with subject property on the north (left) side of Peckham. The Howe property is on the right



Top left, center, and bottom looking northwesterly from Peckham at Cardoza driveway.

Top Right-looking northeasterly from Peckham

Bottom Right- looking east up Peckham Road



The Cardoza property is situated at the southeast corner of the subject property on Peckham Road and lies most adjacent to the proposed CAFO facility. The Site Plan meets the required setbacks for a CAFO facility. Also, conditions have been provided for consideration to further mitigate concerns by the property owner.



AK FEEDERS:

Traffic and Access: The proposed CAFO site has access to State Line Road. Golden Gate Highway District (GGHD) has jurisdiction on the east side of State Line Road. GGHD reviewed the proposal, site and traffic analysis (see Exhibit 18). The development shall comply with GGHD requirements (see Condition #7).

- Concerns regarding parking along the shoulders of the road have been mitigated through a condition restricting parking of vehicles on the shoulders of State Line Road (see Condition #23).
- Per GGHD review-the proposed increase in traffic is not anticipated to impact or provide undue interference with existing or future traffic patterns. According to Exhibit 18 the estimated trips for the facility (10 peak hour, 25 daily) do not meet the rural thresholds for peak hour (50 trips) and average annual daily traffic (500 trips). A traffic impact study was not required for this project.

Water, sewer, irrigation, drainage and stormwater drainage facilities and utility

systems: The property has an existing well and septic system for the existing residence on the property. The property is irrigated utilizing two pivot irrigation systems which will be modified to accommodate the expanding feedlot if approved. The property has irrigation surface water and ground water rights and has obtained ground water rights for the CAFO facility which will be accessed via a new well on the property. Utilities are currently provided for the facility.

Stormwater Drainage is under the jurisdiction of the ISDA for the CAFO facility and will be designed, permitted, maintained and inspected by the ISDA for compliance.

AK Feeders:

Essential Services: The proposed CAFO site has access to State Line Road, a public road. Essential services are currently being provided to the facility. The proposed CAFO is not anticipated to require an increase or have an impact upon existing services to the facility or surrounding area.

- The site is under the jurisdiction of the Canyon County Sherriff's office
- The site lies within the Wilder Fire Protection District
- The site is served by the Canyon County Paramedics/EMT
- The site is located within the Parma School District.
- The site is in the Riverside Irrigation District and has allocated ground water rights for both irrigation and stock water.

No comments were received noting specific concerns from the listed agencies for the proposed CAFO operations.



AK FEEDERS: CAFO Siting Advisory Team Report

Canyon County Code requires that the County request a Siting Team Review as a part of the Conditional Use Permit process in compliance with Chapter 8 of the Canyon County Code.

The Siting Team consisting of representative experts from the Idaho Department of Environmental Quality, Idaho Department of Water Resources and the Idaho State Department of Agriculture reviews the site and documentation from many sources to provide a site suitability determination that includes:

Risk Category: A determination of an environmental risk category: high, moderate, low; or insufficient information to make a determination.

Description of Factors: A description of the factors that contribute to the environmental risks.

Mitigation: Any possible mitigation of the environmental risks.



AK FEEDERS: CAFO Siting Advisory Team Report

The Siting Team conducted the review and provided the Final Siting Team report for AK Feeders to the County on September 15, 2023 (see Exhibit 8 in the staff report)

The ISDA team lead, Pradhip Adhikari, PhD provided the following synopsis of the report results in email dated 9/15/23 (Exhibit 8.1)

“Some physical factors such as depth to water, lack of clay in the unsaturated zone and soil type, could create potential hazards to groundwater quality by the proposed CAFO expansion. Therefore the CAFO siting team has rated this facility as High Risk. This risk can be mitigated by implementing best management practices such as storing liquid effluent, carol runoff in the ISDA approved containments, increased frequency of manure removal and storing in the concrete /clay lined (clay >15%) surface.”

“We also included statement related to this issue in the Best Management Practice Recommendation in the report.”



AK FEEDERS: Risk Evaluation Score Sheet (Exhibit 9)

State of Idaho CAFO Site Advisory Team Environmental Risk Form

Name & Date of Siting: AK Feeders. 9/6/2023

Risk Scoring System

- 1 = Low Risk = Ideal goal for environmental protection
- 2 = Moderate Risk = Provides reasonable resource protection
- 3 = High Risk = Poses a high risk for health and/or for contaminating ground or surface water

Category	Result	Risk Score
Soil		
1. Soil permeability	High. Fine sandy loam with Ksat 0.57 to 2.00 in/hr.	3
2. Soil depth	Moderate. Typical soil profile depth 60 inches.	2
3. Thickness of clay in unsaturated zone	High. Driller's reports indicate 0-10 ft of clay typical in unsaturated zone.	3
Ground Water		
4. Depth to first encountered water	High. Depth to first encountered water is generally shallow, 0-25 ft.	3
5. Mean nitrate level in ground water within a 5 mile radius	Moderate. Mean most recent nitrate levels are 5.3 mg/L within a 5-mile radius.	2
6. Percentage of wells over 5 mg/L nitrate within 5 miles	Moderate. 25% of wells within a 5 mile radius have a nitrate value over 5 mg/L.	2
7. Aquifer geology	High. Typical aquifer geology is sand and gravel.	3
8. Time of travel to a spring	Low. Time of travel to a spring is >10 years.	1
9. Downgradient distance to nearest domestic well	Moderate. Nearest domestic well is cross-gradient, but <100 ft away.	2
10. Within source water delineation area time-of-travel	Low. CAFO is not within a source water delineation area time-of-travel.	1
Surface Water		
11. Downgradient distance from CAFO to nearest surface water body	Low. Downgradient distance from CAFO to nearest surface water body (Snake River) is >200	1
12. Downgradient distance from land application to nearest surface water body	Low. All manure is third-party export.	1
13. 100-year floodplain	Low. Not within the 100 year floodplain.	1
Nutrient Transport		
14. Run-on	Low. Run-on risk is low due to low to moderately sloped topography next to CAFO site.	1
15. Surface Runoff	Low. NRCS surface run-off index is low.	1
16. Annual precipitation	Low. Average annual precipitation is 9.1 inches.	1
		Index 1 40.00
		Index 2 3.00
Final Risk Score		High

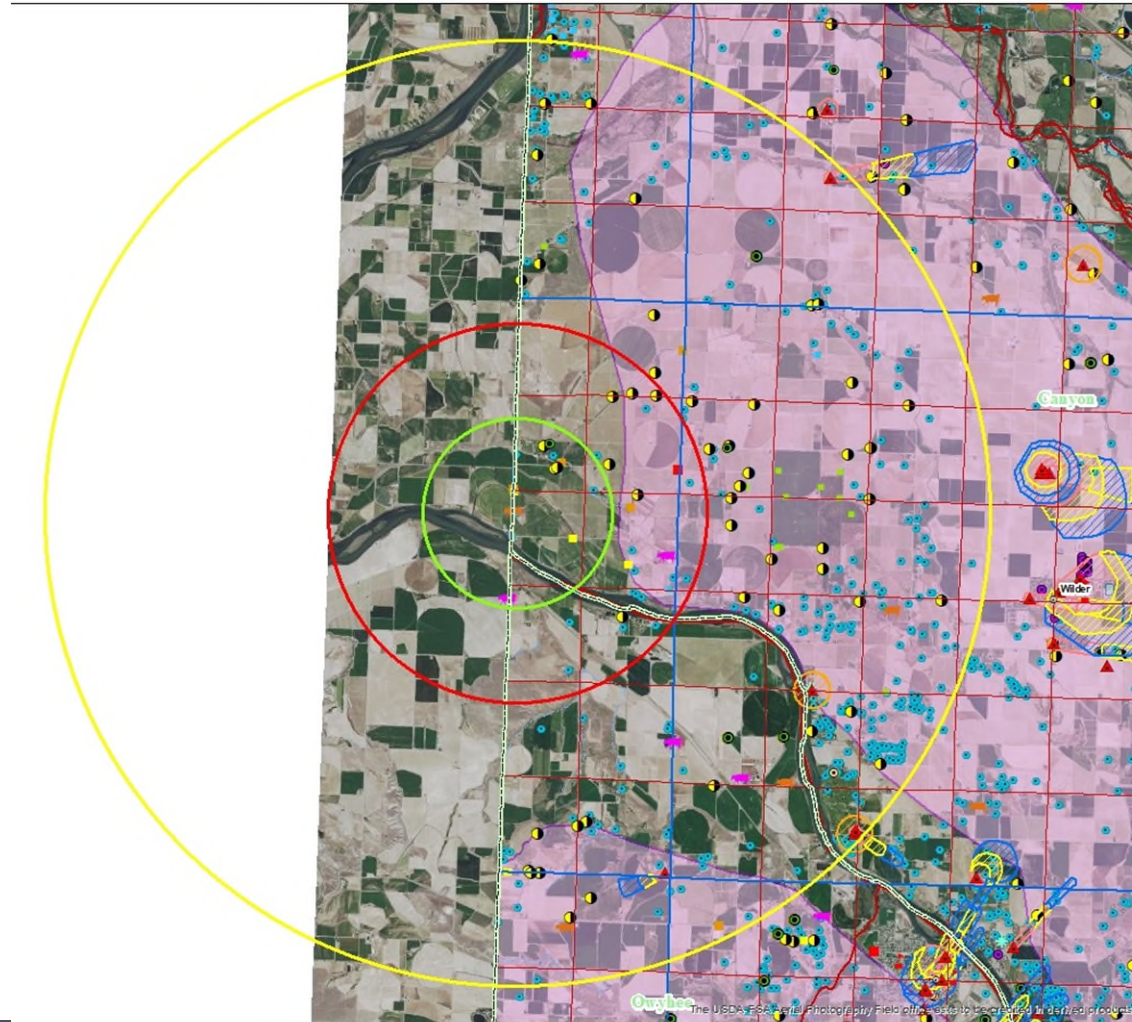
Risk Score	
	3
	2
	3
	3
	2
	2
	3
	1
	2
	1
r) is >200	1
	1
	1
ite.	1
	1
	1
Index 1	40.00
Index 2	3.00
	High



AK FEEDERS: Siting Team Map

The Siting Team Map produced by the IDEQ team representative provides a visual review of the area inclusive of wells, animal units, dairies, feedlots, population and irrigated acres within a five mile radius of the facility in Idaho.

The map is provided as Exhibit #10 in the staff report



AK Feeders
21696 Stateline RD, Wilder, ID

Map Legend

- Dairy Locations (ISDA)
- Feedlots (ISDA)
- Schools (GNIS)
- Township and Range
- PLS (Sections)
- Public Water Systems
- Source Water Delineations**
- Time of Travel**
- SWA 3 Year ToT
- SWA 6 Year ToT
- SWA 10 Year ToT
- Surface Water Buffer
- Fixed Radius
- Watershed Boundary
- Isda Wells (Nitates)
- Deep Injection Wells (Non-Permitted)
- Deep Injection Wells (DWR)
- State Monitoring Wells (IDWR)
- Domestic Wells (IDWR)
- Springs (NHD)
- Nitrate Priority Areas (2020)

Animal Units < 5 Miles ≈ 11,740
Public Water Systems = 5
Residential Wells = 350
State Monitoring Wells = 56
Deep Injection Wells = 1
Population-2020 ≈ 2,669
Irrigated Acres ≈ 27,868
USGS(NHD)Springs = 1
Schools ≈ 0



Restriction of Liability: Neither the State of Idaho nor the Department of Environmental Quality, nor any of their employees make any warranty, or assume and legal liability or responsibility for the accuracy, completeness or usefulness, of any information or data provided. The data could include technical inaccuracies or typographical errors. IDEQ may update, modify or re-use the data used at anytime, without notice. Map Date: 08/23/2023



AK FEEDERS: Potential Impacts

- Not a new feedlot-- but a more intensive cattle feeding operation in an agricultural zoned area with predominantly agricultural character
- Siting Team assessment of “High Risk”. Risk factors as indicated in report can be mitigated through BMPs if the CAFO is approved for operations.
- Greater potential for impacts inclusive of dust, noise, pests and odor related to the volume of cattle and generated waste in the facility. Again, many of these factors can be effectively mitigated through appropriate best management practices under the jurisdiction of the ISDA.
- The applicant provided a Waste Management and Nuisance Control Plan (Exhibit 12). This plan does not override their obligation to comply with ISDA regulated IDAPA rules and is consistent with widely utilized best management practices for CAFO facilities.
- The applicant in response to neighborhood comments reduced the original number of proposed animals from 6000 to 3700 head and relocated the initial proposed facility to the current site location south of the Allen Drain.



AK FEEDERS: Potential Impacts

Staff received letters of concern and opposition from neighbors in the area of the proposed facility (see Exhibits #47-61D) many of the stated concerns (but not limited to) follow:

- Noise, dust, flies, odor
- Lighting
- Traffic and safety on the multiple sharp curves along Stateline, Peckham and Red Top Roads
- Water contamination [on and off property] and nitrate pollution
- Shallow wells and the more intensive use of water at the facility
- Viewshed and changing the character of the area
- Interference with Wildlife including the migratory snow geese
- And decrease in property value



AK FEEDERS: Public Comments –

- Opposition Letters: Exhibits #47 - #61D
- Support Letters/forms: Exhibits #45 and #46 containing 155 individuals and businesses in support of the proposed facility
- Andy Bishop property history: Exhibit 6



AK Feeders: Agency Comments

- Golden Gate Highway District No. 3 (Exhibit 18)
 - Oregon Department of Transportation (Exhibit 17)
 - Canyon Soil and Conservation District (Exhibit 19)
 - Idaho Department of Environmental Quality (Exhibit 20)
-
- The CAFO Siting Advisory Team Report, Scoresheet and Map and ISDA email responses to inquiries(Exhibits 8, 8.1, 8.2, 8.3, 9, 10, 64 & 66)



AK FEEDERS: Planning and Zoning Decision Options

- The Planning and Zoning Commission may approve the conditional use permit, as conditioned and/or amended;
- The Planning and Zoning Commission may deny the conditional use request and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Commission may continue the discussion and request additional information on specific items.

08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.



Recommendation

- Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed conditional use permit and proposed Confined Animal Feeding Operation.
- Staffs recommendation is **approval** and has provided the following for the Planning and Zoning Commissioner's consideration:
 - Approval Draft Findings of Fact, Conclusions of Law and Order, and Conditions of Approval (Exhibit 2).



Proposed Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use. Including but not limited to:
 - a. Compliance with Idaho State Department of Agriculture
 - b. Compliance with Idaho Department of Environmental Quality
 - c. Compliance with Idaho Environmental Protection Agency
 - d. Compliance with Idaho Department of Water Resources

2. Pursuant to Canyon County Code Chapter 8, CAFO Regulations, §08-01-14: Construction of the new or expanding CAFO must commence within three (3) years of the issuance of the CAFO siting permit and be completed within five (5) years of the same date. If construction has not commenced within three (3) years and/or completed within five (5) years from the date the CAFO siting permit was approved, the permit holder may request an extension. Application for extension must be filed at least sixty (60) days prior to the expiration of the three (3) year or five (5) year period. A renewal extension, if granted, may be limited to three hundred sixty-five (365) calendar days, which shall commence at the expiration of either period. The applicant bears the burden of persuasion on an extension request.



3. The development shall comply with all site setbacks as provided in the County CAFO Ordinance (Canyon County Code Section 08-01-012(1)C), as follows:

- a. The locating of animal waste systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
- b. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
- c. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
- d. The animal waste system shall not be located closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
- e. No animal waste system shall be located closer than one hundred feet (100') from a domestic or irrigation well. *Definition of animal waste system: structure or system that provides for the collection, treatment, or storage of animal waste, including composting.*
- f. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
- g. The setbacks contained herein shall not apply to land application (except as provided for parcel R37348 specifically). *Land application is the spreading on or incorporation of liquid or solid waste into the soil mantle primarily for beneficial purposes.*



CONDITIONS CONTINUED

4. Prior to commencement of operation expansion, the feedlot shall be developed in substantial conformance the site plan dated 4-24-23 (Exhibit 3 and Attached hereto as Attachment A). If the site plan needs to be adjusted to meet the setback requirements of the CAFO ordinance, then a revised site plan meeting the setback requirement the other conditions contained herein shall be submitted to the Development Services Department prior to commencement of construction of the proposed improvements on the site. The facility shall be constructed in substantial conformance with and in conformance with all setback requirements for a CAFO facility as required in CCZO §08-01-11(1) C.
Note: Feedlot receiving and processing pens are noted to be reconfigured.
5. Prior to expansion, lagoons shall be lined and constructed in accordance with state and federal regulations.
6. Two existing feedlot pens (*constructed in or around September 2022*) adjacent to Stateline Road shall be reconfigured to meet the required 50 foot setback from the public right of way and as shown on the CAFO site plan dated 4-24-23 from AGPRO in compliance with CCZO §08-01-012(1)C. (attached hereto as Attachment A) The identified pens must be reconfigured prior to the applicant expanding the current cattle numbers to accommodate the CAFO permit. The applicant shall provide proof of the reconfiguration and compliance with the CAFO setbacks to Development Services Department in the form of pictures and/or setback inspection before CAFO operations (>1000 head of cattle in feedlot) begin.



CONDITIONS CONTINUED

7. The applicant shall comply with applicable Golden Gate Highway District No. 3 access requirements. The applicant shall obtain a permit prior to expansion of the existing feedlot facility. The applicant shall provide proof of compliance by providing Development Services with an approved highway district permit for improvements. (Exhibit 18)
8. Lighting (existing and new) shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area. CAFO facility lighting shall be utilized only on an as needed basis after dusk at the facility. Existing night sensor, photoelectric/photo cell light(s) typical for residential/farm/barnyard lighting may remain on throughout the night. Existing lighting must be shielded to direct the light down and inside the property.
9. The feedlot, waste systems, and support facility (barnyard) shall be kept weed free and/or maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
10. The applicant shall not impede or disrupt existing irrigation structures, i.e. drains, laterals, supply ditches, on and adjacent to the subject property.



CONDITIONS CONTINUED

11. The applicant shall not discharge CAFO process water or stormwater from the feedlot and/or settling lagoons to the Allen Drain. Comply with ISDA rules and regulations.
12. The operator shall process and dispose of waste in a manner consistent with the requirements of the Nutrient Management Plan for AK Feeders as approved and regulated by the Idaho State Department of Agriculture.
13. The operator shall not land apply nutrients within 300 feet of parcel R37348 (two acres) at site address 31252 Peckham Road, Wilder, Idaho.
14. The operator shall not place a composting facility or stage/stockpile nutrients within 500 feet of any existing residential parcel [R37351, R37351011, R37351010, R37350] along/near the southern boundary (Peckham Road) of subject property R37348010 (163.23 acres) inclusive of residential parcel R37348.
15. The CAFO shall comply with the odor, waste, dust, and pest best management practices in compliance with the approved nutrient management plan and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements.



CONDITIONS CONTINUED

16. Signage shall meet CCZO §07-10-13 requirements, and shall not exceed 32 sq. feet as proposed by the applicant unless an additional sign permit is applied for and approved by the Director.
17. The feedlot operation shall not exceed the maximum 3700 head of cattle at any given point in time within the feedlot facility without applying for and receiving approval through an amended or new conditional use permit.
18. The CAFO shall comply with the nutrient management plan as approved by the Idaho State Department of Agriculture.
19. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements
20. The CAFO shall also comply with Idaho State Department of Agriculture rules regarding dead animal disposal.
21. The facility shall comply with the recommendations in the Mitigation section of the CAFO Siting Team report, to minimize potential water source contamination (Exhibit 8 and attached hereto as Attachment B).



CONDITIONS CONTINUED

22. The CAFO shall comply with stock water and/or commercial water right requirements (Idaho Department of Water Resources).
23. All employee, delivery-including cattle trucks, facility-related parking of vehicles shall be onsite--not in the public right-of-way and/or along the shoulders of State Line Road in the vicinity of the facility.
24. Comply with all Fire District requirements by State adopted IFC and as evidenced by review and approval documentation prior to issuance of a certificate of occupancy.
25. The Applicant shall submit a copy of the annual inspection report provided by the Idaho State Department of Agriculture to the Development Services Department (DSD) commencing December 31, 2023. Each annual inspection report shall be submitted to DSD no later than December 31st of each calendar year unless the report is received by the Applicant after that date in which case the report shall be submitted to DSD within ten business days of its receipt.



CONDITIONS CONTINUED

CCZO §07-06-05– Conditional Use Criteria

1. Is the proposed use permitted in the zone by conditional use permit?
2. What is the nature of the request?
3. Is the proposed use consistent with the comprehensive plan?
4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?
5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?
6. Does legal access to the subject property for the development exist or will it exist at the time of development?
7. Will there be undue interference with existing or future traffic patterns?
8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)



AK FEEDERS: CAFO CRITERIA

08-01-11: CRITERIA FOR APPROVAL AND DEVELOPMENT STANDARDS FOR NEW FACILITIES:

(1) Prior to approval of a CAFO siting permit for a new CAFO, and after public hearing, the commission shall find that the proposed new CAFO meets the following requirements:

A. General Requirements:

1. The new CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.
2. The new CAFO shall comply with and not be in violation of any federal, state or local laws or regulatory requirements.
3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit.
4. A new CAFO shall comply with IDAPA rules governing dead animal disposal.

B. Animal Waste: (Regulated by ISDA, IDEQ, IDWR)

1. The new CAFO shall comply with the terms of its nutrient management plan for land application.
2. The new CAFO shall be in compliance with all applicable environmental regulations and requirements.
3. All new lagoons shall be constructed in accordance with state and federal regulations.



AK FEEDERS: Criteria

- C. **Site Setbacks:** An expansion of an existing CAFO, other than a simple expansion of the number of animals, shall comply with the following site setbacks. If the expansion requires a change in only one or more of the following, the particular item shall comply with the particular setback listed below. The site shall not be required to meet new setback requirements unless the requested expansion requires a change in that particular item. For example, if there is no change in the size or location of the ensilage process, an operator need not bring that particular use into conformance with the requirements of subsection C2 of this section regarding setback from an existing residence.
1. The locating of animal waste systems, corrals, wells and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
 2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
 3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.
 4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.



AK FEEDERS: Criteria

Section C continued

5. No new CAFO shall be approved unless the following questions are answered to the satisfaction of the commission or board:
 - (A) Whether the proposed facility will be injurious to or negatively change the essential character of the vicinity.
 - (B) Whether the proposed facility would cause adverse damage, hazard and nuisance to persons or property within the vicinity.
 - (C) Whether studies should be ordered at the CAFO applicant's expense to aid the commission/board in determining what additional conditions should be imposed as a condition of approval to mitigate adverse damage, hazard and nuisance effects.
 6. The animal waste system shall not be located or operated closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.
 7. No animal waste system shall be located and/or operated closer than one hundred feet (100') from a domestic or irrigation well.
 8. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.
 9. The setbacks contained herein shall not apply to land application.
- D. Exemption To Subsection (1)C Site Setbacks: Certain land parcels may not be conducive to setback requirements due to unique locations, demographics and technology. Where appropriate, the commission may grant an applicant a variance to setback requirements pursuant to section [07-08-01](#) (variance) of this code. If this setback includes animal waste systems, the systems shall meet all state and federal regulations and be approved by the regulatory agency exercising authority. (Ord. 07-002, 1-18-2007)



AK FEEDERS:

08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:

- (1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or **new CAFO complies with the criteria set forth in this article**, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.
- (2) Construction of the new or expanding CAFO must commence within three (3) years of the issuance of the CAFO siting permit and be completed within five (5) years of the same date.





