



March 7, 2024

Daniel Lister, Assistant Planning Manager
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
Daniel.Lister@canyoncounty.id.gov

Subject: Case No. CU2022-0035

Dear Mr. Lister:

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

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

March 4, 2024

Canyon County Development Services Department
111 North 11th Ave. Suite 310
Caldwell, ID 83605
(208) 454-7458

RE: Case No. CU2022-0035
Applicant: David Olsen, Property Owner
Planner: Daniel Lister

Parcel R3815400000 is located within the boundaries of the Black Canyon Irrigation District (District).

The applicant states that the parcel is not in service for irrigation water per line-item number three on the Land Use Worksheet. This matches District records which do not show an account for applicant, David Olsen. There are no District facilities on or adjacent to the parcel in question.

No action required. The District has no further comments at this time.

Thank you,

Donald Popoff

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

CC: Carl Hayes – Black Canyon Irrigation District
Tyler Chamberlain – Black Canyon Irrigation District
Dan Lister – Canyon County Planner



J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

March 27, 2024

Canyon County Development Services Department
Attn: Daniel Lister
Daniel.Lister@canyoncounty.id.gov
111 North 11th Ave., Ste. 310
Caldwell, ID 83605

RE: **CASE NO. CU2022-0035**

To whom it may concern:

On behalf of the Notus Parma Highway District No. 2 (NPHD), I have reviewed the application for Case No. CU2022-0035, dated 02/29/2024, for the property located at 24938 Farmway Rd, Caldwell, Idaho, for the subject parcel, R38154, submitted to NPHD on 02/29/2024.

Farmway Road & Purple Sage Road from the subject parcel are under the jurisdiction of the Notus Parma Highway District No.2. Legal access currently exists for the subject property located on the south side of Purple Sage Rd and east side of Farmway Rd. Existing access approaches include commercial approaches to the subject parcel that meet the requirements for the intended use per ACCHD standards.

If any future undue interference occurs with future traffic patterns created by this request, the NPHD reserves the right to provide amended comments/conditions of approval when additional information becomes available.

Respectfully,

J-U-B ENGINEERS, Inc.

Timothy Blair, P.E. (ID, OR)
Area Manager, Meridian Idaho

CC:

- Lynn Troxel, NPHD#2 Director of Highways
- Jay Kiiha, White Peterson

Dan Lister

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Wednesday, March 13, 2024 6:49 AM
To: Dan Lister
Cc: Amber Lewter
Subject: [External] RE: Initial Agency Notification Olsen CU2022-0035

Good Morning, Dan –

After careful review of the transmittal submitted to ITD on February 29, 2024, regarding Olsen CU2022-0035, the Department has no comments or concerns to make at this time. This application is not proposing an number of trips that will impact state facilities.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services

O: 208.334.8337 | C: 208.296.9750

Email: niki.benyakhlef@itd.idaho.gov

Website: itd.idaho.gov

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Thursday, February 29, 2024 8:24 AM
To: 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Initial Agency Notification Olsen CU2022-0035

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.

Please see the attached agency notice. You are invited to provide written testimony or comments by **April 1, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Dan Lister** at Daniel.Lister@canyoncounty.id.gov.

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

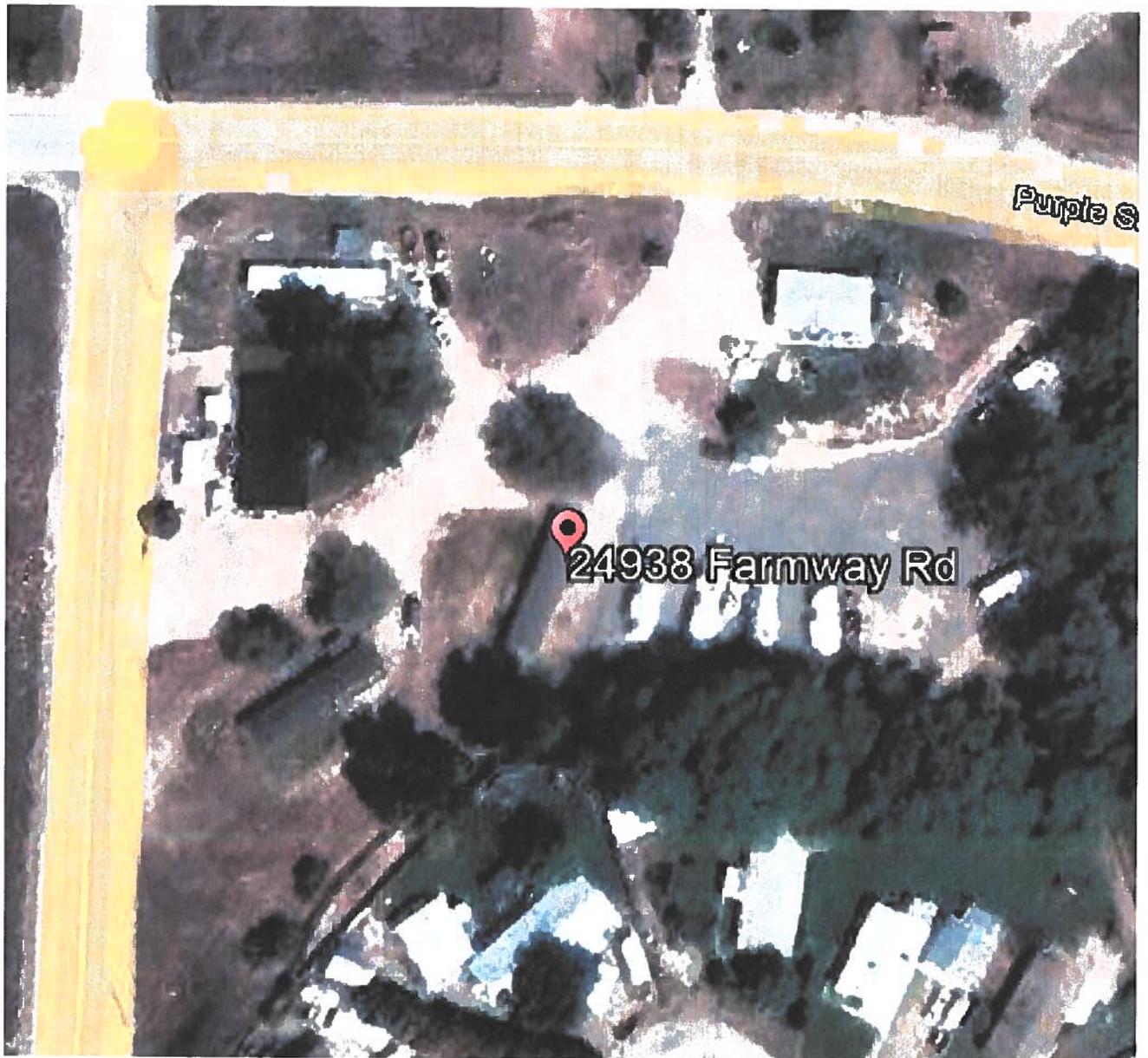
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05.04.2022 12:51

2020:



Canyon County, ID Web Map



1/24/2023, 1:15:25 PM

Parcel Number Search Query result

Hydro_NHDFlowline

CanyonCountyRoads

Roads

County Boundary

Current Impact Area

City Limits

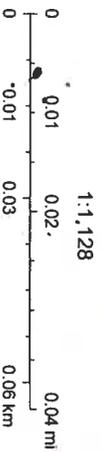
Sections

Canyon County Imagery_2019

Red: Band_1

Green: Band_2

Blue: Band_3



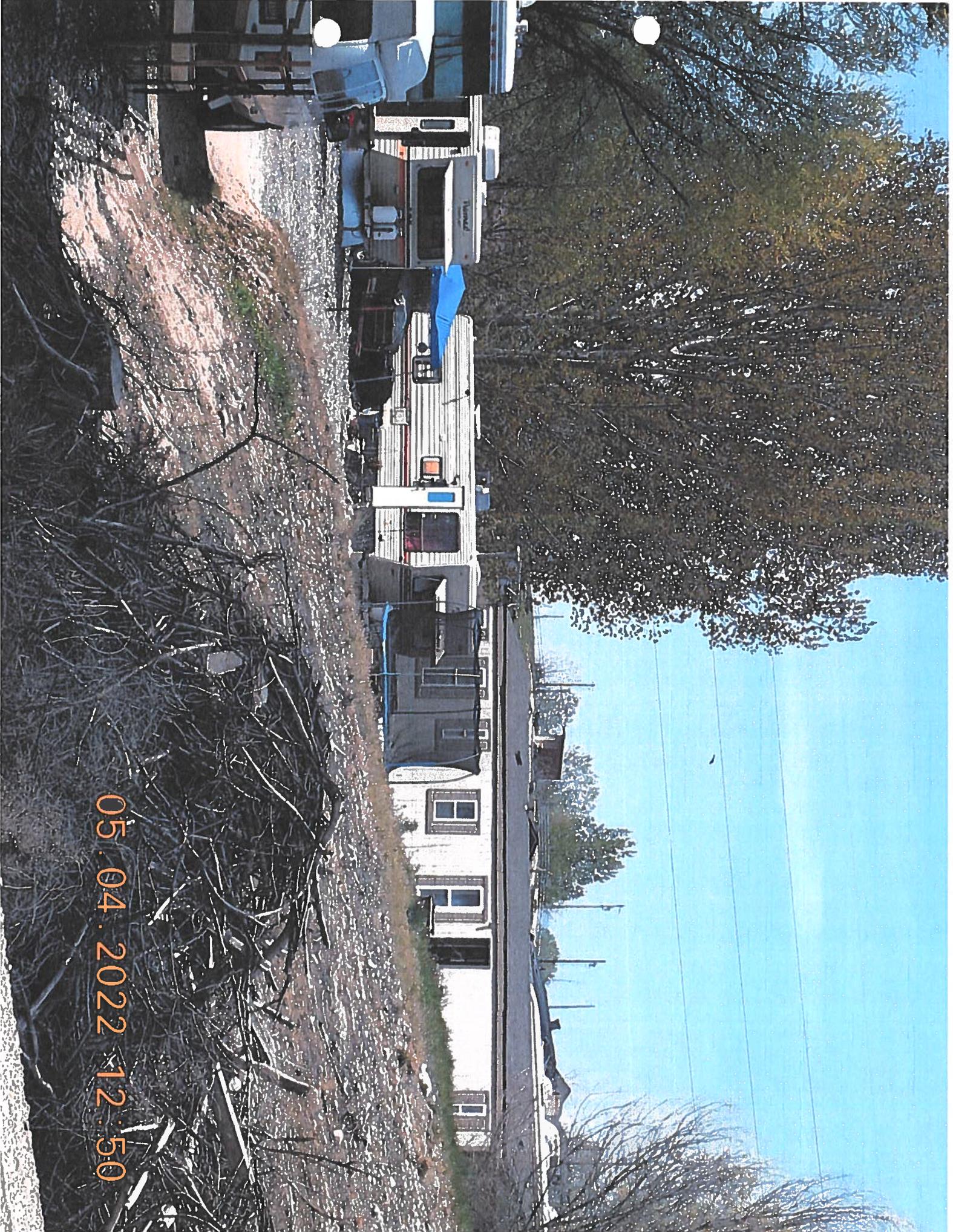
Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDAO | COMPASS | Nampca GIS | Canyon County Sheriff's Office



05.04.2022 12:51



05.04.2022 12:50



05.04.2022 12:50

RECEIVED
FEB 05 2024

Letter of intent for 24938 Farmway Rd Caldwell Idaho 83607

BY: Lu

My name is David Olsen I received a letter stating that I was not in compliance for any RVs on my property. I contacted the code enforcement for Canyon county. I asked what I needed to do to come into compliance. I was assigned a person that said I needed to modify my original CUP. I paid my fees and submitted the paperwork. This person no longer works for Canyon county. I was then assigned a new person, Jenna Petrol, and she stated that this would not work and I needed to come into compliance for the original conditions of approval CASE NO. 011961133-5n-3w. She felt that attachment A conditions of approval 5-8 were not met. Number 5 states that it wanted a playground and fence. This was done and installed. I then took it out due to limbs from the neighbors trees falling into the playground area causing an unsafe environment and there was little to no use of it for years and so I felt it wasn't needed. I have made a new common area with a walking path, picnic tables, and bbq grates that would be more beneficial for everyone. I hope this would be a fair trade instead of just a playground that was not used. Number 6 states that the east and south portion of the property needed to be tiled. I do not own this property and would like this stricken due to legal issues. Number 7 the fence perimeter of the property with 4 to 6 foot chain link fencing. I originally started putting the fencing up. I spent over two thousand dollars and was told by code enforcement at the time Dan Hunter back in 2004 that it was a line of sight issue and to remove the fence which I did. I never heard anything back on the subject which has been over 20 years. My apologies, I did not know what was wrong with what I did. I have started putting chain link fencing up along Purple Sage Road putting the fence way back on my property not to cause any line of sight issues. I would also like to amend this to any portion of my property that borders purple sage road or farmway road to which the road is three feet or more above my property would not need to be fenced due to topography natural barriers. Number 8 shall install sprinklers throughout the park. This was to maintain grass yards for the homes originally. I did not know at the time how poor the soil was in some of the yards. All sites have sprinkler hook ups but I can't get the yards to grow on Space 3 and 6. My suggestion would be to go to dry scape yards that have just rock on these two yards due to the sandy soil. My suggestion for Space 3 yard area. Space 3 dry scape would consist of ¾ chip rock. Starting on the NE corner of the trailer extending to the middle portion of the trailer along Purple Sage Rd. Space 6 would consist of ¾ chip rock starting on the SW corner of the trailer extending to the middle of the trailer. I look forward to resolving any issues with the commissioners. Once these issues are resolved for the original CUP conditions and I am in good standing for the mobile home park. My plan is to proceed to whatever paperwork is needed to be completed for the 8 RV sites to be brought into compliance that have currently been on my property for almost 5 years.

Thank you for your time Sincerely,
David J Olsen

Dan Lister

From: David Olsen <just4funx4@hotmail.com>
Sent: Tuesday, February 20, 2024 6:32 PM
To: Dan Lister
Subject: [External] Re: CUP Amendment CU2022-0035: Updated Letter of Intent
Attachments: 1000001502.jpg; 1000001503.jpg

Sprinkler boxes

David Olsen

From: David Olsen <just4funx4@hotmail.com>
Sent: Tuesday, February 20, 2024 6:30:14 PM
To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Subject: Re: CUP Amendment CU2022-0035: Updated Letter of Intent

Here are sprinklers for trailer 1,2,3,6 and 7

David Olsen

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Sent: Friday, February 9, 2024 4:40:40 PM
To: 'David Olsen' <just4funx4@hotmail.com>
Subject: CUP Amendment CU2022-0035: Updated Letter of Intent

David,

I reviewed your updated letter of intent. Here are the additional items that I recommend you include:

- Condition #5 regarding the park: (1) Do you have pictures of the park when it was in place? (2) Provide pictures and a site plan showing the location of the walking path, picnic area, and BBQ grates.
- Condition #7 regarding fencing: (1) Do you have evidence of fencing being installed, the \$2,000 paid, and code violation from Dan Hunter? (2) Do you have pictures of the fencing currently installed?
- Condition #8 regarding landscaping: (1) Do you have pictures of the sprinklers and landscaping originally installed and pictures of how it didn't take? Any professional review of the landscape area? (2) Do you have pictures and a site plan showing the locations of the proposed dryscape and how it will look with chip rock?

If you do not wish to include the items listed, let me know.

Contact me if you have any questions.

Sincerely,

Dan Lister, Principal Planner

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

Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am - 5 pm





Dan Lister

From: David Olsen <just4funx4@hotmail.com>
Sent: Tuesday, February 20, 2024 6:30 PM
To: Dan Lister
Subject: [External] Re: CUP Amendment CU2022-0035: Updated Letter of Intent
Attachments: 1000001507.jpg; 1000001486.jpg

Here are sprinklers for trailer 1,2,3,6 and 7

David Olsen

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Sent: Friday, February 9, 2024 4:40:40 PM
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Dan Lister

From: David Olsen <just4funx4@hotmail.com>
Sent: Tuesday, February 20, 2024 6:35 PM
To: Dan Lister
Subject: [External] Re: CUP Amendment CU2022-0035: Updated Letter of Intent
Attachments: 1000001486.jpg; 1000001487.jpg

David Olsen

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Sent: Friday, February 9, 2024 4:40:40 PM
To: 'David Olsen' <just4funx4@hotmail.com>
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Dan Lister

From: David Olsen <just4funx4@hotmail.com>
Sent: Tuesday, February 20, 2024 6:37 PM
To: Dan Lister
Subject: [External] Re: CUP Amendment CU2022-0035: Updated Letter of Intent
Attachments: 1000001485.jpg; 1000001484.jpg

Here is the chain link I put up last year.

David Olsen

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
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To: 'David Olsen' <just4funx4@hotmail.com>
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Dan Lister

From: David Olsen <just4funx4@hotmail.com>
Sent: Tuesday, February 20, 2024 6:39 PM
To: Dan Lister
Subject: [External] Re: CUP Amendment CU2022-0035: Updated Letter of Intent
Attachments: 1000001498.jpg; 1000001500.jpg

Here is the BBQ grills and picnic tables. Same area as walking path.

David Olsen

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Sent: Friday, February 9, 2024 4:40:40 PM
To: 'David Olsen' <just4funx4@hotmail.com>
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Dan Lister

From: David Olsen <just4funx4@hotmail.com>
Sent: Tuesday, February 20, 2024 6:39 PM
To: Dan Lister
Subject: [External] Re: CUP Amendment CU2022-0035: Updated Letter of Intent
Attachments: 1000001505.jpg; 1000001506.jpg; 1000001504.jpg

I took pictures of areas where the road is way above the road areas of purple sage and farmway roads.

David Olsen

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Sent: Friday, February 9, 2024 4:40:40 PM
To: 'David Olsen' <just4funx4@hotmail.com>
Subject: CUP Amendment CU2022-0035: Updated Letter of Intent

David,

I reviewed your updated letter of intent. Here are the additional items that I recommend you include:

- Condition #5 regarding the park: (1) Do you have pictures of the park when it was in place? (2) Provide pictures and a site plan showing the location of the walking path, picnic area, and BBQ grates.
- Condition #7 regarding fencing: (1) Do you have evidence of fencing being installed, the \$2,000 paid, and code violation from Dan Hunter? (2) Do you have pictures of the fencing currently installed?
- Condition #8 regarding landscaping: (1) Do you have pictures of the sprinklers and landscaping originally installed and pictures of how it didn't take? Any professional review of the landscape area? (2) Do you have pictures and a site plan showing the locations of the proposed dryscape and how it will look with chip rock?

If you do not wish to include the items listed, let me know.

Contact me if you have any questions.

Sincerely,

Dan Lister, Principal Planner

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

Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

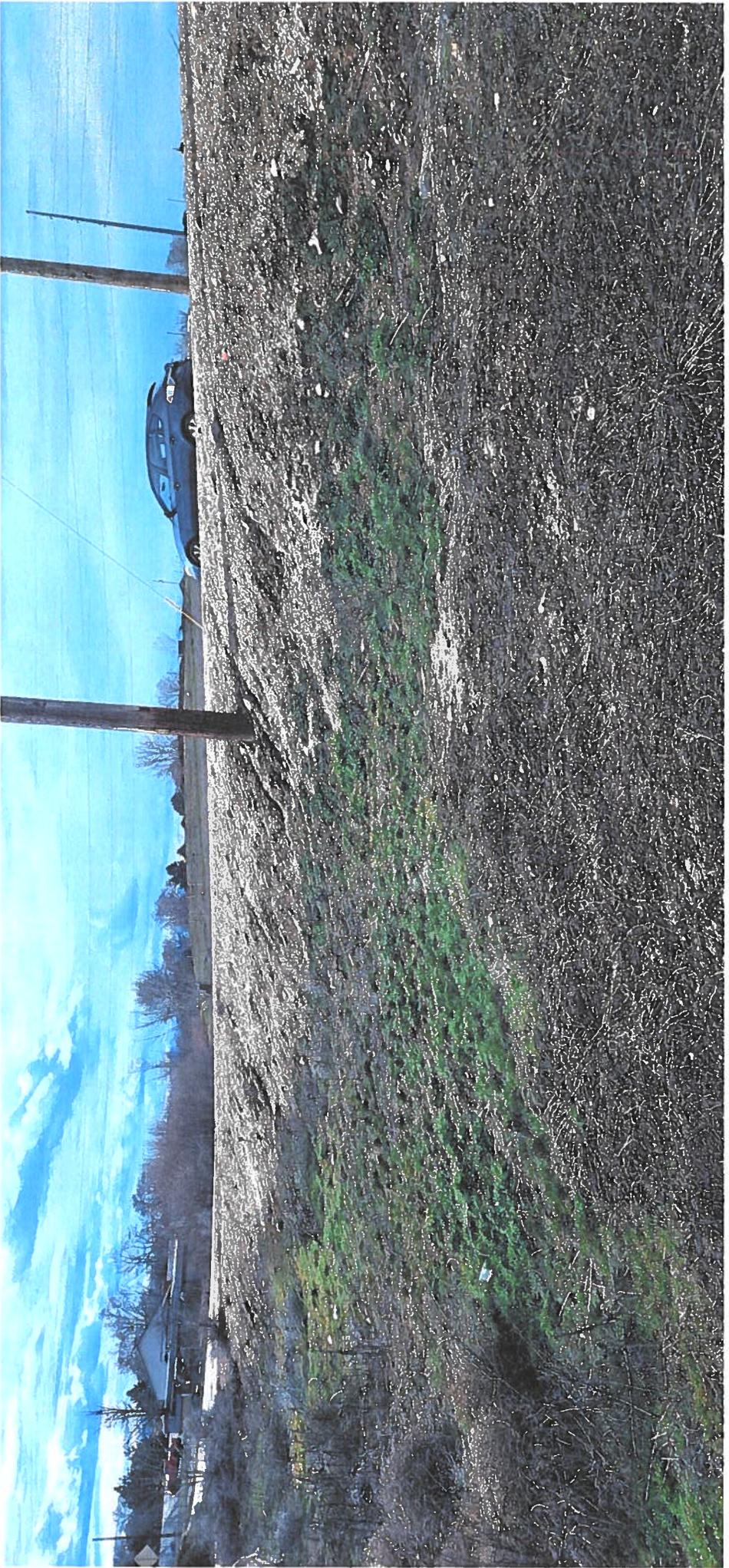
8 am – 5 pm

Wednesday

1 pm – 5 pm

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

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Dan Lister

From: David Olsen <just4funx4@hotmail.com>
Sent: Tuesday, February 20, 2024 6:41 PM
To: Dan Lister
Subject: [External] Re: CUP Amendment CU2022-0035: Updated Letter of Intent
Attachments: 1000001492.jpg; 1000001493.jpg

This is a picture where you can see that sand is showing on top of the soil making it super hard for anything to grow.

David Olsen

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Sent: Friday, February 9, 2024 4:40:40 PM
To: 'David Olsen' <just4funx4@hotmail.com>
Subject: CUP Amendment CU2022-0035: Updated Letter of Intent

David,

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- Condition #7 regarding fencing: (1) Do you have evidence of fencing being installed, the \$2,000 paid, and code violation from Dan Hunter? (2) Do you have pictures of the fencing currently installed?
- Condition #8 regarding landscaping: (1) Do you have pictures of the sprinklers and landscaping originally installed and pictures of how it didn't take? Any professional review of the landscape area? (2) Do you have pictures and a site plan showing the locations of the proposed dryscape and how it will look with chip rock?

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Contact me if you have any questions.

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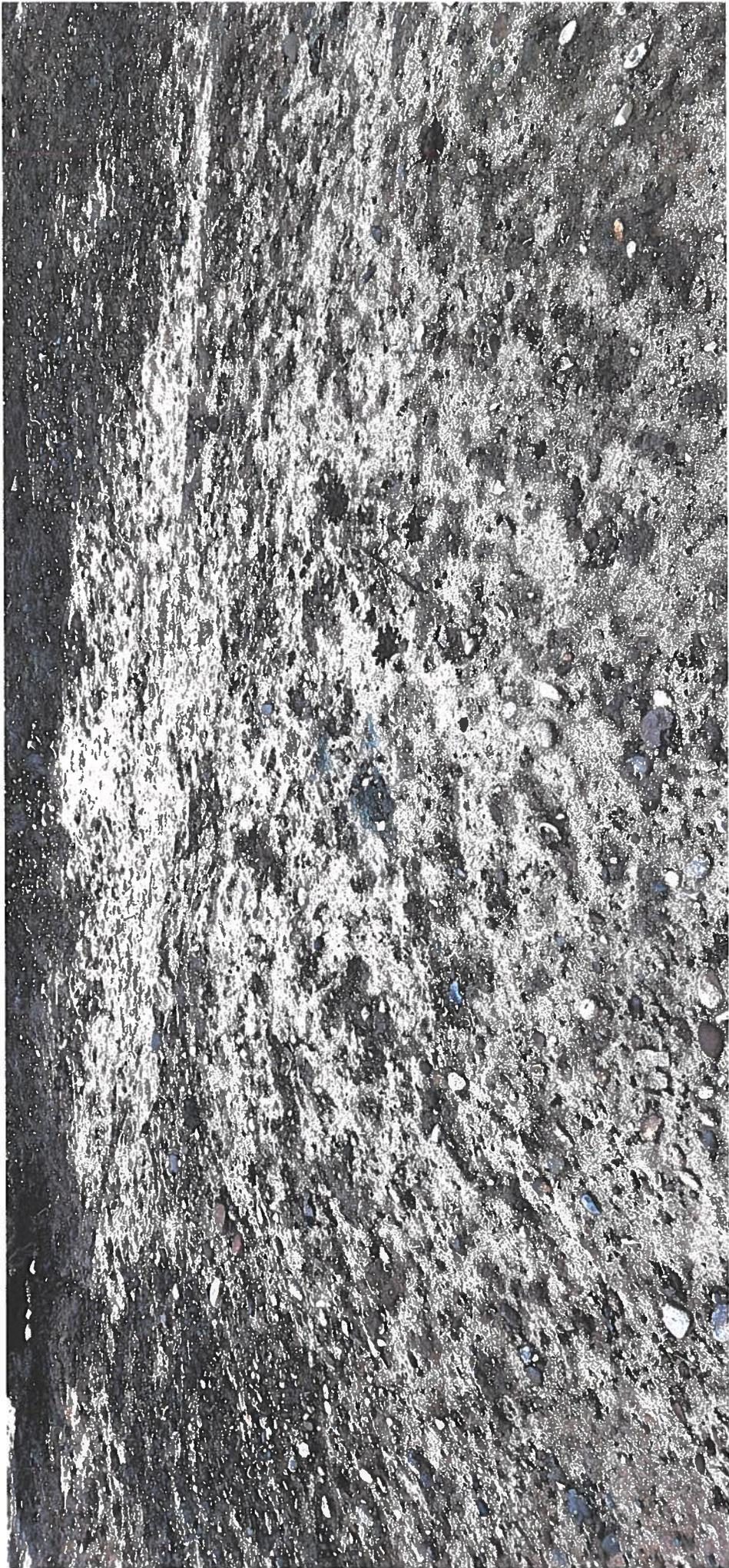
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Dan Lister

From: David Olsen <just4funx4@hotmail.com>
Sent: Wednesday, February 21, 2024 8:50 AM
To: Dan Lister
Subject: Fwd: [External] Re: Conditional Use Permit Modification - CU2022-0035
Attachments: 1000001508.jpg

David Olsen

From: David Olsen <just4funx4@hotmail.com>
Sent: Wednesday, February 21, 2024 12:11:47 AM
To: David Olsen <just4funx4@hotmail.com>
Subject: Re: [External] Re: Conditional Use Permit Modification - CU2022-0035

David Olsen

From: David Olsen <just4funx4@hotmail.com>
Sent: Tuesday, February 20, 2024 6:51:39 PM
To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Subject: Re: [External] Re: Conditional Use Permit Modification - CU2022-0035

I'm sorry I don't draw very well. This is the site. It includes the current set up with the BBQ stands and picnic tables. Please let me know if this suffices. Thanks again. David Olsen

David Olsen

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Sent: Tuesday, February 6, 2024 4:49:02 PM
To: 'David Olsen' <just4funx4@hotmail.com>
Subject: RE: [External] Re: Conditional Use Permit Modification - CU2022-0035

David,

I received your updated letter. I'll review it sometime this week.

Sincerely,

Dan Lister, Principal Planner

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

Daniel.Lister@canyoncounty.id.gov

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From: David Olsen <just4funx4@hotmail.com>
Sent: Tuesday, February 6, 2024 10:06 AM
To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Subject: [External] Re: Conditional Use Permit Modification - CU2022-0035

Hi Dan, dropped off my revised letter to your office yesterday. I hope I did it correctly and it makes sense. If you see anything that I need to revise to make it more clear please let me know. Thx David Olsen

David Olsen

From: David Olsen <just4funx4@hotmail.com>
Sent: Thursday, December 14, 2023 9:25:29 PM
To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Subject: Re: Conditional Use Permit Modification - CU2022-0035

Received. Thank you for your time today.

David Olsen

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Sent: Thursday, December 14, 2023 5:42:15 PM
To: 'just4funx4@hotmail.com' <just4funx4@hotmail.com>
Subject: Conditional Use Permit Modification - CU2022-0035

Mr. Olsen

I've been assigned the planner to your case, CU2022-0033.

As discussed today, you stated you would like to move forward with Case CU2022-0035 to first modify the conditions of approval for CU2002-42 (Original Case No. 011961L33-5N-3W) to ensure the mobile home park use is compliant before applying for an RV Park conditional use permit (CUP).

The following is required to proceed:

- A new letter of intent. The letter of intent originally submitted only speaks about adding RVs to the mobile home park. To revise the condition of an old approval, the letter of intent should include:
 - The reasons why you're applying for the modification.
 - Provide background and how a favorable decision would help you with the next step, a CUP for an RV Park.
 - What conditions are you requesting to remove or modify?
 - For each condition to be modified or removed, please provide the reason and evidence. Evidence can be a site plan, aerial photo, photos, or other documented information that supports the modification or removal of the requested condition.
- I recommend meeting and getting support from other agencies such as Southwest District Health, Middleton Fire, Notus-Parma Highway District, and Black Canyon Irrigation District. If not, the application will be routed to affected agencies for review and comment before the scheduled public hearing.

Per CCZO Section 07-05-03(1)G, the applicant carries the burden of persuasion. Therefore, it's up to you to submit proof and evidence to support your request. You may want to seek assistance from a professional planner or land use attorney.

Case CU2022-0035 was submitted on July 12, 2022. The case has been inactive since 6/16/2023. Please submit the revised information by March 14, 2023. If a revised application has not been submitted by that time, the Director of DSD may decide to proceed to a scheduled hearing with the information submitted on 7/12/2022.

Contact me if you have any questions.

Sincerely,

Dan Lister, Principal Planner

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

Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

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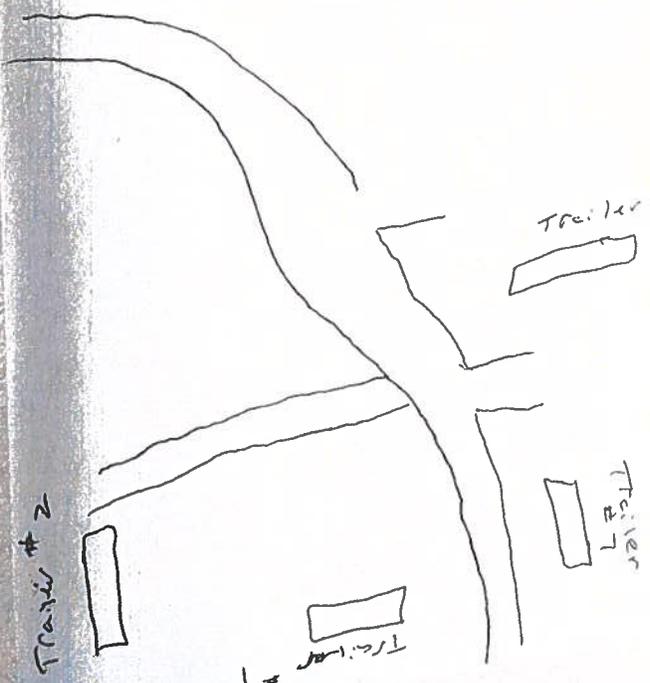
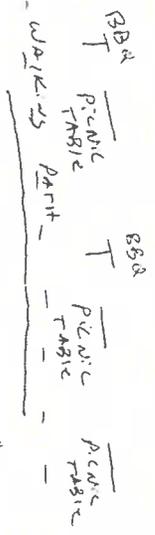
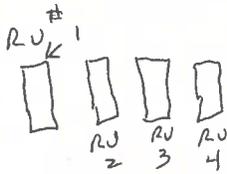
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Commissioner Minute

April 25, 2002 - 1:30 p.m.

CONTINUED PUBLIC HEARING - APPEAL BY DAVID OLSEN AND ANITA STROSCHEIN FOR A C.U.P. FOR A PLANNED UNIT DEVELOPMENT

Commissioners Matt Beebe and Pat Galvin

Deputy P.A. Scott Spears

Leon Jensen, County Planner

David Olsen

David Loper, Southwest District Health Department

Deputy Clerk Monica Reeves



CONTINUED PUBLIC HEARING - APPEAL BY DAVID OLSEN AND ANITA STROSCHEIN FOR A C.U.P. FOR A PLANNED UNIT DEVELOPMENT

As announced at the hearing on April 16, 2002, the Board met today to continue the public hearing in the matter of an appeal by David Olsen and Anita Stroschein of the Hearing Examiner's denial of their request for a C.U.P. to convert approximately 3.7 acres in an Agricultural Zone into a Planned Unit Development for a seven-unit mobile home park. The subject property is located at 24938 Farmway Road, in Caldwell, Idaho and is further described as being at the corner of Farmway Road and Purple Sage Road in the Northwest Quarter of the Northwest Quarter of Section 33, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho. The hearing was continued from April 16, 2002 to allow Mr. Olsen to obtain documentation from the Southwest District Health Department regarding the septic tanks for the individual mobile homes. Present for today's hearing were: Commissioners Matt Beebe and Pat Galvin, Deputy P.A. Scott Spears, Leon Jensen, County Planner, David Olsen, David Loper from the Southwest District Health Department, and Deputy Clerk Monica Reeves. Commissioner Galvin made a motion to reopen public testimony. The motion was seconded by Commissioner Beebe and carried unanimously. **David Loper** from the Southwest District Health Department testified that the applicant is planning to do individual septic systems with a community well. It will not be a public water supply. It will not be regulated by the state or DEQ. Mr. Loper said it created some procedural questions since there is no plat. He said that although the health department is not lifting sanitary restrictions on a plat, they still need to issue septic permits, which in essence is lifting the sanitary restrictions on each of the systems. Mr. Loper said the health department will require Mr. Olsen to submit a standard subdivision engineering report. In the past they have had some problems with some of the systems in the area. Mr. Loper reported that the subdivision engineering report has a density issue. On individual wells and septic systems you can have one-acre lots. For a community or public water supply you can have one-half to three-

quarter-acre lots, depending on the soil type. Mr. Loper stated that there will be no review of the water supply as far as engineering and sampling because it is not a regulated well. At this point, the application needs to be filled out by the applicant and the engineering report needs to be submitted to the health department before they would issue further permits for the development. Mr. Loper said the area is not an area of concern due to high nitrate levels or high groundwater. Commissioner Galvin said she was concerned about the amount of septic tanks that are already there and she wanted to make sure that the health department was aware of the project. Mr. Loper said there are a number of septic tanks in the area and in the future the health department might require more information to make sure that the development is not going to impact the subsurface and groundwater protection, but at this time they do not have that mechanism in place. He said there will be some existing background level of nitrate in the groundwater due to the existing systems, but they want to make sure that the proposed development does not add to that problem. Mr. Loper said the only "red flag" is the density as far as half-acre lots on individual drain fields. He said the health department recommends that the Board require the applicant to complete the Southwest District Health Department Subdivision Engineering Report as part of the application for the permits. Following Mr. Loper's testimony, the Board questioned Mr. Olsen about the project. Following the Board's discussion, Commissioner Beebe made a motion to overturn the previous denial and approve the request subject to conditions. 1) The developer shall complete and submit to the Southwest District Health Department for their approval, a Subdivision Engineering Report that would meet the requirements of that agency. 2) The project shall be subject to all local, state and federal regulations. 3) The developer shall install a 40-foot by 40-foot playground area in the southeast part of the park to meet the engineering requirements and other requirements that may be necessary. 4) The developer shall tile the drain ditch that runs across the eastern portion of the property and across the southern portion of the property. The north-south drain that runs down to the southern edge of the property shall be left open. 5) The developer shall provide an appropriate grading or other means so that run-off can drain into the tiled part of the drain. 6) The developer shall plant at least 10 trees across the southern boundary of the property that abuts the property belonging to Mrs. Combs. The trees shall be a mix of evergreen and deciduous. 7) The developer shall fence the property as soon as it is financially feasible. 8) The developer shall install a sprinkler system to maintain the vegetation and lawns throughout the park in a growing condition. 9) The renters shall keep their children and animals off of private property. The motion was seconded by Commissioner Galvin and carried unanimously. The Board will consider the written Findings on May 24, 2002. A taped recording of this hearing is on file in the Commissioners Office.

M-OlsenStroschein2Hrg

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF AN APPEAL)	
BY:)	
)	CASE NO. 011961L33-5N-3W
DAVID OLSEN and ANITA STROSCHEIN)	
)	
)	
An Appeal by David J. Olsen and Anita J. Stroschein of the Canyon County Hearing Examiner's denial of a Conditional Use Permit to convert approximately 3.7 acres in an "A" (Agricultural) Zone into a Planned Unit Development for a seven-unit mobile home park.)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
)	
)	

A hearing was held before the Board of County Commissioners (hereinafter "Board") on April 16, 2002, for the purpose of considering an appeal by David J. Olsen and Anita J. Stroschein (hereinafter Appellants) of the Canyon County Hearing Examiner's (hereinafter "Hearing Examiner") denial of Appellants' request for a conditional use permit to convert approximately 3.7 acres in an "A" (Agricultural) zone into a planned unit development for a seven (7) unit mobile home park.

The following persons were in attendance at the April 16, 2002 hearing: Canyon County Commissioner Pat Galvin; Canyon County Commissioner Matt Beebe; Deputy Prosecuting Attorney Scott D. Spears, counsel to the Board of County Commissioners; Deputy Clerk, Monica Reeves; Principal Planner, Leon Jensen, Development Services Department (hereinafter "DSD"); David J. Olsen; and Mr. & Mrs Guy Werner. The hearing was continued to April 25, 2002, to give the Appellant an opportunity to obtain written approval of the project from the Southwest District Health Department.

On April 25, 2002, the hearing resumed. The following persons were in attendance at the April 25, 2002 hearing: Canyon County Commissioner Pat Galvin; Canyon County Commissioner Matt Beebe; Deputy Prosecuting Attorney Scott D. Spears, counsel to the Board of County Commissioners; Deputy Clerk, Monica Reeves; Principal Planner, Leon Jensen, DSD; David J. Olsen; and David Loper, Southwest District Health Department.

SUMMARY OF THE RECORD

The record in this appeal is comprised of:

1. County Exhibits No. 1-7.
2. Appellants Exhibits No. 1-2.

PROCEDURAL ITEMS

1. A public hearing was held by the Hearing Examiner on January 24, 2002.
2. Section B of County Exhibit No. 2 shows that proper notices were given for the Hearing Examiner's hearing.
3. On February 14, 2002, the Hearing Examiner issued its Findings of Facts, Conclusions of Law and Decision denying Appellants' request for a conditional use permit to convert approximately 3.7 acres in an "A" (Agricultural) zone into a planned unit development for a seven (7) unit mobile home park.
4. On or about February 15, 2002, the Board received a Notice of Appeal, appealing the Hearing Examiner's Findings of Facts, Conclusions of Law and Decision.
5. Legal notice of the Board's hearing was published in the Idaho-Press Tribune on or about March 22, 2002. On or about March 20, 2002, persons owning property within ¼ mile of the site and selected agencies were notified of the hearing by mail. On or about April 4, 2002, a hearing

notice was posted on the site.

SUMMARY OF THE TESTIMONY

1. **Leon Jensen** gave a brief staff report. Jensen described the location of the subject property and the nature of the surrounding property and referred to an address map of the area, as well as a plat map and an aerial photograph of the area; the plat map and aerial photograph were introduced as County Exhibit No. 6 and County Exhibit No. 7 respectively and were admitted into the record without objection. Jensen said that the subject property is at the corner of Farmway Road and Purple Sage Road and he noted that Interstate I-84 is approximately 850' feet east of the subject property. Jensen said that subject property is zoned Agricultural and reported that property approximately ½ mile to the east of the subject property is zoned Rural Residential. Jensen reported that the subject property is located approximately three (3) miles west of the Middleton area of city impact and is approximately 2½-3 miles north of the Caldwell area of city impact.

a. Jensen said that Sunlight Terrace, a platted subdivision with manufactured homes, is immediately south of the subject property. Jensen said that Sunlight Terrace has approximately 119 lots (which are individually owned with individual septic systems) and that it was developed in the 1970's. Jensen also noted the location of Purple Sage Mobile Home Manor which consists of 25-30 manufactured homes on rented spaces with separate septic tanks for each unit and 2-3 units on a shared drain field; he said that Purple Sage Mobile Home Manor has a community water system and was developed approximately thirty (30) years ago. Jensen said that there is a dairy northwest of the subject property, on the other side of the intersection of Farmway Road and Purple Sage Road. He said that Niman Ranch Feed Lot is approximately ½ mile to the west of the subject property. Jensen also reported that there is another dairy about one (1) mile north of the subject property. He

said that there are no subdivisions to the north of the subject property. Jensen noted the ownership of properties adjacent to, and across the road from, the subject property.

b. Jensen noted the location of other residential subdivisions in the area. He said that across Farmway Road from the subject property and south of Purple Sage is a nineteen (19) lot platted subdivision named Country Hills Estates subdivision with lots that are 2-4 acres in size. He also noted the location of the Rich subdivision, south of the subject property on Farmway Road, with twenty-four (24) lots that are about ½ to 1 acre in size. Jensen also noted Garrison Acres subdivision near the Rich Subdivision with most lots about ½ to 1 acre in size. Jensen said that the majority of properties to the north and east of the subject property appear to be in cultivation. He noted the same to be true with most parcels to the west of the subject property.

2. **David Olsen** testified in support of the appeal and said that there has been no opposition to the proposed development from his neighbors. Olsen submitted a letter from Dee Combs with a hand written notation from Combs expressing a revised position concerning the project which appeared to be conditional support of the project; the letter was identified as Appellant Exhibit No. 1 and was admitted without objection. Olsen said that while Combs' letter seems to express a concern about view and privacy, she is more concerned about dogs getting on her property. He admitted that Combs letter requests a 6-8' foot privacy fence because of a concern about the view of the subject property. Olsen reported that he had spoken with Bobbie Brandel, an owner of a dairy on property northwest of the subject property across the intersection of Farmway Road and Purple Sage Road, who seems to support the project but also is concerned about animals. Olsen said that to address the concerns of Combs and Brandel, he would consider rental agreements that did not allow pets. He also said that he would install a fence on the subject property along the common

boundary with the Combs' property and would also provide landscaping on the south and east edge of the subject property, including Pine and Aspen trees, that is consistent with other landscaping throughout the development.

a. Olsen said that there are approximately 313 homes in the area of the subject property and that approximately 80 percent of those are manufactured homes. He said that there approximately 88 residential homes within 1/4 mile and that the majority of those are manufactured homes. Olsen said that the subject property is surrounded by manufactured homes on three (3) sides and pointed out with particularity Sunlight Terrace and Purple Sage Mobile Home Manor.

b. Olsen said that the subject property has no agricultural use. He said that the subject property has no water and that because of its limited size and steep slopes, it not suitable for agricultural use.

c. Olsen said that as a part of development, they have excavated portions the subject property to reduce soil erosion and have had the subject property "engineered out" with a site plan. Olsen said that the subject property has been "lot surveyed." He said that the engineering for the subject property provides for primary and secondary drain fields which are intended to comply with requirements of Southwest District Health Department. Olsen submitted the engineered site plan showing building pads for each mobile home and the primary and secondary drain fields as well as the ingress and egress points for access to Purple Sage Road and Farmway Road as Appellant Exhibit No. 2 which was admitted without objection. Olsen said he had no letter or documentation from the Southwest District Health Department concerning the proposed septic systems or the fire department. Olsen said there are plans for an drainage pipe on the east and south edges of the subject property where an open drainage ditch now exists. He identified the location of the proposed

community well. Olsen said that the subject property consists of soil that is very sandy and so drainage is not a problem. He said that he currently has one mobile home on the subject property and that it has received a permit from Southwest District Health Department for a septic system with a primary and secondary drain field.

d. Olsen reported that he intends to have a community well for the project that meets all requirements of the Department of Water Resources and Department of Environmental Quality and the Southwest District Health Department. Olsen said that access for ingress and egress has been approved by Notus-Parma Highway District onto Farmway Road and Purple Sage Road and that they will meet all applicable requirements of the highway district. He said that at the request of the highway district, ingress and egress approaches will be updated with a 20' foot piece of asphalt when there are more than two mobile homes placed on the subject property. He also testified that the development will have an interior private road which will consist of road mix and which will meet all specifications of the fire department.

e. Olsen said that the property will continue to be owned by he and his wife and that the lots in the development will not be sold. He said that he will own the mobile homes and will manage the occupancy of the homes. Olsen said that as part of the rental agreement, people will sign a provision that they will not object to farm odors etc. Olsen said that the lots will be slightly larger than ½ acre. He said that they are considering a small playground area for children. Olsen said he plans to landscape the draw on the southern edge of the subject property with Aspen and Pine trees adjacent to the Combs property. He said he will also decorate each lot with one (1) to two (2) trees as development proceeds. Olsen said he is not planning to fence the lots between the units. He discussed the location of the proposed playground and said that it would probably have swings and

a sand box. Olsen said that he will maintain the grass and yards within the development and will provide for sprinkle irrigation.

f. Olsen said that the subject property had been trashy before he and his wife bought it. Olsen suggested that this is the best use for the subject property. He also noted that there are many manufactured homes in the area and approximately 313 homes in the area overall. Olsen said that Sunlight Terrace has very small lots and that it has a community well and individual septic systems.

g. Olsen said that the subject property will be under single ownership during development. He suggested that separation from other properties is achieved with Farmway Road and Purple Sage Road. He suggested that the proposed development proposes a public benefit by including for excavation of slopes which will reduce soil erosion and result in the conservation of soil. He also noted that mobile homes are desired as an option for housing. Olsen also testified that he is proposing a 40'x40' playground with a fence in the interior of the subject property which will be a common/open area.

h. Olsen said he prefers wood sided mobile homes with white vinyl skirting. He said that each mobile home will have a driveway and sidewalk. Olsen also said that each mobile home will have a front or a back deck. Olsen said that he will utilize existing aftermarket mobile homes. Olsen said that eventually, he would like to place fencing along Farmway Road and Purple Sage road.

i. Olsen said he has already moved a mobile home onto the subject property. He said he is planning to paint it and needs to repair the roof. Olsen said the mobile home is located on the property by permit and explained that the subject property came with an available building permit.

j. Olsen mentioned that at the hearing before the Hearing Examiner, a woman opposed to the project had submitted photographs of mobile homes in disarray. He said that his project will not

look like these photos. Olsen said he intends to manage the property and keep up appearances to protect his investment.

3. **Guy Werner** testified that he owns parcel #2 on the vicinity map across Purple Sage Road from the subject property. Werner said that his sister owns parcel #3 on the vicinity map. He said his property has been pasture land and that they took it out of sage brush in the 1950's. Werner said that the drain that runs along the subject property has not been maintained. He said it is a natural drain for the whole area and that no property owners in the area wanted to maintain it. Werner said he is glad to see someone come forward wanting to maintain it. He said he is also pleased to see that Olsen is doing something with the subject property because it has sat idle for 40 years with nothing happening. Werner said that drug users have used the subject property as a base of operations to sell drugs to children from the Sunlight Terrace subdivision.

The hearing was continued to April 25, 2002, to give the Appellant an opportunity to obtain written approval of the project from the Southwest District Health Department.

APRIL 25, 2002.

4. **David Loper**, Southwest District Health Department, testified that Appellant Olsen contacted Southwest District Health Department concerning the proposed development and his plan for individual septic systems for each mobile home and a community water supply. He said that the proposed development created procedural issues since it will not be a platted subdivision, it is treated as one parcel. Loper said that Southwest District Health Department is not lifting sanitary restrictions but will permit individual septic systems on the subject property. He said that Southwest District Health Department will treat the proposed development as a platted subdivision and so they are requiring a subdivision engineering report from the developer. Loper said that Southwest District

Health Department will give permits based on ½ to ¾ acre minimum parcels. Loper said that the soil types of the subject property indicate a sandy material at 5 feet and that this appears to support a ½ to ¾ acre density. He said that this will be evaluated when they get the report. Loper recommended making a condition on the conditional use permit that the Appellants obtain and provide to Southwest District Health Department a subdivision engineering report.

a. Loper said that a septic system permit has been issued for one lot on the site where a mobile home has been sited. He said that Southwest District Health Department will require test holes when each septic system is to be placed on the subject property. Loper said that Southwest District Health Department looks for a place for primary and secondary drain fields. He said that the proposed site plan provides sufficient space for each “lot”. Loper said that the area of the subject property is not a high nitrate area and so the subject property is not in an “area of concern”. He said that since this is not in a “area of concern”, there is no need for nutrient pathogen studies. Loper said that the only red flag is the density of ½ to ¾ acre lots. Loper said that the final number of units and their placement (location) is subject to approval of the Southwest District Health Department. Loper emphasized that Southwest District Health Department will maintain approval authority concerning the number and location of septic systems on the subject property. He said that he is not concerned about the systems already in the area. Loper said that any violations of the regulations for septic systems will be issued to the Appellants as the property owners.

b. Regarding the community water supply, Loper said that since the proposed development is not a platted subdivision, Southwest District Health Department will not have to lift sanitary restrictions. He said they do not anticipate any review or permitting and that the Department of Water Resources and Department of Environmental Quality will review and permit the community

well and community water system. Loper said that based upon the site plan, the proposal appears to provide enough room for the community well.

5. **David Olsen** testified in support of the appeal. Olsen said that a test hole was dug on the subject property for the mobile home that has been placed on the property and that the test hole showed optimal soil conditions for the drain field.

a. Olsen said that the ditch in the middle of the property will remain open because it drains the property. He said that the ditch on the south and east edges of the subject property will be tiled. Olsen suggested that tiling the ditch will make it safer for the proximity of the playground. He said that tiling the ditch is also necessary for the location of the septic systems on the lots on the south and east portions of the parcel.

b. Olsen said he intends to fence the property in total as funds become available. He said that for insurance purposes, it is to his benefit to fence the property and so he will do it.

c. Olsen said that he will install and maintain a sprinkled irrigation system.

BOARD ACTION

Upon the conclusion of public testimony, after deliberating on the evidence presented, the Board voted to overturn the Hearing Examiner's decision and thereby grant David J. Olsen and Anita J. Stroschein a conditional use permit to convert approximately 3.7 acres in an "A" (Agricultural) zone into a planned unit development for a seven (7) unit mobile home park with eight (8) conditions. On May 24, 2002, the Board will adopt Findings of Fact and Conclusions of Law and an Order.

APPLICABLE LAW

1. Whether the ordinance permits the use by conditional use permit. [Canyon County Code of Ordinances (CCCO); Section 07-06-05(3)A].
2. Reasons for application. [CCCO; Section 07-06-05(3)B].
3. Whether the proposed use is harmonious and in accordance with the Comprehensive Plan. [CCCO; Section 07-06-05(3)C].

PROPERTY RIGHTS

In the 1994 Legislative Session, Idaho Code "67-8001, 8002, and 8003 were adopted to establish a process to better provide that land use policies, restrictions, conditions, and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of private property. It is the policy of the County to comply with the requirements of the Idaho Code provisions. [p.4].

POPULATION POLICIES

Policy No. 3. To encourage future population to locate within incorporated cities and/or "Areas of City Impact". This policy recognizes that population growth and the resulting development activity should occur where public infrastructure, services and facilities are available or where they are planned and will be provided in the near future. [p. 5].

Policy No. 4. To locate future population in areas outside of best suited and moderately suited agricultural areas. This policy recognizes that productive agricultural areas are considered developed and to change the existing land use pattern to another land use or to mixtures of potentially conflicting land uses may cause irreparable damage to both the area and the agricultural industry of the county. This policy underscores other policies of the plan which seek to encourage the protection of prime "best suited" agricultural lands for the production of food and fibre. The county also recognizes that certain "moderately suited" and "least suited" agricultural areas may be considered for residential development through the Conditional Use Permit or Conditional Rezone process. These processes however, require careful consideration of the impact(s) that development may have on existing and surrounding land uses while taking into account both citizen and pertinent agency inputs. Urban and urban-type residential development is encouraged within incorporated cities and their corresponding areas of impact. [p. 5].

OVERALL LAND USE POLICIES

Policy No. 1. To encourage orderly growth throughout Canyon County while avoiding scattered development of land that may result in either or both of the following:

(A) An adverse impact upon water quality, water supply, irrigation ditches, canals and systems, sewage disposal, public safety and emergency services, educational facilities and surroundings, transportation and transportation facilities, and other desired and essential services; and

(B) The unnecessary imposition of an excessive expenditure of public funds for delivery of desired and essential services. [p. 7].

Policy No. 2. To protect agricultural, residential, commercial, industrial and public areas from the unreasonable intrusion of incompatible land uses. [p.7].

Policy No. 3. To provide for appropriately located residential areas with an adequate variety of dwelling types and density ranges as needed to meet demands. [p. 7]

Policy No. 7. To encourage development in those areas of the county which provide the most favorable conditions for future community services. [p. 8].

Policy No. 9. To use buffer areas and/or screening devices between certain land uses in order to properly address the need to protect all land uses insofar as possible. This policy is intended to forestall land use conflicts that may occur when a variety of land uses are located in relatively close proximity, especially residential uses adjacent to non-residential uses such as agriculture and industry. [p. 8].

AGRICULTURAL LANDS

Policy No. 1. To support the fact that the present agricultural activities in "best suited" and "moderately suited" agricultural soil designated areas of Canyon County represent "development" by definition. Careful consideration must be given to any proposal which would permit changes of land use from agriculture to another type of development. Minimizing the potential for conflicting land uses is very important to the ongoing and long term agricultural activities of the county. "Best suited" and "moderately suited" soil areas generally demonstrate that the corresponding farms have a consistent annual production history complete with water delivery system(s). [p. 8-9].

Policy No. 2. To permit development on lands where soils are determined to be either "least suited" or "moderately suited" for agriculture only after careful study and

review of surrounding land uses that consider the long range impacts of mixed land uses in the area. This policy recognizes that land may be developed for other purposes only, when such developments do not harm or conflict with the agricultural activities in the immediate area and when adequate public services and facilities are either available or are made available as part of the development. This policy also recognizes that non-agricultural costs of development should not create increased tax burdens to current property owners. [p. 9]

Mobile Home Housing

Policy No. 1. To permit mobile homes in various zoning of the county in accordance with specific standards regulating installation and use. This policy recognizes that mobile homes are part of the affordable housing supply of Canyon County and that the predominant location for this housing is in mobile home parks and in rural areas of the county. [p. 11]

HOUSING POLICIES

Policy No. 1. To encourage opportunities for a diversity of housing choices and availability of affordable housing. This policy recognizes that housing is basic to every person living in the county and that affordable housing opportunities should be a goal which needs constant review. The plan encourages a variety of housing which also seeks to improve the life style of the county's residents. [p. 14]

PRELIMINARY LAND USE CATEGORY DESCRIPTIONS, DEVELOPMENT POLICIES, AND DEVELOPMENT GUIDELINES

CATEGORY BEST SUITED; MODERATELY SUITED; & LEAST SUITED AGRICULTURAL LAND USE AREAS

DESCRIPTION Areas of Canyon County where agriculture is the preferred land use development pattern and which will be protected, conserved or considered for limited development by the plan's goals, policies, objectives and development ordinances.

DEVELOPMENT POLICY It is the policy of Canyon County to designate agricultural lands for agricultural purposes and to minimize encroachment of inappropriate or conflicting land uses into these areas. The County will affirm and protect the right of agriculture operators in designated agricultural areas to continue their agricultural practices, even though established urban (residential) uses in the general area may foster complaints against those agricultural practices. Furthermore, outside of the Cities and existing urban areas, the lack of available public water supply, sewage disposal facilities and other public services and facilities as well as the uncertainty of the quality and quantity of underground water supplies necessitates

the County limiting non-agricultural residential development to avoid the potential serious problems.

It is the intent of Canyon County however, to give consideration to subdividing least suited and certain moderately suited agricultural parcels that, in accordance with strict development guidelines, procedures, and engineering gives assurance that residential development at these locations may occur if the developer can adequately demonstrate to the county's representative decision-making body that the development plan is comprehensive and compatible with the area. [P. 35-36].

All additional portions of the comprehensive plan which may be deemed applicable are incorporated by reference herein.

4. Whether the proposed use will be injurious to other property in the immediate vicinity and/or will change the essential character of the area. [CCCO; Section 07-06-05(3)D].

5. Whether adequate sewer, water and drainage facilities, and utility systems are to be provided to accommodate said use. [CCCO; Section 07-06-05(3)E].

6. Whether measures will be taken to provide adequate access to and from subject property so that there will be no undue interference with existing or future traffic patterns. [CCCO; Section 07-06-05(3)F].

7. Whether essential public services such as, but not limited to, school facilities, police and fire protection, emergency medical services and irrigation facilities, will be negatively impacted by such use or will require additional public funding in order to meet the needs created by the requested change. [CCCO; Section 07-06-05(3)G].

8. Whether the proposed use is essential or desirable to the public convenience or welfare. [CCCO; Section 07-06-05(3)H].

9. CCCO, Section 07-06-07 allows specific conditions to be attached to a conditional use permit including, but not limited to conditions which:

- (1) Minimize adverse impact on other development;
- (2) Control the sequence and timing of development;
- (3) Control the duration of development;
- (4) Assure that development is properly maintained so as to not adversely affect vicinity property values;
- (5) Designate the exact location and nature of development;
- (6) Require the provision for on-site or off-site public facilities or services;
- (7) Require more restrictive standards than those generally required in this Ordinance;
- (8) Minimize any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity.

10. Whether the planned unit development will include open areas for use-in-common by residents and occupants of such development. [CCCO; Section 07-16-09].

11. Whether the proposed planned unit development will be in one ownership or under a unit control during the planning and development stage to ensure that the development can be accomplished. [CCCO; Section 07-16-11].

12. Whether the planned unit development will be essentially independent and contained. [CCCO; Section 07-16-13].

13. Whether the planned unit development will achieve a public benefit through creation of open space, or public facilities, conservation, provision of services or needed facilities or otherwise. [CCCO; Section 07-16-15].

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be Conclusions of Law, they are incorporated in to the Conclusions of Law section accordingly.

1. Location: The subject property is located at 24938 Farmway Road, Caldwell, Idaho and is further described as being at the corner of Farmway Road and Purple Sage Road in the Northwest Quarter of the Northwest Quarter of Section 33, Township 5 North, Range 3 West, Boise Meridian,

Canyon County, Idaho.

2. Size and Ownership:

- a. The subject property is approximately 3.7 acres.
- b. David J. Olsen and Anita J. Stroschein are the current owners of the subject property.

3. With regard to the Findings of Fact required for CCCO, Section 07-06-05(3), the following facts apply:

a. CCCO Section, 07-12-07(3)P and 07-16-05 permit the use by conditional use permit. [CCCO, Section 07-06-05(3)A].

b. The Appellants desire to convert approximately 3.7 acres in an “A” (Agricultural) zone into a planned unit development for a seven (7) unit mobile home park. [CCCO; Section 07-06-05(3)B.]

c.(1). The subject property is at the corner of Farmway Road and Purple Sage Road. Interstate I-84 is approximately 850' feet east of the subject property. The subject property, along with most of the surrounding property, is zoned “A” (Agricultural); however, property approximately ½ mile to the east of the subject property is zoned Rural Residential. The subject property is located approximately three 3 miles west of the Middleton area of city impact and is approximately 2½-3 miles north of the Caldwell area of city impact.

(2). Sunlight Terrace, a platted subdivision with manufactured homes, is immediately south of the subject property. Sunlight Terrace has approximately 119 lots (which are individually owned with individual septic systems) and was developed in the 1970's. Purple Sage Mobile Home Manor which consists of approximately 25-30 manufactured homes on rented spaces with separate septic tanks for each unit and 2-3 units on a shared drain field is also in the area of the subject property.

Purple Sage Mobile Estates has a community water system and was developed approximately thirty (30) years ago. There is a dairy immediately northwest of the subject property, on the other side of the intersection of Farmway Road and Purple Sage Road. Another dairy is located about one (1) mile north of the subject property. Niman Ranch Feed Lot is approximately ½ mile to the west of the subject property. There are other residential subdivisions in the area. Across Farmway Road from the subject property and south of Purple Sage is a nineteen (19) lot platted subdivision named Country Hills Estates subdivision with lots that are 2-4 acres in size. Rich subdivision is south of the subject property on Farmway Road, with twenty-four (24) lots that are about ½ to 1 acre in size. Garrison Acres subdivision is near the Rich Subdivision with most lots about ½ to 1 acre in size. There are approximately 313 homes in the area of the subject property and approximately 80 percent of those are manufactured homes. There approximately 88 residential homes within 1/4 mile, the majority of those are manufactured homes.

(3). The subject property has sat idle for at least 40 years. The subject property does not have water rights. The subject property has steep slopes. Due to its size, the slope of the ground, and the lack of water rights, the subject property is not viable for agricultural production. Therefore, the request does not remove viable farm ground from production.

(4). The property to the north and west and east of the subject property is primarily agricultural with large parcels.

(5). The Appellants propose to develop a seven (7) unit mobile home park on the subject property.

(6). The Appellants have obtained approval from Notus-Parma Highway District No. 2 for access points on Farmway Road and Purple Sage Road for ingress and egress, conditioned on

updated approaches which Appellant indicates will be done as soon as more than two (2) mobile home units are on the subject property. No objections were expressed by governmental agencies receiving notice of the proposed use.

(7). The Appellants intend to place a buffer strip along the east and south edges of the subject property featuring Pine and Aspen trees. The Appellants are willing to plant trees along the common property line with the Combs property in order to provide privacy for Combs. The appellant also plans to fence the property on its north and west edges where it abuts Purple Sage Road and Farmway Road as funds become available.

(8). The residential structures on the subject property will be mobile homes. The request will further the intent of the Comprehensive Plan by providing a diversity of affordable choices including mobile homes.

(9). The Board finds that the proposed use is harmonious with and in accordance with the Comprehensive Plan. [CCCO; Section 07-06-05(3)C.]

d.(1). The Board notes that one (1) of several adjacent land owners (Dee Combs) has expressed concern about the request by submitting a letter in opposition to the request. However, the Appellants submitted a letter from Combs with a hand written notation from Combs expressing a revised position concerning the project which appeared to be conditional support of the project. Combs' letter expresses a concern about view and privacy and requests a 6-8' foot privacy fence. According to the Appellant, Combs is more concerned about animals getting onto her property. According to the Appellant, Bobbie Brandel, an owner of a dairy on property northwest of the subject property across the intersection of Farmway Road and Purple Sage Road, supports the project but also seems to be concerned about animals. To address the concerns of Combs and Brandel, the

Appellants would consider rental agreements that did not allow pets. The Appellants are also willing to install provide landscaping, including Aspen and Pine trees along the common boundary with the Combs' property that is consistent with landscaping throughout the development.

(2). Sunlight Terrace, a platted subdivision with manufactured homes, is immediately south of the subject property. Sunlight Terrace has approximately 119 lots (which are individually owned with individual septic systems) and was developed in the 1970's. Purple Sage Mobile Home Manor which consists of approximately 25-30 manufactured homes on rented spaces with separate septic tanks for each unit and 2-3 units on a shared drain field is also in the area of the subject property. Purple Sage Mobile Estates has a community water system and was developed approximately thirty (30) years ago. There is a dairy immediately northwest of the subject property, on the other side of the intersection of Farmway Road and Purple Sage Road. Another dairy is located about one (1) mile north of the subject property. Niman Ranch Feed Lot is approximately ½ mile to the west of the subject property. There are other residential subdivisions in the area. Across Farmway Road from the subject property and south of Purple Sage is a nineteen (19) lot platted subdivision named Country Hills Estates subdivision with lots that are 2-4 acres in size. Rich subdivision is south of the subject property on Farmway Road, with twenty-four (24) lots that are about ½ to 1 acre in size. Garrison Acres subdivision is near the Rich Subdivision with most lots about ½ to 1 acre in size. There are approximately 313 homes in the area of the subject property and approximately 80 percent of those are manufactured homes. There approximately 88 residential homes within 1/4 mile, the majority of those are manufactured homes.

(3).The Board finds that the proposed use will not be injurious to other property in the area and will not change the essential character of the area. [CCCO; Section 07-06-05(3)D.]

e. The subject property does not have any irrigation water rights, the Appellant proposes to use pressurized sprinkle irrigation on the subject property with the water supplied by a well. The Appellant will improve the existing drainage facilities. The telephone and electricity service is available to the subject property. Sewer service will be provided with individual septic systems featuring primary and secondary drain fields; location and number of units will be subject to the approval and oversight authority of Southwest District Health Department. Domestic water will be provided via a community well and community water system that will be subject to the approval and oversight authority of the Department of Water Resources and the Department of Environmental Quality. [CCCO; Section 07-06-05(3)E.]

f. The Board finds that the highway district has approved access for the proposed project onto Farmway Road and Purple Sage Road on the condition that the approaches be updated once more than two (2) units are placed on the subject property. [CCCO; Section 07-06-05(3)F.]

g. All regulations of the agencies having jurisdiction over the subject property must be complied with. None of the agencies have objected to approval of the requested conditional use permit. The proposed development is too small to have much of an impact on any of the public services in the area. [CCCO; Section 07-06-05(3)G.]

h. Based upon the preceding Findings of Fact, the Board finds that the proposed use is desirable to the public convenience and welfare. [CCCO; Section 07-06-05(3)H.]

4. The Appellants propose a 40'x40' playground with a fence in the interior southeastern portion of the subject property which will be a common/open area. Additionally, interior "lots" will not be fenced. The Board finds the project will include open areas for use-in-common by residents and occupants of the development. [CCCO; Section 07-16-09].

5. The Appellants intend to maintain ownership of the subject property and the mobile homes placed on it and will then rent them out. The Board finds that the proposed development will be in one ownership and control. [CCCO; Section 07-16-11].

6. The subject property is bordered on the north by Purple Sage Road and on the west by Farmway Road and on a natural draw to the east and south. The Appellants intend to place a fence on the subject property where the subject property abuts the property owned by Combs. Additionally, the Appellants intend to place a buffer strip along the east and south edges of the subject property featuring Pine and Aspen trees. The appellants also plan to fence the property on its north and west edges where it abuts Purple Sage Road and Farmway Road. The Board finds that the proposed development will be essentially independent and contained. [CCCO; Section 07-16-13].

7. The subject property has steep slopes that are subject to erosion. As a part of the development, the Appellants have prepared an engineered site plan that calls for excavation to reduce soil erosion and therefore, result in conservation of the soil. There is a natural drainage ditch on the subject property that has not been maintained; the Appellants intend to maintain this ditch. Additionally, the subject property has sat idle for at least 40 years and recently has served as a base of operation for drug dealers. The Board finds that the proposed development will achieve a public benefit through creation of open space, or public facilities, conservation, provision of services or needed facilities or otherwise. [CCCO; Section 07-16-15].

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact, they are incorporated into the Findings of Fact section.

1. The Board concludes that the Hearing Examiner's decision should be reversed and that David J. Olsen and Anita J. Stroschein's application for a conditional use permit to convert approximately 3.7 acres in an "A" (Agricultural) zone into a planned unit development for a seven (7) unit mobile home park should be approved with eight (8) conditions.

2. The following conclusions of law are consistent with, and meet the tests of CCCO, Section 07-06-05(3) pertaining to conditional use permits in that:

a. CCCO Section, 07-12-07(3)P and 07-16-05 permit the use by conditional use permit. [CCCO, Section 07-06-05(3)A].

b. The Appellants desire to convert approximately 3.7 acres in an "A" (Agricultural) zone into a planned unit development for a seven (7) unit mobile home park. [CCCO; Section 07-06-05(3)B.]

c.(1). The subject property is at the corner of Farmway Road and Purple Sage Road. Interstate I-84 is approximately 850' feet east of the subject property. The subject property, along with most of the surrounding property, is zoned "A" (Agricultural); however, property approximately ½ mile to the east of the subject property is zoned Rural Residential. The subject property is located approximately three 3 miles west of the Middleton area of city impact and is approximately 2½-3 miles north of the Caldwell area of city impact.

(2). Sunlight Terrace, a platted subdivision with manufactured homes, is immediately south of the subject property. Sunlight Terrace has approximately 119 lots (which are individually owned with individual septic systems) and was developed in the 1970's. Purple Sage Mobile Home Manor which consists of approximately 25-30 manufactured homes on rented spaces with separate septic tanks for each unit and 2-3 units on a shared drain field is also in the area of the subject property.

Purple Sage Mobile Estates has a community water system and was developed approximately thirty (30) years ago. There is a dairy immediately northwest of the subject property, on the other side of the intersection of Farmway Road and Purple Sage Road. Another dairy is located about one (1) mile north of the subject property. Niman Ranch Feed Lot is approximately ½ mile to the west of the subject property. There are other residential subdivisions in the area. Across Farmway Road from the subject property and south of Purple Sage is a nineteen (19) lot platted subdivision named Country Hills Estates subdivision with lots that are 2-4 acres in size. Rich subdivision is south of the subject property on Farmway Road, with twenty-four (24) lots that are about ½ to 1 acre in size. Garrison Acres subdivision is near the Rich Subdivision with most lots about ½ to 1 acre in size. There are approximately 313 homes in the area of the subject property and approximately 80 percent of those are manufactured homes. There approximately 88 residential homes within 1/4 mile, the majority of those are manufactured homes.

(3). The subject property has sat idle for at least 40 years. The subject property does not have water rights. The subject property has steep slopes. Due to its size, the slope of the ground, and the lack of water rights, the subject property is not viable for agricultural production. Therefore, the request does not remove viable farm ground from production.

(4). The property to the north and west and east of the subject property is primarily agricultural with large parcels.

(5). The Appellants propose to develop a seven (7) unit mobile home park on the subject property.

(6). The Appellants have obtained approval from Notus-Parma Highway District No. 2 for access points on Farmway Road and Purple Sage Road for ingress and egress, conditioned on

updated approaches which Appellant indicates will be done as soon as more than two (2) mobile home units are on the subject property. No objections were expressed by governmental agencies receiving notice of the proposed use.

(7). The Appellants intend to place a buffer strip along the east and south edges of the subject property featuring Pine and Aspen trees. The Appellants are willing to plant trees along the common property line with the Combs property in order to provide privacy for Combs. The appellant also plans to fence the property on its north and west edges where it abuts Purple Sage Road and Farmway Road as funds become available.

(8). The residential structures on the subject property will be mobile homes. The request will further the intent of the Comprehensive Plan by providing a diversity of affordable choices including mobile homes.

(9). The Board concludes that the proposed use is harmonious with and in accordance with the Comprehensive Plan. [CCCO; Section 07-06-05(3)C.]

d.(1). The Board notes that one (1) of several adjacent land owners (Dee Combs) has expressed concern about the request by submitting a letter in opposition to the request. However, the Appellants submitted a letter from Combs with a hand written notation from Combs expressing a revised position concerning the project which appeared to be conditional support of the project. Combs' letter expresses a concern about view and privacy and requests a 6-8' foot privacy fence. According to the Appellant, Combs is more concerned about animals getting onto her property. According to the Appellant, Bobbie Brandel, an owner of a dairy on property northwest of the subject property across the intersection of Farmway Road and Purple Sage Road, supports the project but also seems to be concerned about animals. To address the concerns of Combs and Brandel, the

Appellants would consider rental agreements that did not allow pets. The Appellants are also willing to install provide landscaping, including Aspen and Pine trees along the common boundary with the Combs' property that is consistent with landscaping throughout the development.

(2). Sunlight Terrace, a platted subdivision with manufactured homes, is immediately south of the subject property. Sunlight Terrace has approximately 119 lots (which are individually owned with individual septic systems) and was developed in the 1970's. Purple Sage Mobile Home Manor which consists of approximately 25-30 manufactured homes on rented spaces with separate septic tanks for each unit and 2-3 units on a shared drain field is also in the area of the subject property. Purple Sage Mobile Estates has a community water system and was developed approximately thirty (30) years ago. There is a dairy immediately northwest of the subject property, on the other side of the intersection of Farmway Road and Purple Sage Road. Another dairy is located about one (1) mile north of the subject property. Niman Ranch Feed Lot is approximately ½ mile to the west of the subject property. There are other residential subdivisions in the area. Across Farmway Road from the subject property and south of Purple Sage is a nineteen (19) lot platted subdivision named Country Hills Estates subdivision with lots that are 2-4 acres in size. Rich subdivision is south of the subject property on Farmway Road, with twenty-four (24) lots that are about ½ to 1 acre in size. Garrison Acres subdivision is near the Rich Subdivision with most lots about ½ to 1 acre in size. There are approximately 313 homes in the area of the subject property and approximately 80 percent of those are manufactured homes. There approximately 88 residential homes within 1/4 mile, the majority of those are manufactured homes.

(3).The Board concludes that the proposed use will not be injurious to other property in the area and will not change the essential character of the area. [CCCO; Section 07-06-05(3)D.]

e. The subject property does not have any irrigation water rights, the Appellant proposes to use pressurized sprinkle irrigation on the subject property with the water supplied by a well. The Appellant will improve the existing drainage facilities. The telephone and electricity service is available to the subject property. Sewer service will be provided with individual septic systems featuring primary and secondary drain fields; location and number of units will be subject to the approval and oversight authority of Southwest District Health Department. Domestic water will be provided via a community well and community water system that will be subject to the approval and oversight authority of the Department of Water Resources and the Department of Environmental Quality. [CCCO; Section 07-06-05(3)E.]

f. The Board concludes that the highway district has approved access for the proposed project onto Farmway Road and Purple Sage Road on the condition that the approaches be updated once more than two (2) units are placed on the subject property. [CCCO; Section 07-06-05(3)F.]

g. All regulations of the agencies having jurisdiction over the subject property must be complied with. None of the agencies have objected to approval of the requested conditional use permit. The proposed development is too small to have much of an impact on any of the public services in the area. [CCCO; Section 07-06-05(3)G.]

h. Based upon the preceding Conclusions of Law, the Board concludes that the proposed use is desirable to the public convenience and welfare. [CCCO; Section 07-06-05(3)H.]

3. The Appellants propose a 40'x40' playground with a fence in the interior southeastern portion of the subject property which will be a common/open area. Additionally, interior "lots" will not be fenced. The Board concludes the project will include open areas for use-in-common by residents and occupants of the development. [CCCO; Section 07-16-09].

4. The Appellants intend to maintain ownership of the subject property and the mobile homes placed on it and will then rent them out. The Board concludes that the proposed development will be in one ownership and control. [CCCO; Section 07-16-11].

5. The subject property is bordered on the north by Purple Sage Road and on the west by Farmway Road and on a natural draw to the east and south. The Appellants intend to place a fence on the subject property where the subject property abuts the property owned by Combs. Additionally, the Appellants intend to place a buffer strip along the east and south edges of the subject property featuring Pine and Aspen trees. The appellants also plan to fence the property on its north and west edges where it abuts Purple Sage Road and Farmway Road. The Board concludes that the proposed development will be essentially independent and contained. [CCCO; Section 07-16-13].

6. The subject property has steep slopes that are subject to erosion. As a part of the development, the Appellants have prepared an engineered site plan that calls for excavation to reduce soil erosion and therefore, result in conservation of the soil. There is a natural drainage ditch on the subject property that has not been maintained; the Appellants intend to maintain this ditch. Additionally, the subject property has sat idle for at least 40 years and recently has served as a base of operation for drug dealers. The Board concludes that the proposed development will achieve a public benefit through creation of open space, or public facilities, conservation, provision of services or needed facilities or otherwise. [CCCO; Section 07-16-15].

ORDER

Based upon the Findings of Fact and Conclusions of Law, reviewed above, the Board hereby reverses the decision of the Hearing Examiner and thereby approves David J. Olsen and Anita J.

Stroschein's request for a conditional use permit to convert approximately 3.7 acres in an "A" (Agricultural) zone into a planned unit development for a seven (7) unit mobile home park with eight (8) conditions. The conditional use permit approval is expressly subject to the conditions of approval listed in Attachment "A", attached hereto and incorporated by reference herein.

APPROVED this 27th day of May, 2002

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

Did not Participate in Hearing
Commissioner Todd M. Lakey, Chairman

Pat Galvin
Commissioner Pat Galvin

Matt Beebe
Commissioner Matt Beebe

ATTEST: G. Noel Hales, CLERK

By: Monica Jones
Deputy

NOTICE OF APPELLATE PROCEDURE

An affected person aggrieved by this decision may within twenty-eight (28) days after the date of this decision, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

CONDITIONS OF APPROVAL
CASE NO. 011961L33-5N-3W

ATTACHMENT “A”

1. Developer shall complete a subdivision engineering report and submit it to Southwest District Health Department.
2. The development is subject to applicable regulations of all agencies with jurisdiction over the development.
3. Rental agreements must prohibit renters from interfering with agricultural properties and operations in the area. Each rental agreement shall include a right-to-farm acknowledgment in accordance with language in Exhibit “B”, which is attached thereto and by this reference, made part hereof.
4. Developer shall plant trees every ten (10') feet along the common border with the Combs' property and said trees shall consist of both evergreen and deciduous varieties and shall be maintained in a living manner.
5. Developer shall construct a 40' X 40' foot playground in the southeast portion of the development which, at minimum, shall include two (2) swings and a sand box and said playground shall be fenced with a 4' foot chain link fence which shall have a minimum of two (2) gates for access.
6. Developer shall tile and maintain the drainage ditch that is on the east and south edge of the property. The north and south running drainage ditch in middle of property shall remain open but developer shall maintain this ditch and shall provide grating to ensure that water from this ditch runs to the tiled ditch.
7. Developer shall fence the entire perimeter of the property with a 4-6' foot chain link fence as soon as financially feasible.
8. Developer shall install sprinklers throughout the property and shall maintain all landscaping, trees, and lawns in the development a living condition.

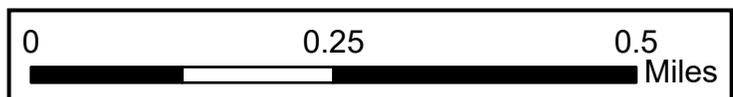
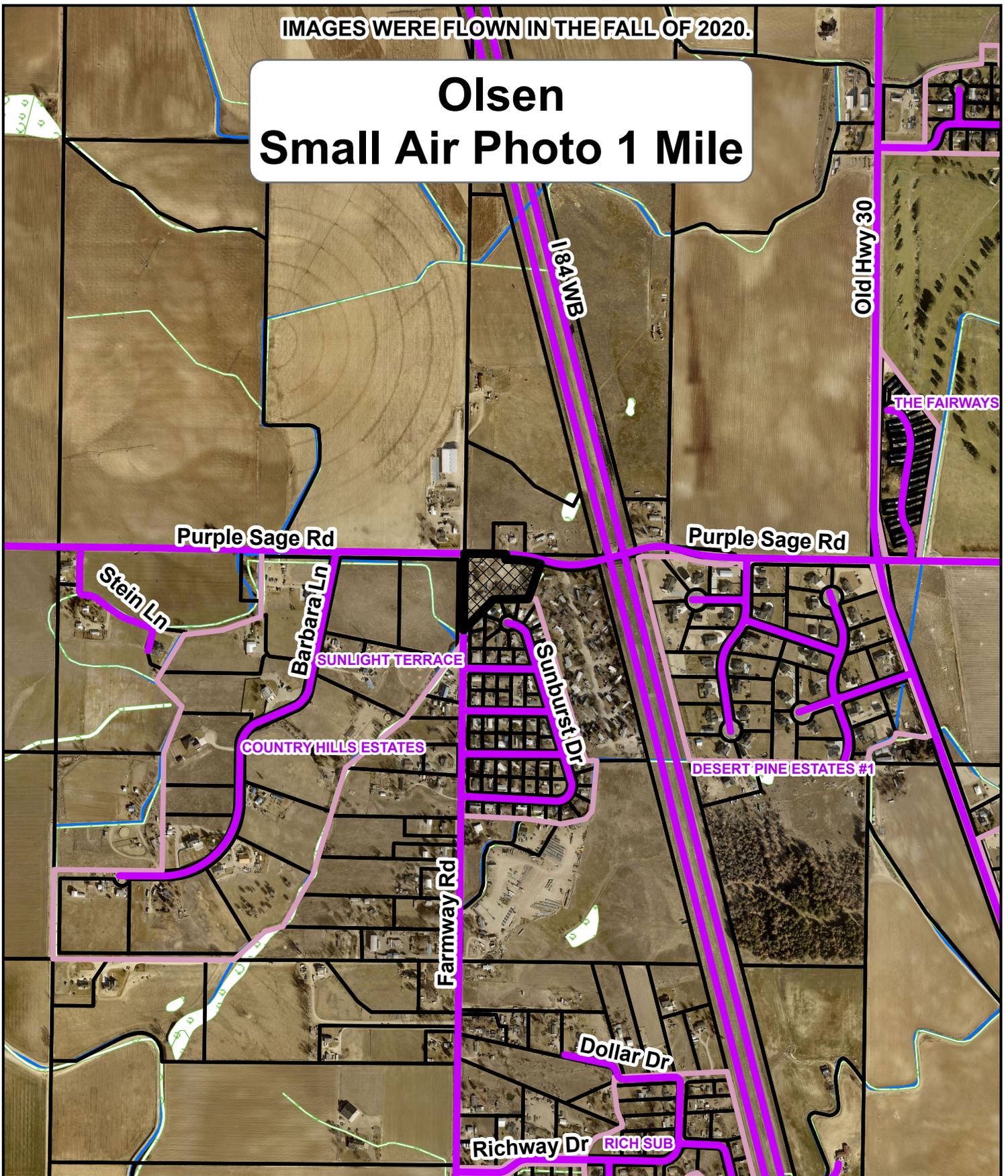
ATTACHMENT “B”

RIGHT TO FARM ACKNOWLEDGMENT

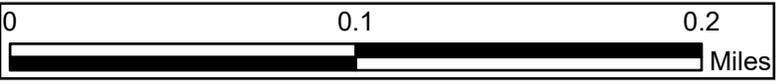
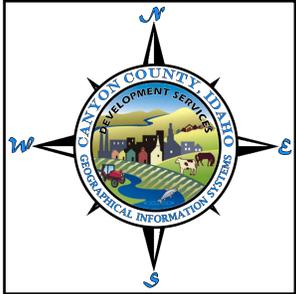
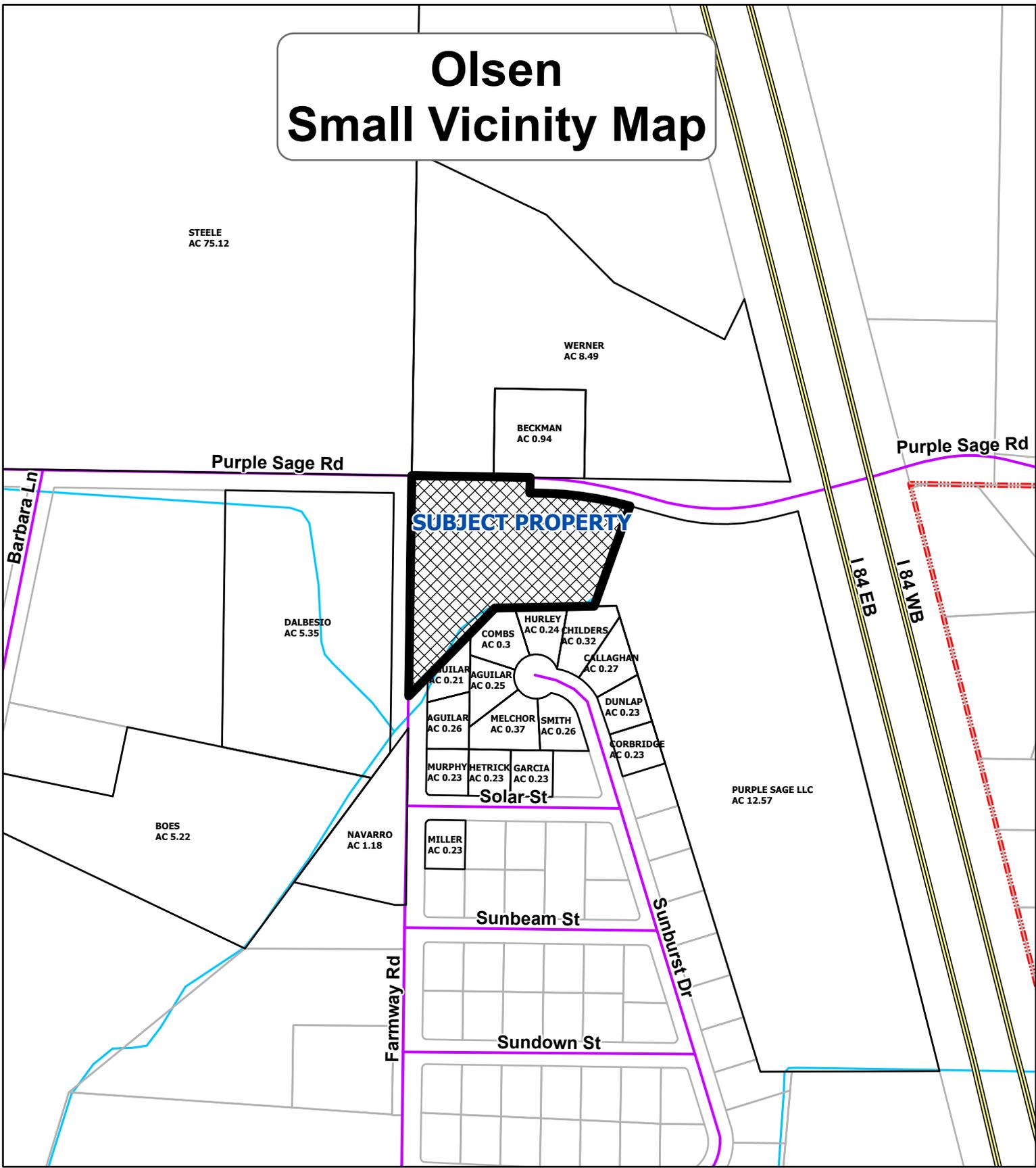
The undersigned acknowledge and agree that the mobile home that is the subject of this rental agreement is located in an agricultural zone. This is an area in which agricultural operations are ongoing and may include production of crops, feed lots, gravel pits, and dairy or hog operations. All of these activities may result in the production of noise and other inconveniences. They may involve lights or the use of machinery in the nighttime hours or other inconveniences. The undersigned acknowledges and agrees that they are prohibited from challenging agricultural operations in the area if such operations are lawfully conducted.

IMAGES WERE FLOWN IN THE FALL OF 2020.

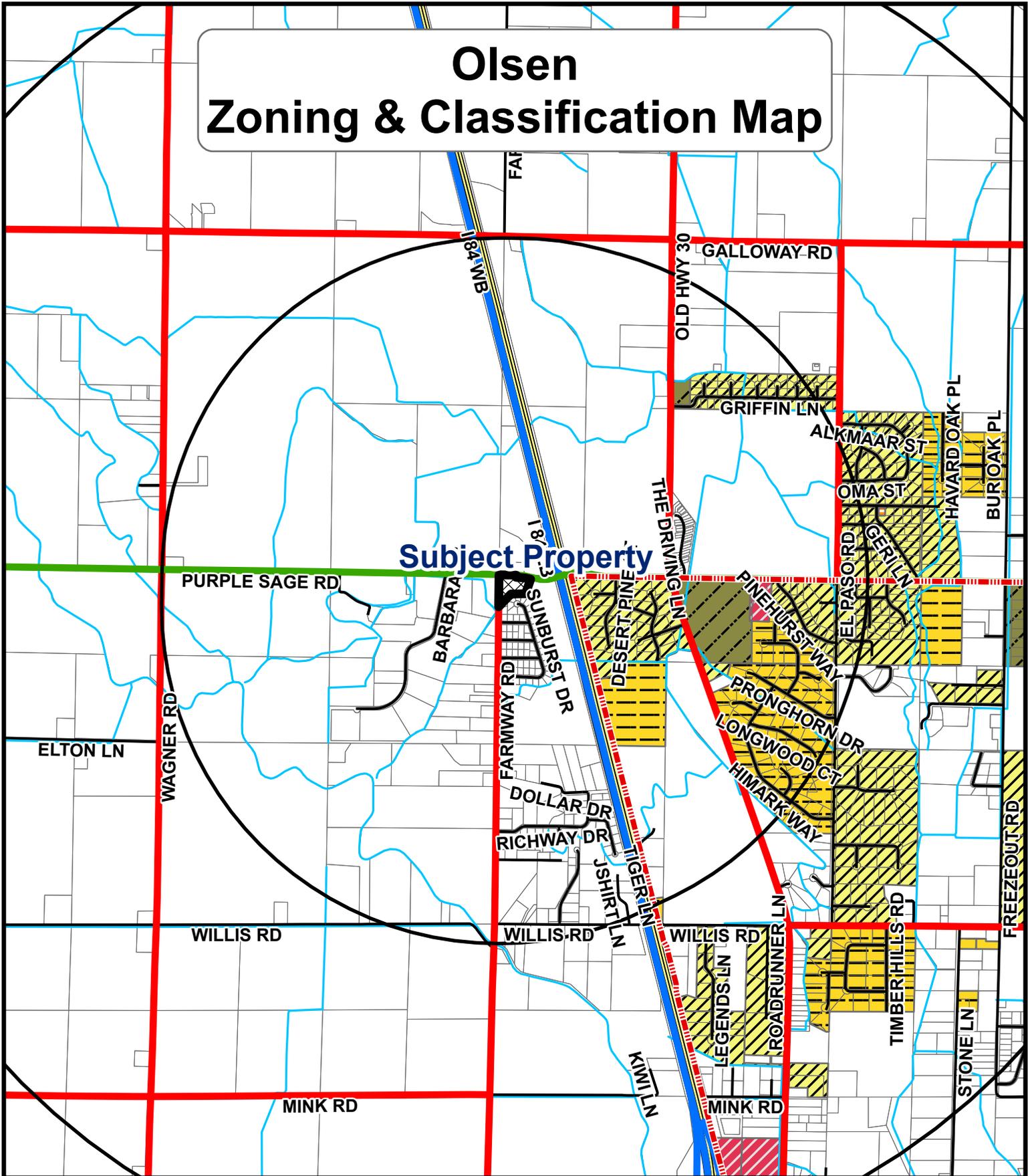
Olsen Small Air Photo 1 Mile



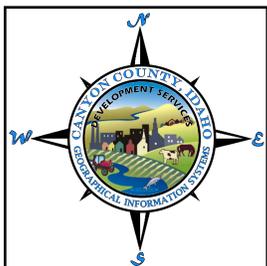
Olsen Small Vicinity Map



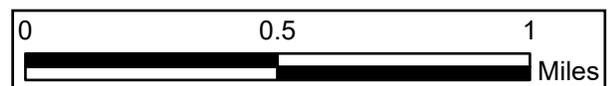
Olsen Zoning & Classification Map



Subject Property

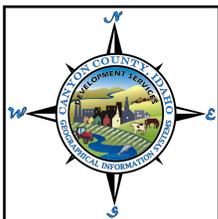
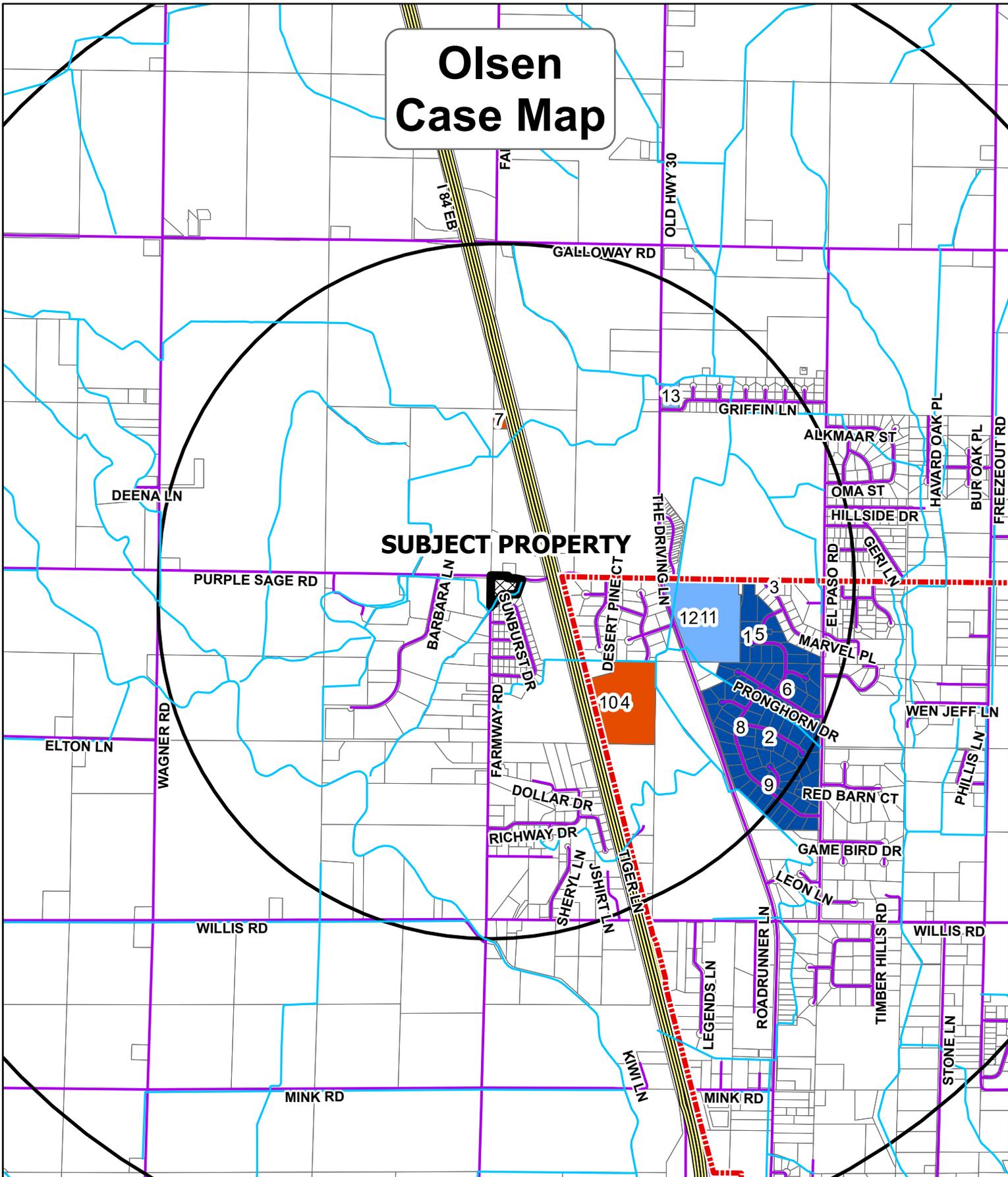


Current Zoning		ITD Functional Classification	
	RR		C1
	CR-RR		CR-C1
	R1		C2
	CR-R1		CR-C2
	R2		M1
	C		CR-M1
			M2
			AG
			Interstate
			Major Collector
			Minor Arterial
			Minor Collector
			Other Principal Arterials

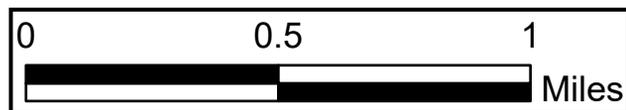


Olsen Case Map

SUBJECT PROPERTY



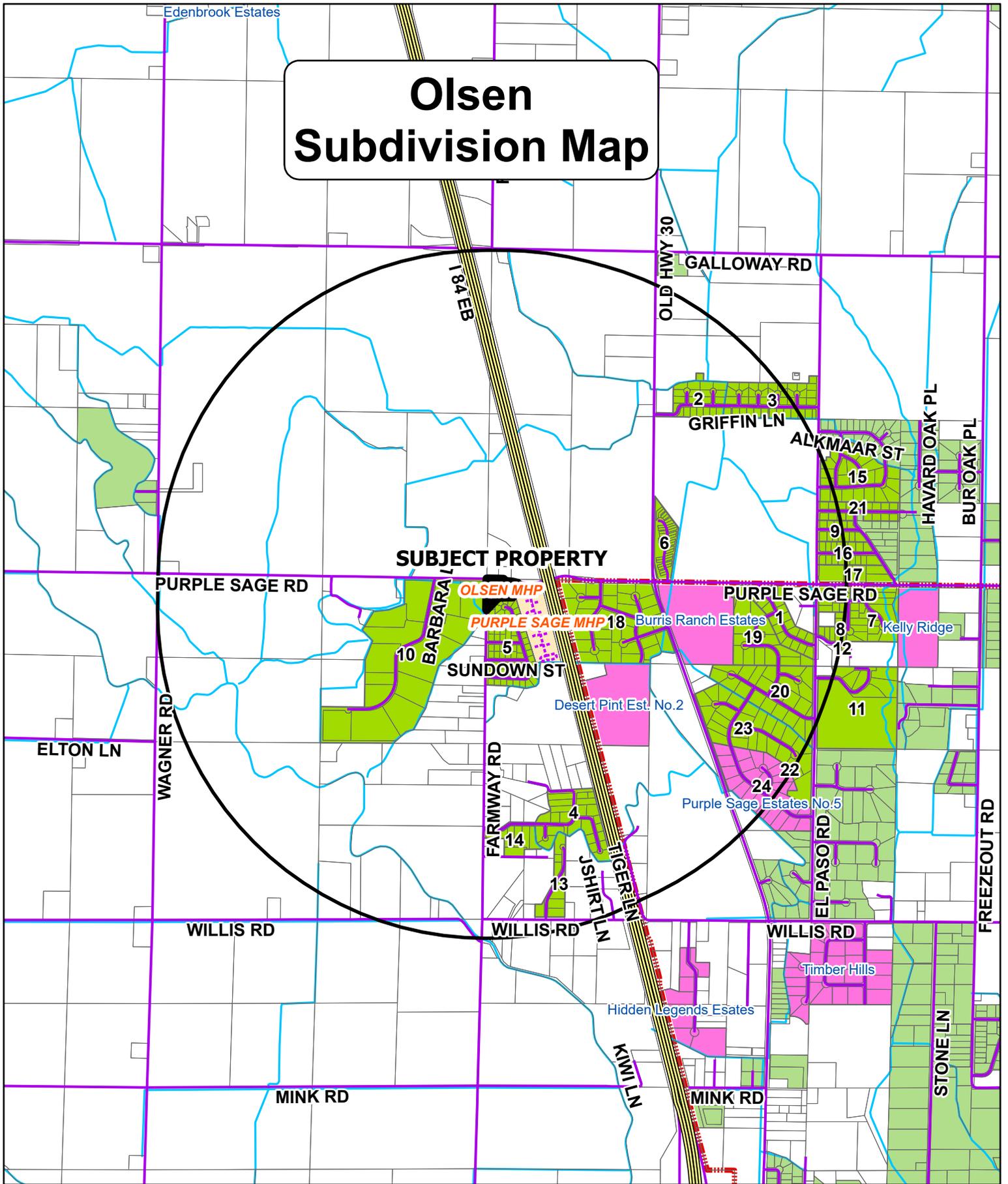
YEAR	
2023	2020
2022	2019
2021	2018



CASE SUMMARY

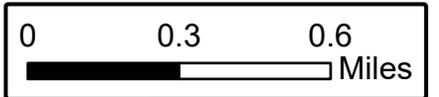
ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	PH2017-74	RR to R1	Hess Properties LLC	APPROVED
2	RZ2018-0007	RR to R1	City Of Caldwell	APPROVED
3	zv2018-0003	0	CA Construction	APPROVED
4	RZ2018-0024	Rezone RR to R1	Black, Michael & Heidi	APPROVED
5	SD-PH2017-75	Purple Sage Estates No.2	Purple Sage Estates No.2	APPROVED
6	SD2018-0020	Purple Sage Estates No 3	Purple Sage Estates No 3	APPROVED
7	OR2019-0005,RZ2019-0016	Rezone / Variance	Bayes Wendy	WITHDRAWN
8	SD2019-0043	Purple Sage Estaates No.4	Purples Sage Estates No.4	APPROVED
9	SD2020-0026	Plat - Purple Sage Esates No.5	Plat - Purple Sage Esates No.5	APPROVED
10	SD2020-0038	Plat - 17 Lots	Desert Pine Est. No.2	APPROVED
11	SD2021-0017	Burriss Ranch Estates Plat	Burriss Ranch Estates	Approved
12	RZ2021-0029	Change zoning from RR and C1 to CR-R1	BURRIS RANCH	APPROVED
13	RZ2022	Rezone RR to CR-R1	Franks	APRPOVED

Olsen Subdivision Map



SUBDIVISIONS
Plat Type, Plat Status

- Subdivisions
- Preliminary, Approved
- Preliminary, Pending



SUBDIVISION & LOT REPORT

SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
24	465.14	461	1.01	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
0	0	0	0	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
42	3.55	0.24	0.21	75.12
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
2	16	57	0.36	0.48

PLATTED SUBDIVISIONS

PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
PURPLE SAGE ESTATES	0	5N3W33	13.35	6	2.23	COUNTY (Canyon)	1967
R & R SUB #1	0	5N3W28	11.61	21	0.55	COUNTY (Canyon)	1973
R & R SUB #2	0	5N3W28	20.09	41	0.49	COUNTY (Canyon)	1973
RICH SUB	0	5N3W33	20.05	24	0.84	COUNTY (Canyon)	1973
SUNLIGHT TERRACE	0	5N3W33	22.38	69	0.32	COUNTY (Canyon)	1978
THE FAIRWAYS	0	5N3W28	8.72	32	0.27	COUNTY (Canyon)	1996
FOX RIDGE ESTATES	0	5N3W34	21.64	26	0.83	COUNTY (Canyon)	1992
FOX RIDGE ESTATES #2	0	5N3W34	3.16	9	0.35	COUNTY (Canyon)	1996
COUNTRY CLUB SUB #3	0	5N3W27	5.36	12	0.45	COUNTY (Canyon)	1978
COUNTRY HILLS ESTATES	0	5N3W32	84.65	14	6.05	COUNTY (Canyon)	1973
EL PASO HEIGHTS	0	5N3W34	37.90	7	5.41	COUNTY (Canyon)	1998
FOX RIDGE ESTATES #3	0	5N3W34	0.42	1	0.42	COUNTY (Canyon)	1996
GARRISON ACRES	0	5N3W33	7.66	8	0.96	COUNTY (Canyon)	1972
GRACELAND SUB	0	5N3W33	6.38	6	1.06	COUNTY (Canyon)	2003
HOLLANDIA EST #2	0	5N3W27	22.96	23	1.00	COUNTY (Canyon)	2005
MASTERS SUB	0	5N3W27	8.03	17	0.47	COUNTY (Canyon)	1994
NOVAK ACRES	0	5N3W27	8.38	6	1.40	COUNTY (Canyon)	2001
DESERT PINE ESTATES #1	0	5N3W33	45.69	35	1.31	COUNTY (Canyon)	2008
PURPLE SAGE ESTATES SUBDIVISION NO. 2	0	5N3W33	19.17	14	1.37	COUNTY (Canyon)	2018
PURPLE SAGE ESTATES SUBDIVISION NO. 3	0	5N3W33	27.00	22	1.23	COUNTY (Canyon)	2019
COUNTRY CLUB SUB #1	0	5N3W27	8.64	18	0.48	COUNTY (Canyon)	1964
0	0	0	0.00	0	#DIV/0!	0	0
PURPLE SAGE ESTATES SUBDIVISION NO. 4	0	5N3W33	33.44	25	1.34	COUNTY (Canyon)	2021
PURPLE SAGE ESTATES SUBDIVISION NO. 5	0	5N3W33	28.45	25	1.14	COUNTY (Canyon)	2022

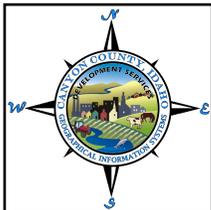
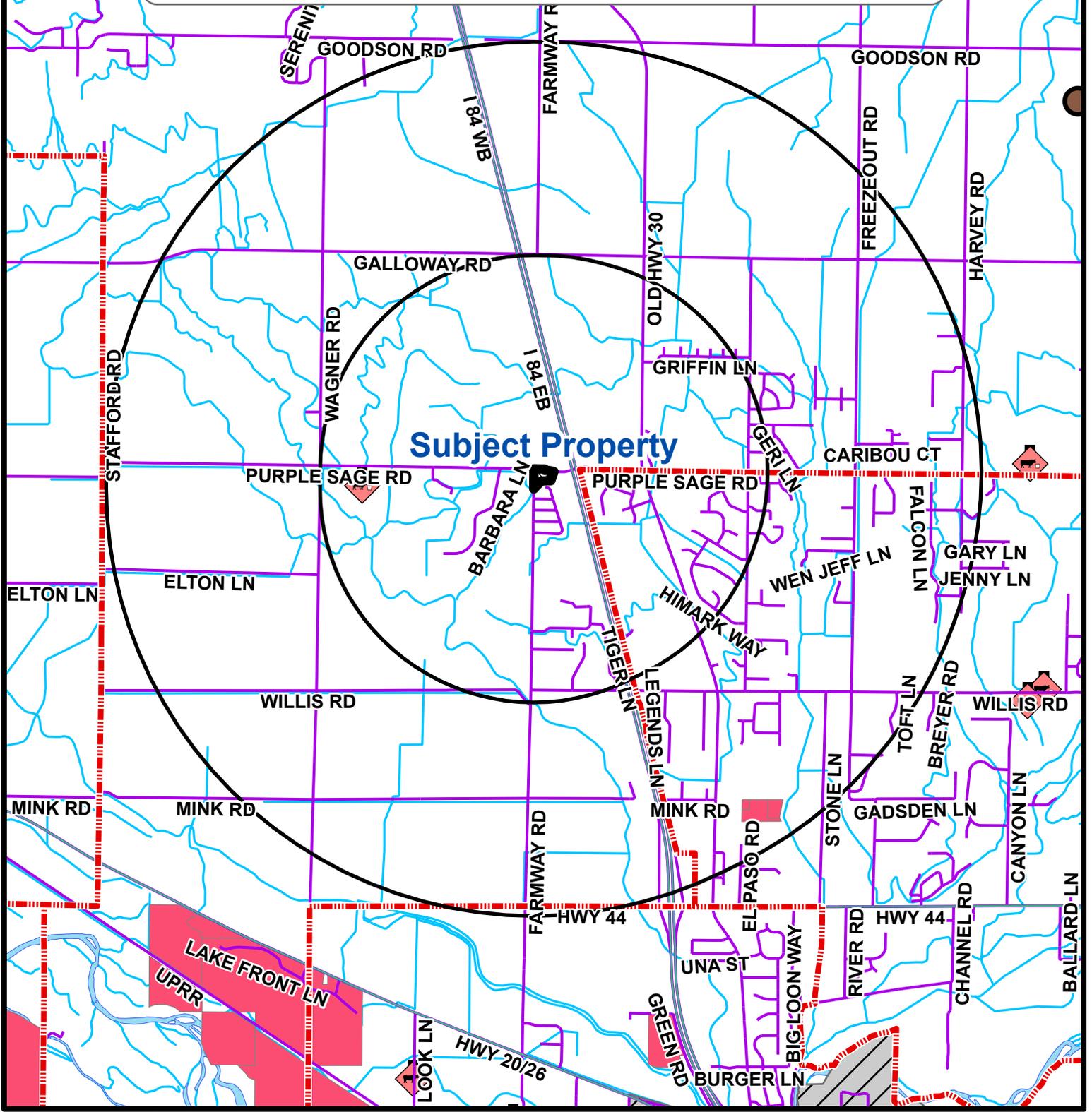
SUBDIVISIONS IN PLATTING

SUBDIVISIONS IN PLATTING			
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

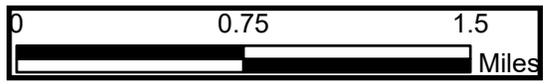
MOBILE HOME & RV PARKS

MOBILE HOME & RV PARKS					
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...
Purple Sage MHP	15881 Purple Sage Road	12.56	50	0.25	
Olsen MHP	24938 Farmway Road	3.34	7	0.48	

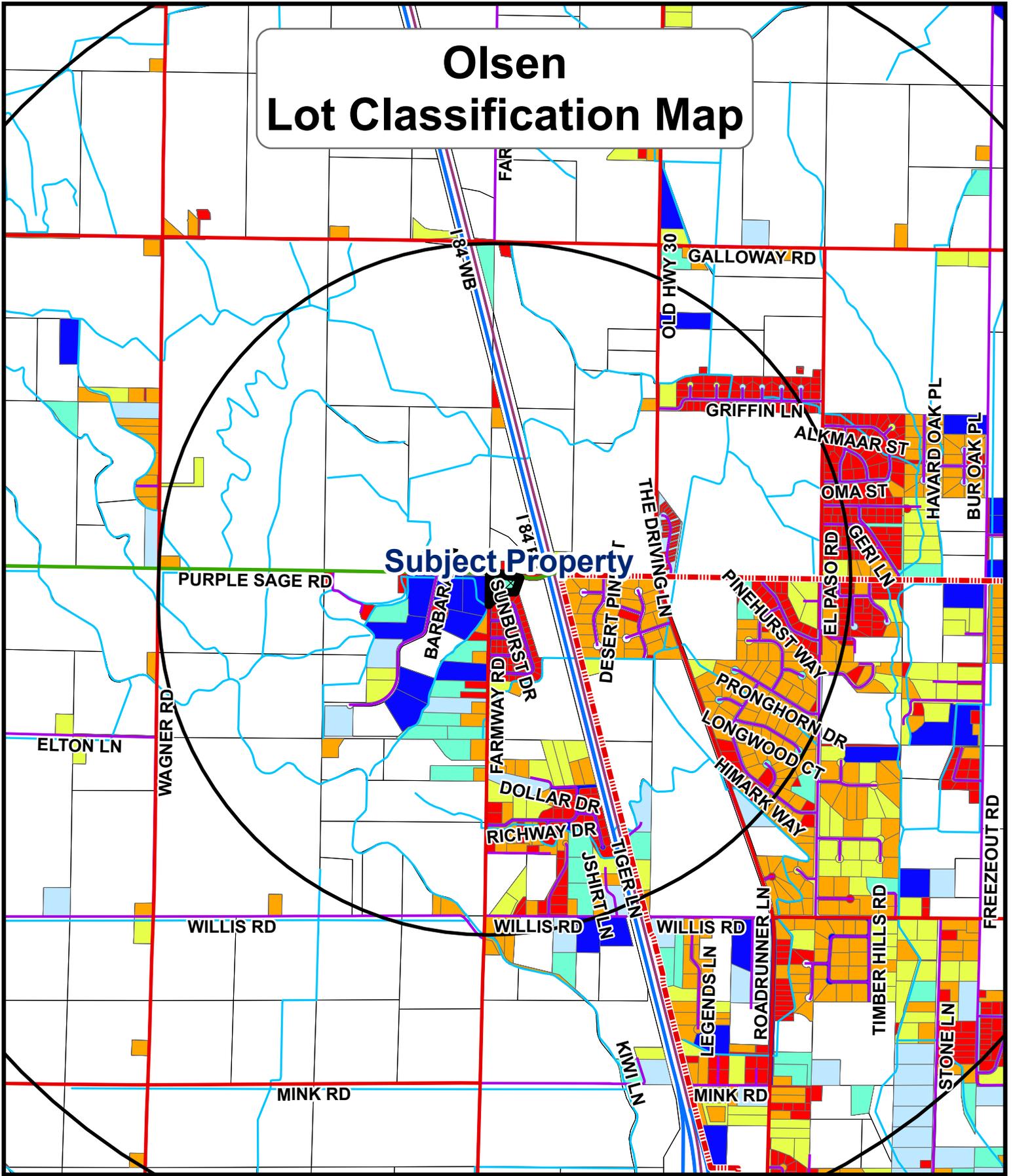
Olsen Dairy, Feedlot, and Gravel Pit Map



	FEEDLOTS
	DAIRIES
	GRAVELPITS



Olsen Lot Classification Map



Subject Property

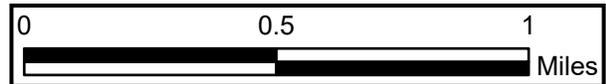


Legend

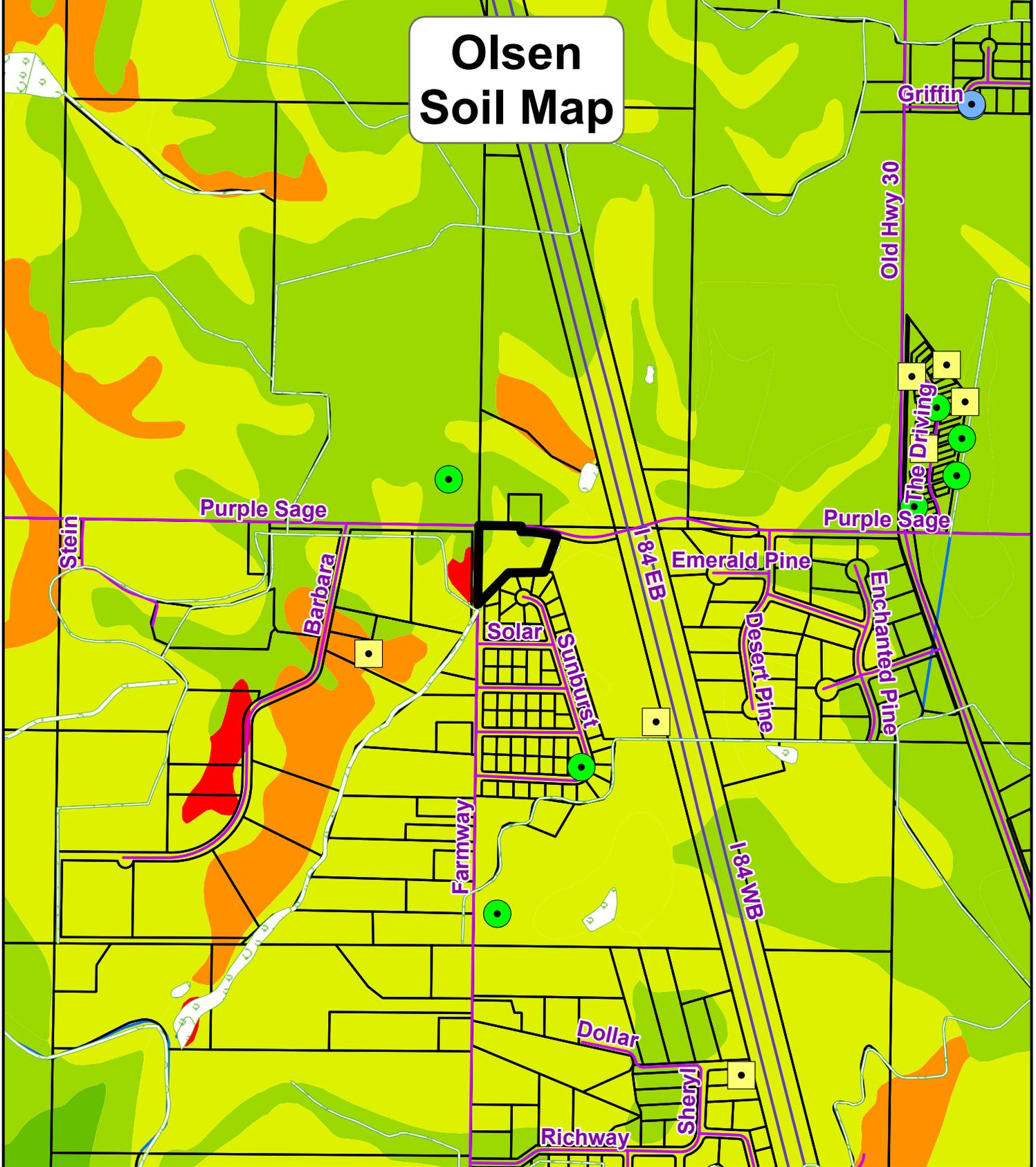
0.0 - 1.0
1.1 - 2.0
2.1 - 3.0
3.1 - 4.0
4.1 - 5.0
5.1 - 6.0

ITD Functional Classification

Interstate
Minor Arterial
Major Collector
Minor Collector
Other Principal Arterials

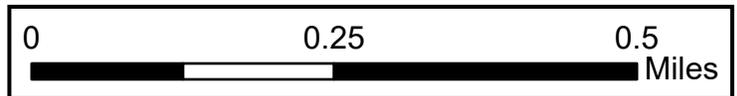


Olsen Soil Map



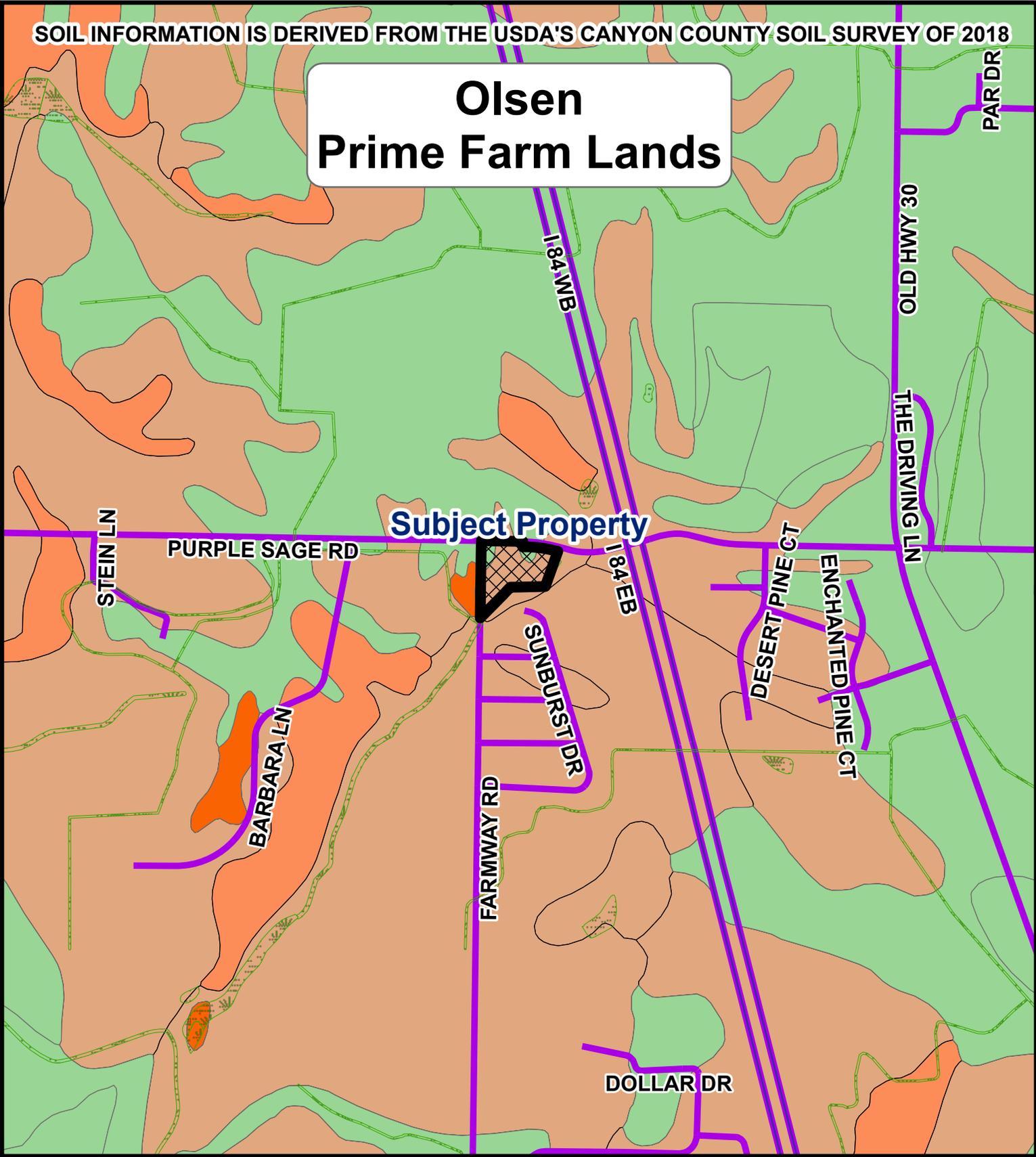
- Nitrate Priority Wells**
- 0.005000 - 2.000000
 - 2.000001 - 5.000000
 - 5.000001 - 10.000000
 - 10.000001 - 49.800000

- IDWR_2C_Geothermal_
- Wetlands



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

Olsen Prime Farm Lands



	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



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
8	LEAST SUITED SOIL	43.56	0.00	0.03%
4	MODERATELY SUITED SOIL	120748.32	2.77	82.82%
3	MODERATELY SUITED SOIL	25003.44	0.57	17.15%
4	MODERATELY SUITED SOIL	0.00	0.00	0.00%
		145795.32	3.35	100%

FARMLAND REPORT

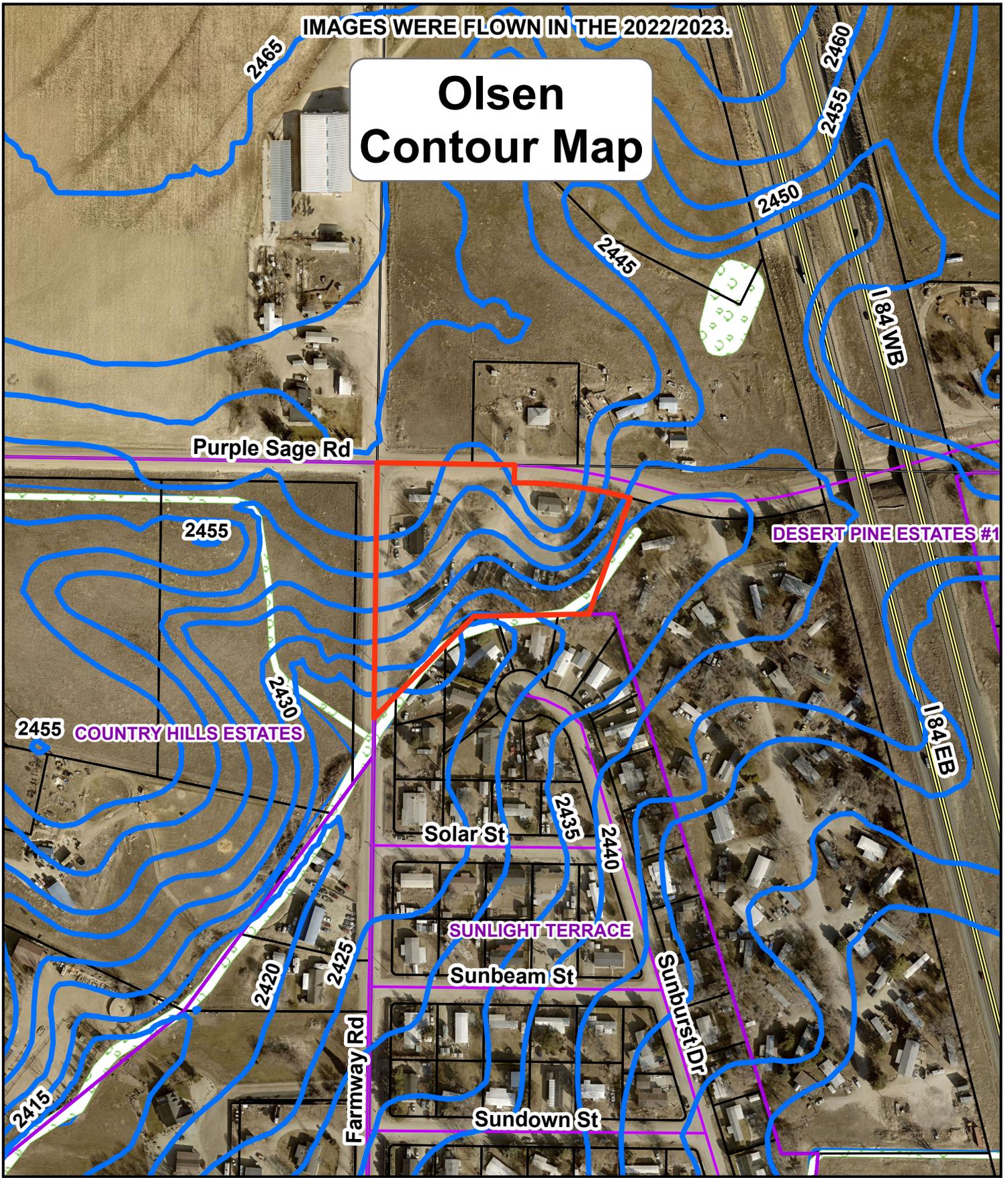
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
Gp	0	43.56	0.00	0.03%
LaD	Farmland of statewide importance, if irrigated	120748.32	2.77	82.82%
EsB	Prime farmland if irrigated	25003.44	0.57	17.15%
LkC	Farmland of statewide importance, if irrigated	0.00	0.00	0.00%
		145795.32	3.35	100%

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

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

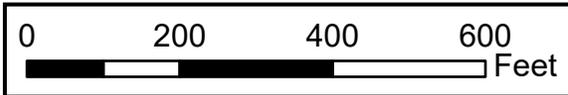
IMAGES WERE FLOWN IN THE 2022/2023.

Olsen Contour Map



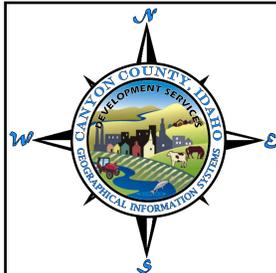
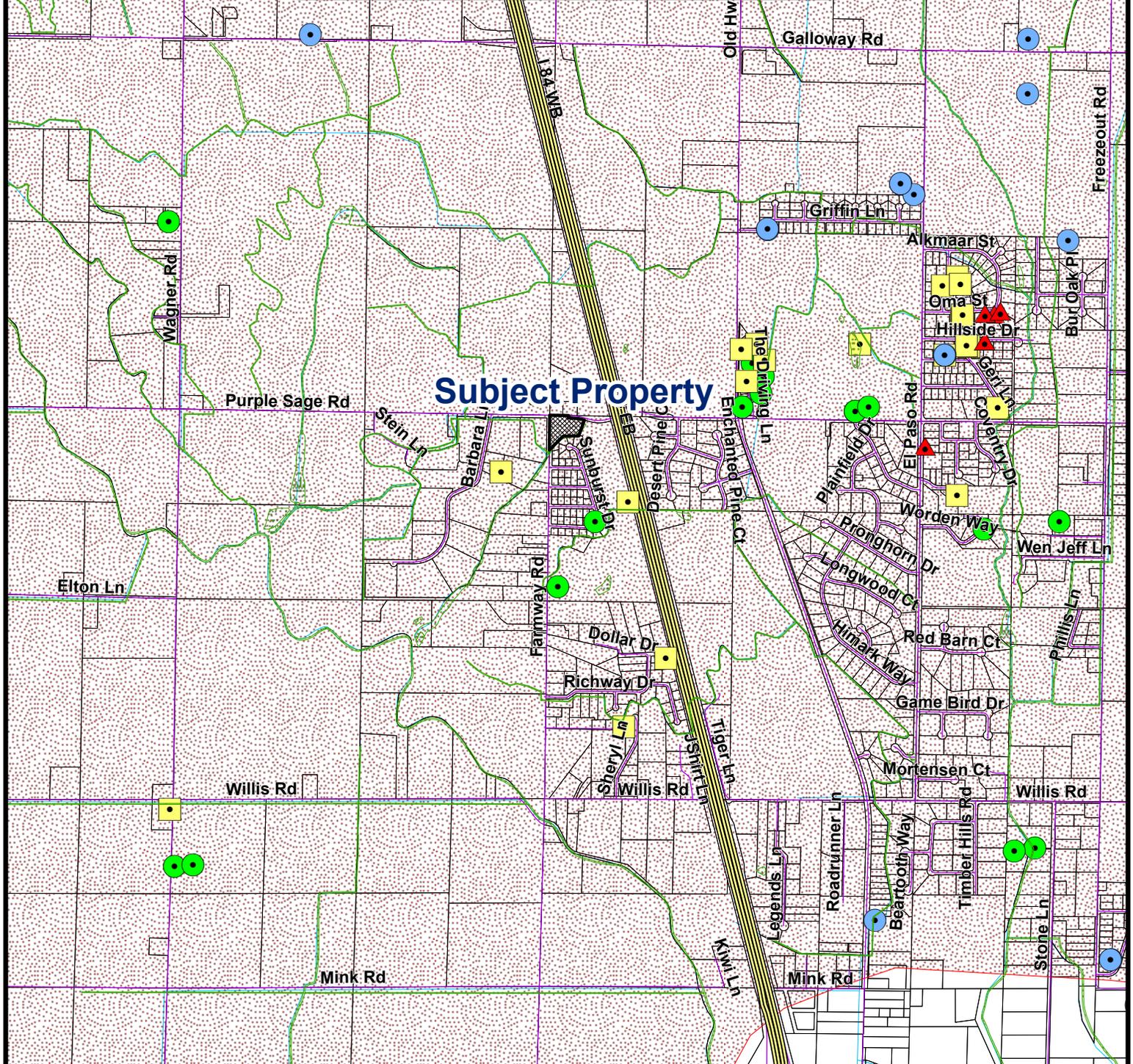
Legend

- SUBJECT_PROPERTY
- TaxParcels
- SectionContours
- Wetlands



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

Olsen Nitrate Priority & Wells



-  GEO-THERMAL LOCATIONS
-  WETLANDS
-  NITRATE_PRIORITY
- DEQ WELLS**
N03_MGL
-  0.005 - 2.00
-  2.000001 - 5.00
-  5.000001 - 10.00
-  10.000001 - 49.80

