



Planning & Zoning Commission
Hearing Date: September 19, 2024
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMER: CR2022-0020/SD2022-0030
APPLICANT/REPRESENTATIVE: HANNAH EELLS
PROPERTY OWNER: JEREMY EELLS

APPLICATION: Conditional Rezone/Short Plat

LOCATION: 16695 Marshall Ln., Caldwell
Also referenced as a portion of the SW1/4 of Section 9, T3N,
R3W, BM, Canyon County, Idaho
Parcel R32703 (8.973 acres)

ANALYST: Michelle Barron, Principal Planner
REVIEWED BY: Carl Anderson, AICP, Planning Supervisor

REQUEST:

The applicant, Jeremy Eells, requests an amendment to the official zoning map in order to conditionally rezone the property from Agricultural "A" to Residential Rural "RR" and an approval of a Short Plat for The Landing Spot (a 3-lot subdivision) to create two additional lots for family members to build homes on. The request will also include a Development Agreement to limit the number of lots to 3 with a minimum 2-acre lot size.

PUBLIC NOTIFICATION:

Neighborhood meeting conducted on:	February 18, 2022
Neighbor notification within 600 feet mailed on:	August 20, 2024
Newspaper notice published on:	August 20, 2024
Notice posted on site on:	August 20, 2024
JEPA notice originally sent on:	July 20, 2022
Agency and Full Political notice:	August 20, 2024

TABLE OF CONTENTS:	Page #
1. Background	2
2. Hearing Body Action	1
3. Hearing Criteria	2
4. Agency Comment	11
5. Public Comment	11
6. Summary & Conditions	12
7. Exhibits	14

1. BACKGROUND:

The parcel was created by an administrative land division in 1999 (LS2003-113). A residence was built on the parcel in 2020 after the applicant applied to extend Marshall Lane to provide access to the parcel. An easement reduction was applied for and approved to complete that extension with AD2020-0145.

The property is currently located within the Agricultural zone, with a 2020 and 2030 future land use of Residential. The land owner applied under the 2020 Comprehensive Plan.

There was a Code Enforcement case opened on the property (CDEF2024-0138) on July 1, 2024. A complaint was made that a contractor shop or staging area was operating on the parcel. Code Enforcement spoke to the planning staff and planning staff verified that the property owner was not operating his business from the parcel, he just parked his vehicle and trailer on his property. They do rent out the living space that is in a shop to a family member that has a landscaping business, which is allowed in an Agricultural zone per the CCCO 07-10-24: Zoning Matrix. If the Rural Residential zoning is obtained, the use would have to be relocated. The case was closed on July 25, 2024.

A shop was applied for and built on the lot that is designated as Lot 3 on the concept plan (The Landing Spot short plat) in 2022. According to CCCO 07-02-03: DEFINITIONS ENUMERATED: ACCESSORY STRUCTURE (BUILDING): A structure which is subordinate, and incidental, to the principal structure or use pertinent to the same parcel. If the Short Plat is approved, there will be a condition for a building permit for a residence to be applied within 6 months of the approval of the Final Plat to bring the newly created parcel into code compliance.

2. HEARING BODY ACTION:

Pursuant to Canyon County Ordinance Article 07-06-07(1) Restrictions: In approving a conditional rezone application, the presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions or limitations may be imposed to promote the public health, safety and welfare, or to reduce any potential damage, hazard, nuisance or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. When the presiding party finds that such conditions, stipulations, restrictions or limitations are necessary, land may be rezoned upon condition that if the land is not used as approved, or if an approved use ends, the land use will revert back to the zone applicable to the land immediately prior to the conditional rezone action.

Additionally, pursuant to Canyon County Ordinance Article 07-06-07(3) Conditional Rezoning Designation: Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone" shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat in accordance with this chapter before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel as CR shall not constitute "spot" zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.

Should the Commission wish to approve the subject conditional rezone, all applicable Canyon County standards pertaining to the required development agreement shall be strictly adhered to. Following the motion for the Conditional Rezone, the Commission should make a motion for the Short Plat for The Landing Spot.

OPTIONAL MOTIONS:

The commission should consider the procedures outlined above within Canyon County Ordinance 07-06-01(3).

Approval of the Application: “I move to approve CR2022-0020, Eells Conditional Rezone, finding the application **does** meet the criteria for approval under Article 07.07.05 of Canyon County zoning Regulations, **with the conditions listed in the staff report, finding that;** *[Cite reasons for approval & Insert any additional conditions of approval]*.”

Denial of the Application: “I move to deny CR2022-0020, Eells Conditional Rezone, finding the application **does not** meet the criteria for approval under Article 07.06.05 of Canyon County zoning Regulations, **finding that** *[cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5))]*.”

Table the Application: “I move to continue CR2022-0020, Eells Conditional Rezone to a *[date certain or uncertain]*”

For the **Short Plat:**

Approval of the Application: “I move to approve SD2022-0030, the short plat for The Landing Spot, finding the application **does** meet the criteria for approval under Article 07.17.09 and 07.17.11 of Canyon County zoning Regulations, **with the conditions listed in the staff report, finding that;** *[Cite reasons for approval & Insert any additional conditions of approval]*.”

Denial of the Application: “I move to deny SD2022-0030, the short plat for The Landing Spot, finding the application **does not** meet the criteria for approval under Article 07.17.09 and 07.17.11 of Canyon County zoning Regulations, **finding that** *[cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5))]*.”

Table the Application: “I move to continue SD2022-0030, short plat of The Landing Spot to a *[date certain or uncertain]*”

3. HEARING CRITERIA

Table 1. Conditional Rezone Standards of Evaluation Analysis

Standards of Evaluation (07-06-07(6) A: The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A1	Is the proposed conditional rezone generally consistent with the comprehensive plan;
			Staff Analysis	<p>The proposed conditional rezone change is generally consistent with the Comprehensive plan.</p> <p>The Future Land Use Map from the 2020 Comprehensive Plan designates this parcel as Residential.</p> <p>The proposed development aligns with the following goals and policies:</p> <p>Chapter 1. Property Rights: Policy 1. No person shall be deprived of private property without due process of law. Policy 8. Promote orderly development that benefits the public good and protect against a minimum of conflict. Policy 11. Property owners shall not use their property in a manner that negative surrounding neighbors or neighborhoods.</p> <p>Chapter 2. Population: Goal 2. To encourage economic expansion and population growth throughout the county to increase economic diversity for continued enhancement of our quality of life to new residents. Policy 2. Encourage future high-density development to locate within incorporated areas to minimize impact of city impact. Policy 3. Encourage future population to locate in areas that are conducive for residential development that do not pose an incompatible land use to other land uses.</p> <p>Chapter 4. Economic Development: Policy 7. Canyon County should identify areas of the county suitable for commercial and residential development. New development should be located in close proximity to infrastructure and in areas where agricultural uses are not diminished.</p> <p>Chapter 5. Land Use Goal 4. To encourage development in those areas of the county which provide the conditions for future community services. Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and agricultural development may occur in the same area. Goal 8. Consider adjacent county land uses when reviewing county-line development proposals. Policy 1. Review all residential, commercial and industrial development proposals for land use compatibility and impact to surrounding areas. Policy 2. Encourage orderly development of subdivisions and individual land parcels and development agreements when appropriate.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A2	When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
			Staff Analysis	<p>In consideration of the surrounding land uses, the proposed conditional zone change to "RR" Rural Residential is more appropriate than the current zoning designation of "A" Agricultural.</p> <p>The surrounding area is zoned primarily agricultural, but the land use to the west and south is predominately residential. The Caldwell city limits are now approximately 665 feet to the west with a recent annexation into the City and</p>

			<p>approximately 1500 feet to the north. To the East, there is productive agriculture. Directly south of this parcel, there is Rural Residential zoning.</p> <p>The Rural Residential zone would be more appropriate than the Agricultural zone due to the fact that it is a transitional area that moves from a higher density into the larger agricultural parcels. There are 26 platted subdivisions in the area, with an average lot size of .76 acres. (Exhibit B2.2) There are two higher density subdivisions to the West that are in the County and are zoned Agricultural, but have ½-acre or less parcel sizes. (Exhibit B2.3)</p> <p>The parcel directly to the South, that was part of the original parcel that created the subject parcel, rezoned to Rural Residential in 2019, and later went through an administrative land division.</p> <p>See Analysis for 07-06-07(6)A3 & 4, of this document for additional review.</p> <p>Pursuant to Canyon County ordinance 07-10-25 (2) the purpose of the “RR” zoning district is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.</p> <p style="text-align: center;">Adjacent Existing Conditions:</p> <table border="1"> <thead> <tr> <th>Direction</th> <th>Existing Use</th> <th>Primary Zone</th> <th>Other Zone</th> </tr> </thead> <tbody> <tr> <td>N</td> <td>Rural Residential</td> <td>Agricultural</td> <td></td> </tr> <tr> <td>S</td> <td>Rural Residential/County High Density Residential</td> <td>Rural Residential</td> <td>Agricultural</td> </tr> <tr> <td>E</td> <td>Large Agricultural Parcels</td> <td>Agricultural</td> <td></td> </tr> <tr> <td>W</td> <td>County High Density Residential/City</td> <td>Agricultural</td> <td>City</td> </tr> </tbody> </table> <p>“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)</p> <p>Surrounding Land Use Cases: The parcel to the South was rezoned to RR in 2019 via RZ2019-0022.</p>	Direction	Existing Use	Primary Zone	Other Zone	N	Rural Residential	Agricultural		S	Rural Residential/County High Density Residential	Rural Residential	Agricultural	E	Large Agricultural Parcels	Agricultural		W	County High Density Residential/City	Agricultural	City
Direction	Existing Use	Primary Zone	Other Zone																				
N	Rural Residential	Agricultural																					
S	Rural Residential/County High Density Residential	Rural Residential	Agricultural																				
E	Large Agricultural Parcels	Agricultural																					
W	County High Density Residential/City	Agricultural	City																				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>07-06-07(6)A3</p> <p>Staff Analysis</p> <p>Is the proposed conditional rezone compatible with surrounding land uses;</p> <p>The proposed conditional rezone change to “RR” is compatible with surrounding land uses.</p> <p>Pursuant to Canyon County Ordinance 07-02-03, land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another and b) they do not exclude or diminish one another's use of public and private services. A compatibility determination requires a site-specific analysis of potential interactions between uses and potential impacts of existing and proposed uses on one another. Ensuring compatibility may require mitigation from or conditions upon a proposed use to minimize interference and conflicts with existing uses.</p>																				

				<p>As per the analysis for 07-06-07(6)A2, the change from Agricultural to Rural Residential is compatible with surrounding land uses. This parcel is in the Area of City Impact of the City of Caldwell and they have the designation as Low Density Residential in their Future Land Use Map. This is a transitional area between the higher density subdivisions and the larger production agricultural parcels.</p> <p>The applicants currently have a tenant that is operating a Landscaping Business from this parcel, which is an allowed use in the Canyon County Code of Ordinances 07-10-27 – Zoning Matrix for an Agricultural zone. Changing the zoning to Rural Residential will exclude those types of businesses being operated and reduce the traffic on the private road (Marshall Lane). A Condition of Approval will be added to the Development Agreement that assures the Landscaping Business will cease and desist on the parcel.</p> <p>Adding two additional residential lots is consistent with the lot sizes in the area, and is actually larger than many parcels that are in the area today.</p> <p>See Analysis for 07-06-07(6)A2 & 4, of this document for additional review.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A4	<p>Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?</p>
			Staff Analysis	<p>The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below.</p> <p>Character of the Area: The character of the area is a transitional area from higher density residential to productive agriculture.</p> <p>Adding two additional residential lots is consistent with the lot sizes in the area, and is actually larger than many parcels that are in the area today.</p> <p>The parcel is in the Caldwell Area of City Impact and they agree that the development will meet their Future Land Use and should maintain the character of the existing area.</p> <p>See Analysis for 07-06-07(6)A2 & 3, of this document for additional review.</p> <p>The following measures will be implemented to mitigate impacts: With the approval of the rezone to Rural Residential, the residential character of the area will exclude the Landscaping Business that is currently being operated from the property. This should reduce traffic and any heavier equipment being taken in and out of the parcel down the private road. A Condition of Approval will be added to the Development Agreement that assures the Landscaping Business will cease and desist on the parcel.</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A5	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
			Staff Analysis	<p>The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.</p> <p>Sewer: Individual septic systems are requested for each lot. This parcel is within the Ada Canyon Nitrate Priority area. Southwest District Health will likely require a Subdivision Engineering Report and NP1 study. Sanitary Restrictions will be satisfied when Southwest District Health signs the final plat. An email from SWDH was received confirming that sanitary restrictions were satisfied on 9/22/2023. (Exhibit D10)</p> <p>Water: Individual wells are requested for each lot. Notice was given to the Idaho Department of Water Resources of this Preliminary Plat, but no comments were received.</p> <p>Drainage: Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved. The private road Marshall Ln. had to be extended past the driveway to Lot 2, Block 1 to meet Canyon County Code of Ordinance 07-10-03. The County Engineer approved the updated Preliminary Plat. (Exhibit D1, D3 and D3.1)</p> <p>Irrigation: The parcel is served by Boise Project Board of Control/Wilder Irrigation. The parcel has a valid water right. Boise Project Board of Control submitted a letter reminding the applicant per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, to serve neighboring properties must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors. (Exhibit D9) The Canyon County Engineer reviewed the irrigation plan and deemed it sufficient to meet code. (Exhibit D1 and D3)</p> <p>Utility: Utilities are available to the parcel as there is currently two residential structures on the parcel.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A6	Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?
			Staff Analysis	The proposed conditional rezone will not require public street improvements in order to provide adequate access to and from the subject property in order to minimize undue interference with existing and/or future traffic patterns created

				<p>by the proposed development. Any necessary measures to mitigate traffic impacts are detailed below.</p> <p>The subject parcel has access off of Homedale Road via a private road, Marshall Lane.</p> <p>Highway District 4 an Order of Final Plat Acceptance that states in the findings “The subject Plat contains neither dedication of right-of-way or public roads or streets nor any required publicly dedicated improvements.” (Exhibit D6.1)</p> <p>There was discussion when the application was first submitted that the subdivision lot number 2 would access from the public road Bronc Lane to the West. HD4 stated in a comment letter dated August 18, 2022 that there is no frontage to a public road and that Bronc Ln has a 28 ft with that has no public roadway improvements. The applicant was directed to add the additional extension of Marshall Lane as shown on the Preliminary Plat past the access for Lot 2, Block 1.</p> <p>The following measures will be implemented to mitigate impacts: The Private Road, Marshall Lane, will be used for access to the newly created parcels. The applicant will need to add the two new lots to the current RUMA that the existing parcel is a part of.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A7	Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
			Staff Analysis	<p>The subject property does have legal access for the conditional rezone and will exist at the time of the development. See review and analysis detailed below.</p> <p>The property has an ingress/egress easement through Marshall Lane off of Homedale Road. There was an easement reduction that was approved when Marshall Lane was approved to a 30 feet width. The applicant wishes to continue that easement reduction to access the addition build out of Marshall Lane (60 feet in length) and continue onto Lot 3 in Block 1. (Exhibit A2.2)</p> <p>Lot 2, Block 1 will also access off Marshall Lane. Applicant is asking for an easement reduction for the ingress/egress easement through Lot 1, Block 1 due to irrigation structures and landscaping that currently exists.</p> <p>See Analysis for 07-06-07(6)A6, of this document for additional review.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A8	Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts? (Ord. 16-007, 6-20-2016)
			Staff Analysis	<p>The proposed use is not anticipated to impact essential public services and facilities including, but not limited to schools, police, fire and emergency medical services. Any necessary measures to mitigate impacts are detailed below.</p>

			<p>The services will not be negatively impacted by such use, and/or require additional public funding in order to meet the needs created by the requested use.</p> <p>Schools: The Vallivue School District was noticed and no comments were received. Kuna School District responded and said they had no comments. (Exhibit D13)</p> <p>Police: Canyon County Sheriff Office was noticed and no comments were received.</p> <p>Fire protection & Emergency Medical Services: Caldwell Rural Fire and Canyon County Emergency Services were notified and no comments were received. Prior to Board signature on the Final Plat, the Fire District will need to provide written approval for the Private Road. (CCCO 07-10-03(2))</p>
--	--	--	---

Table 2. Area of City Impact

CCCO 09-01-01: Caldwell Area of City Impact (Plans and Ordinances/Map) Ordinance Applicable Ordinances and Standards: Within the Caldwell are of city impact, the following ordinances apply, but the city of Caldwell ordinances are subject to the waiver provisions in subsection (6) of this section.				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	09-01-19	<p>Applicable Ordinances and Standards: Within the Caldwell are of city impact, the following ordinances apply, but the city of Caldwell ordinances are subject to the waiver provisions in subsection (6) of this section.</p> <p>(1) Canyon County zoning ordinance, as lawfully amended.</p> <p>(2) City of Caldwell's subdivision ordinance, ordinance 1758, in the form existing as of April 1, 2005, except for simple division (lot split) provisions and except for hearing procedures. The county's hearing procedures shall apply.</p> <p>(3) The following city of Caldwell ordinances apply, even when in conflict with otherwise applicable county provisions:</p> <p>A. City road widths and profiles found in subsections 11-03-03(2), (3), (4), and (5) of the city of Caldwell municipal code, in the form existing as of April 1, 2005;</p> <p>B. Caldwell city ordinance 2541, and all standards and specifications adopted thereby, in the form existing as of April 1, 2005.</p> <p>C. Caldwell city ordinance 2548, in the form existing as of April 1, 2005.</p> <p>D. Municipal code of the city of Caldwell, chapter 10, article 7, "Caldwell Landscape Ordinance", in the form existing as of April 1, 2005.</p> <p>E. Municipal code of the city of Caldwell, chapter 10, article 8, "Caldwell Tree Ordinance", in the form existing as of April 1, 2005.</p> <p>F. Municipal code of the city of Caldwell, chapter 10, article 10, "Transportation Policies And Practices", in the form existing as of April 1, 2005.</p> <p>G. Municipal code of the city of Caldwell, chapter 4, article 17, "Caldwell Irrigation Utility Ordinance", in the form existing as of April 1, 2005.</p>

			<p>(4) Except as set forth above, all other standards of applicable Canyon County codes and ordinances; and</p> <p>(5) For subdivisions and planned unit developments applied for in the Caldwell area of city impact, Canyon County will require on the face of each final plat a certification line for execution by the city of Caldwell engineer attesting to the plat's conformance with the city standards set forth above. Also, Canyon County will not sign a final plat, or authorize the plat to be recorded, prior to the city engineer's signing the plat.</p>
		Staff Analysis	<p>Area of City Impact:</p> <p>The City of Caldwell Engineering submitted a letter stating that they have no concerns with this request. (Exhibit D8) The City of Caldwell submitted a letter stating that this development fits their Comprehensive Plan and that the additional two lots should maintain the character of the existing area and would be consistent with the existing and proposed future land use designations. The city does not have any requests or recommendations regarding access, street buffers, or land use buffers. (Exhibit D7)</p> <p>With this information provided by the City of Caldwell, the applicant is requesting a waiver of CCCO 09-01-19 by the Board of County Commissioners in accordance with CCCO 09-01-19(6).</p>

Table 3. Short Plat

<p>Combining of Preliminary and Final Plats (07-17-17): 1) The developer may request that the subdivision application be processed as both a preliminary and final plat, known as a short plat, if all of the following exist:</p> <p>A. The proposed subdivision does not exceed fourteen (14) lots;</p> <p>B. No major special development considerations are involved such as development in floodplain, hillside development, etc.; and</p> <p>C. All required information for both preliminary and final plat is complete and in acceptable form.</p>				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Preliminary Plat – Commission Review
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-17-09(4)	<p>The commission or hearing examiner shall hold a noticed public hearing on the preliminary plat. The hearing body shall recommend that the board approve, approve conditionally, modify, or deny the preliminary plat. The reasons for such action will be shown in the commission's minutes. The reasons for action taken shall specify:</p> <ol style="list-style-type: none"> 1. The ordinance and standards used in evaluating the application; 2. Recommendations for conditions of approval that would minimize adverse conditions, if any; 3. The reasons for recommending the approval, conditional approval, modification, or denial; and 4. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.

			Staff Analysis	<p>With the approval of the Conditional Rezone and Development Agreement, the Preliminary Plat can be deemed complete with Conditions of approval.</p> <p>Zoning: “CR-RR” (Conditional Rezone – Rural Residential)</p> <p>Acreage: 8.973 acres</p> <p>Average residential lot size: 2.991 acres</p> <p>Number of Residential lots: 3</p> <p>Comprehensive Plan Alignment: The Future Land Use from the 2020 Comprehensive Plan Future Land Use Map is Residential.</p> <p>See Analysis for 07-06-07 of this document for additional review.</p> <p>The Development Services Department Planning and Engineering Departments completed their review and deemed that the code has been met with proposed conditions. (Exhibit D1)</p> <p>Keller Associates, acting as County Engineer, provided an approval letter for the Preliminary Plat with conditions on September 13, 2022. (Exhibit D3) After making the change to bring the access into code compliance by adding a private road lot, Keller Associates reviewed the Preliminary Plat again and provided an approval letter on April 18, 2024. (Exhibit D3.1)</p>
Yes	No	N/A	Code Section	Final Plat
			07-17-13(8)	There is no Commission Review for Final Plats.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Staff Analysis	<p>The Final Plat will be presented before the Board of County Commissioners at a later date when all Conditions of Approval for the Preliminary Plat are deemed complete.</p> <p>The Development Services Department Planning and Engineering Departments completed their review and deemed that the requirements in CCCO 07-17-11, 07-17-13 and 07-17-17 have been met. (Exhibit 2)</p> <p>Keller Associates, acting as County Surveyor, provided an approval letter for the Final Plat on September 13, 2022. (Exhibit D4) They provided an approval letter for the Final Plat on April 18, 2024 after reviewing the Final Plat with the addition of the Private Road lot. (Exhibit D4.1) Proof of approval is signature on the Final Plat.</p> <p>Southwest District Health submitted an email that stated that Sanitary Restrictions have been met. (Exhibit D10) Proof of approval is signature on the Final Plat.</p>

				Highway District No. 4 provided an order of acceptance for the Final Plat. (Exhibit D6.1) Proof of approval is signature on the Final Plat.
--	--	--	--	--

4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Caldwell Rural Fire District, Boise Project Board of Control, Wilder Irrigation, Highway District No. 4, Vallivue School District, Idaho Transportation Department, Idaho Power, Intermountain Gas, CenturyLink, Ziply, Idaho Department of Water Resources (Water Rights), Canyon County Soil Conservation District, Southwest District Health, and the City of Caldwell were notified of the subject application. A Full Political Notice was also provided. (per the Local Land Use Planning Act, Idaho Code 67-6509)

Staff received agency comments from Highway District No. 4, Canyon Soil Conservation District, Boise Project Board of Control, City of Caldwell, City of Caldwell Engineering, Idaho Department of Environmental Quality, City of Nampa, Kuna School District, Southwest District Health, Keller Associates as the County Engineer. All agency comments received by the aforementioned materials deadline are located in **Exhibit D**.

Pursuant to Canyon County Ordinance 01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

5. PUBLIC COMMENTS:

Notice was provided to all property owners within 600 feet of the parcel boundary (8/20/24) as well as all residents on Marshall Lane (8/22/24).

Staff received One (1) written public comment by the materials deadline of September 9, 2024. The comment is in opposition. All public comments received by the aforementioned materials deadline are located in **Exhibit E**.

Pursuant to Canyon County Ordinance 01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

6. SUMMARY & RECOMMENDED CONDITIONS FOR CONDITIONAL REZONE:

In consideration of the application and supporting materials, staff concludes that the proposed conditional rezone **is compliant** with Canyon County Ordinance 07-06-05. A full analysis is detailed within the staff report.

Should the Commission wish to approve the subject application, staff recommends the following conditions be attached:

CR2022-0020 Recommended Conditions:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel shall be in subjection to the Canyon County Code of Ordinance Chapter 7, Article 17 for platting with a maximum of 3 buildable lots with an average lot size of 2.99 acres.
3. All businesses that were operating on this parcel that is not allowed per CCCO §07-10-27 will cease and desist within thirty (30) days of the FCO document signing by the Board of County Commissioners.
4. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."

SD2022-0030 Recommended Conditions:

1. All subdivision improvements (public roads, shared access, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected unless approved by the irrigation district.
3. Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on the subject property.
4. The development shall comply with Southwest District Health (SWHD) requirements. Evidence shall be SWDH's signature on the final plat.
5. The development shall comply with the requirements of Highway District No. 4 (Attachment C). Evidence shall be Highway District No. 4's signature on the final plat.
6. Per CCCO §09-01-19(5), the county will not sign a final plat, or authorize the plat to be recorded, before the city engineer's signature is on the plat.
7. Compliance with the international fire code administered through the fire district review of the access and turnaround is required. Evidence of compliance shall be submitted to DSD prior to the Board's signature on the final plat.
8. The road user's maintenance agreement for Marshall Lane, in accordance with CCZO §07-10-03(1)B3. The agreement with the instrument number shall be added as a plat note on the final plat.

7. EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
 - 1.1. Land Use Worksheet
2. Letter of Intent
 - 2.1. Proposed Conditions of Rezone by applicant
 - 2.2. Request for Easement Reduction
3. Irrigation Plan
4. The Landing Spot Preliminary Plat
5. The Landing Spot Final Plat
6. Neighborhood Meeting
7. Engineer Certification for private road Marshall Lane

B. Supplemental Documents

1. Parcel Tool
2. Cases Maps/Reports
 - 2.1. Aerial
 - 2.2. Subdivisions and Plats
 - 2.3. Zoning and Classification Map
 - 2.4. Canyon County Future Land Use
 - 2.5. City of Caldwell Future Land Use
 - 2.6. Dairy, Feedlot, and Gravel Pit Map

C. Site Visit Photos: July 17, 2024

D. Agency Comments Received by: September 9, 2024

1. DSD County Engineer Review of PP; Received: June 13, 2023
2. DSD County Engineer Review of FP; Received: June 13, 2023
3. Keller Associates, acting as County Engineer approval of PP; Received: September 13, 2022
 - 3.1 Revised response received: April 18, 2024
4. Keller Associates, acting as County Surveyor approval of FP; Received: September 13, 2022
 - 4.1 Revised response received: April 18, 2024
5. Canyon Soil Conservation District; Received: August 12, 2022
6. Highway District No. 4; Received: August 18, 2022
 - 6.1 Revised response received: January 22, 2024 – Acceptance of Final Plat
7. City of Caldwell; Received: August 22, 2024
8. City of Caldwell Engineering; Received: September 9, 2024
9. Boise Project Board of Control; Received: August 26, 2024
10. Southwest District Health; Received: August 21, 2024
11. Idaho Department of Environmental Quality; Received: August 30, 2024
12. City of Nampa; Received: August 20, 2024
13. Kuna School District; Received: August 20, 2024

E. Public Comments Received by: September 9, 2024

1. Marshall Lane Residents Jeanette Kroes, Andrew & Brittany Kroes and Forrest & Ruth More; Received: September 4, 2024
2. Benedetto Family; Received: September 9, 2024

F. Draft—Findings of Fact, Conclusions of Law & Order (FCOs) for CR2022-0020

G. Draft—Findings of Fact, Conclusions of Law & Order (FCOs) for SD2022-0030

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# CR2022-0020/SD2022-0030

Hearing date: September 19, 2024

MASTER APPLICATION**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633

PROPERTY OWNER	OWNER NAME: <u>Jeremy Ellis</u>
	MAILING ADDRESS: <u>16695 Marshall Ln. Caldwell, ID. 83607</u>
	PHONE: [REDACTED]

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature: *Jeremy Ellis* Date: 6/3/2022

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME:
	COMPANY NAME:
	MAILING ADDRESS:
	PHONE: _____ EMAIL: _____

SITE INFO	STREET ADDRESS: <u>16695 Marshall Ln. Caldwell, ID. 83607</u>	
	PARCEL #: <u>R32763</u>	LOT SIZE/AREA: <u>8.98 acres</u>
	LOT: _____	BLOCK: _____ SUBDIVISION: _____
	QUARTER: <u>SW</u>	SECTION: <u>9</u> TOWNSHIP: <u>3N</u> RANGE: <u>3W</u>
	ZONING DISTRICT: <u>Caldwell</u>	FLOODZONE (YES/NO): <u>NO</u>

HEARING LEVEL APPS	<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input checked="" type="checkbox"/> CONDITIONAL REZONE
	<input checked="" type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input checked="" type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input checked="" type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER _____		

CASE NUMBER: <u>CR 2022-0020</u>	DATE RECEIVED: <u>6/15/2022</u>
RECEIVED BY: <u>SH</u>	APPLICATION FEE: <u>\$1,235.00</u> <input checked="" type="checkbox"/> MO <input type="checkbox"/> CC <input type="checkbox"/> CASH

(w/SD 2022-0030)

LAND USE WORKSHEET**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633**LAND USE WORKSHEET****Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications****PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:****GENERAL INFORMATION**

- 1. DOMESTIC WATER:** ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City
☐ N/A – Explain why this is not applicable: _____
☒ How many Individual Domestic Wells are proposed? 2 proposed (1 is existing)

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

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

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

- 5. ACCESS:**
☐ Frontage ☒ Easement Easement width 30 Ft. Inst. # A.P. 1219

- 6. INTERNAL ROADS:**
☐ Public ☒ Private Road User's Maintenance Agreement Inst # 2021-043911

- 7. FENCING** ☒ Fencing will be provided (Please show location on site plan)
Type: Pasture Fencing Height: 4-6 feet

- 8. STORMWATER:** ☐ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches
☒ Other: Natural via yards, pastures & gravel driveway

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

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- ☒ Residential 3 ☐ Commercial _____ ☐ Industrial _____
☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

- ☒ Water supply source: irrigation & 3 wells

3. INCLUDED IN YOUR PROPOSED PLAN?

- ☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☒ None

N/A

NON-RESIDENTIAL USES

1. SPECIFIC USE: _____

2. DAYS AND HOURS OF OPERATION:

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

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

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

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

What type of sign: _____ Wall _____ Freestanding _____ Other _____

5. PARKING AND LOADING:

How many parking spaces? _____

Is there is a loading or unloading area? _____

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: 8

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☒ Building ☐ Kennel ☐ Individual Housing ☒ Other Fenced pastures

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☒ Building ☒ Enclosure ☐ Barrier/Berm ☒ Bark Collars

4. ANIMAL WASTE DISPOSAL

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☒ Other: Natural - pasture

Letter of Intent for Rezone

Parcel #R32703

This Letter of Intent to rezone is consistent with the Comprehensive Plan, and is more appropriate than the current zoning.

The request is compatible with the surrounding land use, which is mostly residential already. It will actually improve the character of the area, since this is the last parcel to be rezoned from the original parcel. (all other parcels have been rezoned to residential)

All services and facilities are existing, due to the current home on this parcel. If this rezone is approved and I can obtain the attached Short Plat, I will sell the 2 acre lot to my sister and the 4.47 acre lot to my niece and her husband. (making this a 3 Resident, Family Subdivision) At the time of developing the 2 proposed lots, adequate facilities and services will be added.

This rezone request does not require any more improvements to the public street. Before I got approved to construct my existing home, I was required to put in a pavement approach off of Homedale road on Marshall lane.

This request will not impact essential public services as would a large scale subdivision. Please see conditions of rezone for further explanation of care taken to ensure no services will be negatively impacted.

Jenny Ellis
6/3/2022

Conditions of Rezone

1. All resident lots will have 3 trees minimum.
2. All pastures and landscaping will be sprinkler irrigated.
3. All 3 residences will have landscaping and fencing complete, within 1 year of occupancy inspection.
4. All residences will be maintained in a manner that is attractive to the neighborhood.

Jeany Gault
6/3/2022

The Landing Spot Subdivision 2 Easement Reduction Requests

Easement reduction for the driveway across proposed lot 1 to access proposed lot 1 and lot 3. I'm asking for the easement to be reduced from 60' to 30' to correlate with the existing reduced width of Marshall Lane, of which the driveway extends from.

This driveway already physically exists, as the driveway to the existing home on proposed lot 1. It (the driveway) was built to the requirements to receive occupancy of the existing home. This request eliminates any and all injury, damage, and safety hazards from occurring.

Easement reduction for the driveway across proposed lot 1 to access proposed lot 2. I am asking for the easement to be reduced from 60' to the existing 28'. The physical characteristics require the reduction, and will eliminate any and all injury, damage, and safety hazards from occurring.

IRRIGATION PLAN APPLICATION**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633



Applicant(s)

Jeremy Ellis 208-886-1966
 Name Daytime Telephone Number
16695 Marshall Ln. Caldwell, ID. 83607
 Street Address City, State Zip

Representative Name

Hannah Pruitt 208-912-2790 hannahp81@gmail.com
 Daytime Telephone Number / E-mail Address
16695 Marshall Ln. Caldwell, ID. 83607
 Street Address City, State Zip

Location of Subject Property:

Farmway Rd. & Homedale Rd. Caldwell
 Two Nearest Cross Streets or Property Address City

Assessor's Account Number(s): R 32703000 Section 4 Township 3N Range 3W

This land:



Has water rights available to it.



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

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

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

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

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

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

2. What is the name of the irrigation and drainage entities servicing the property?

Irrigation: Wilder Irrigation

Drainage: N/A

3. How many acres is the property being subdivided? 8.94

4. What percentage of this property has water? 100%

5. How many inches of water are available to the property? 3.75 acre feet of water per Acre (if Available)

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

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

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

Irrigation water access/head gate is located at south-east corner of acreage, and is delivered by underground pipe.

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

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

N/A

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

N/A

Irrigation Plan Map Requirements

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

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

Also, provide the following documentation:

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

The Landing Spot Subdivision. Clarification to the Irrigation Plan.

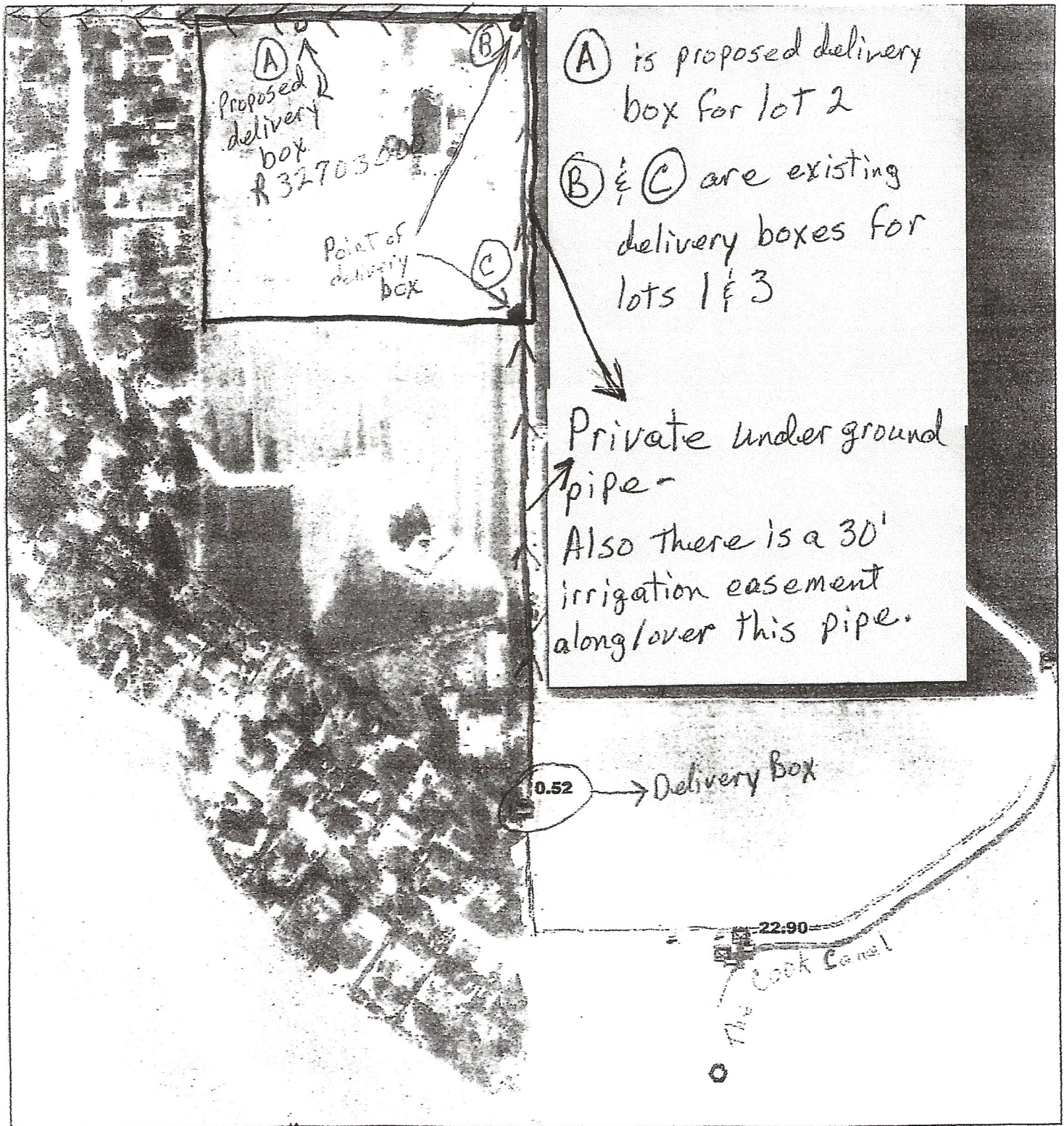
All 3 lots of The Landing Spot Subdivision will access irrigation water from the existing underground pipeline currently running along the east and north property lines. (see drawings/notes on map)

Each lot owner will be responsible for creating their own irrigation setup under the guidelines that all lawns and pastures will be sprinkler irrigated. And all gardens and garden beds will be watered via drip lines or soaker hoses for water conservation and eliminating any water runoff/puddling.

Please sign and date!

 7/21/23

Boise Project Board of Control



5/4/2022, 3:01:44 PM

Facility Point Features

3-Sided Structure

Crossing

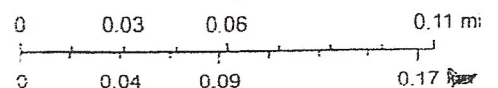
Delivery Box

○ Drain Pipe

▬ Headgate

▬ Weir

1:4,514



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

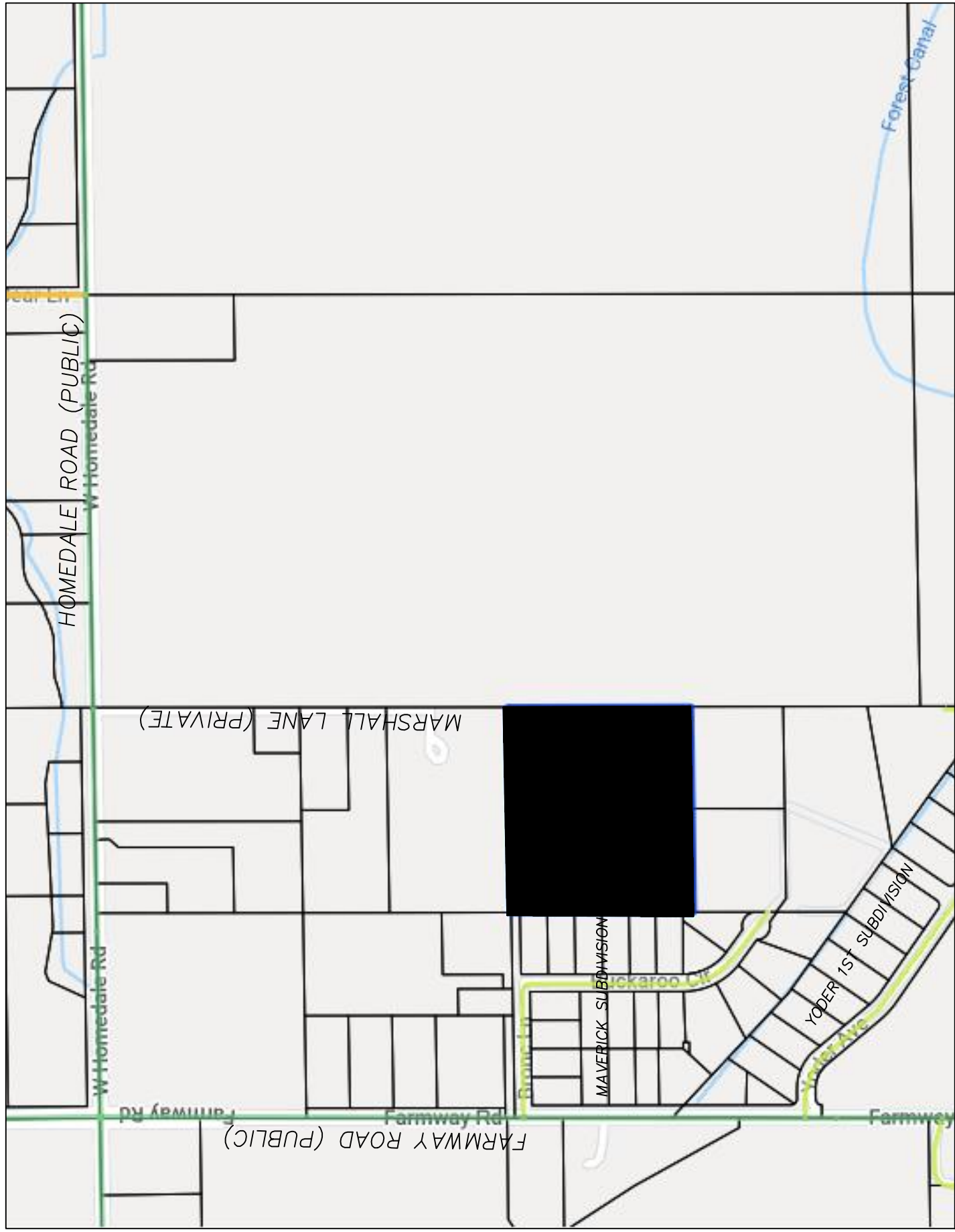
GIS Mapping

Please Note: Boise Project Board of Control cannot guarantee the accuracy of the information contained on this map. Each user of this map is responsible for determining its suitability for his or her

THE LANDING SPOT SUBDIVISION

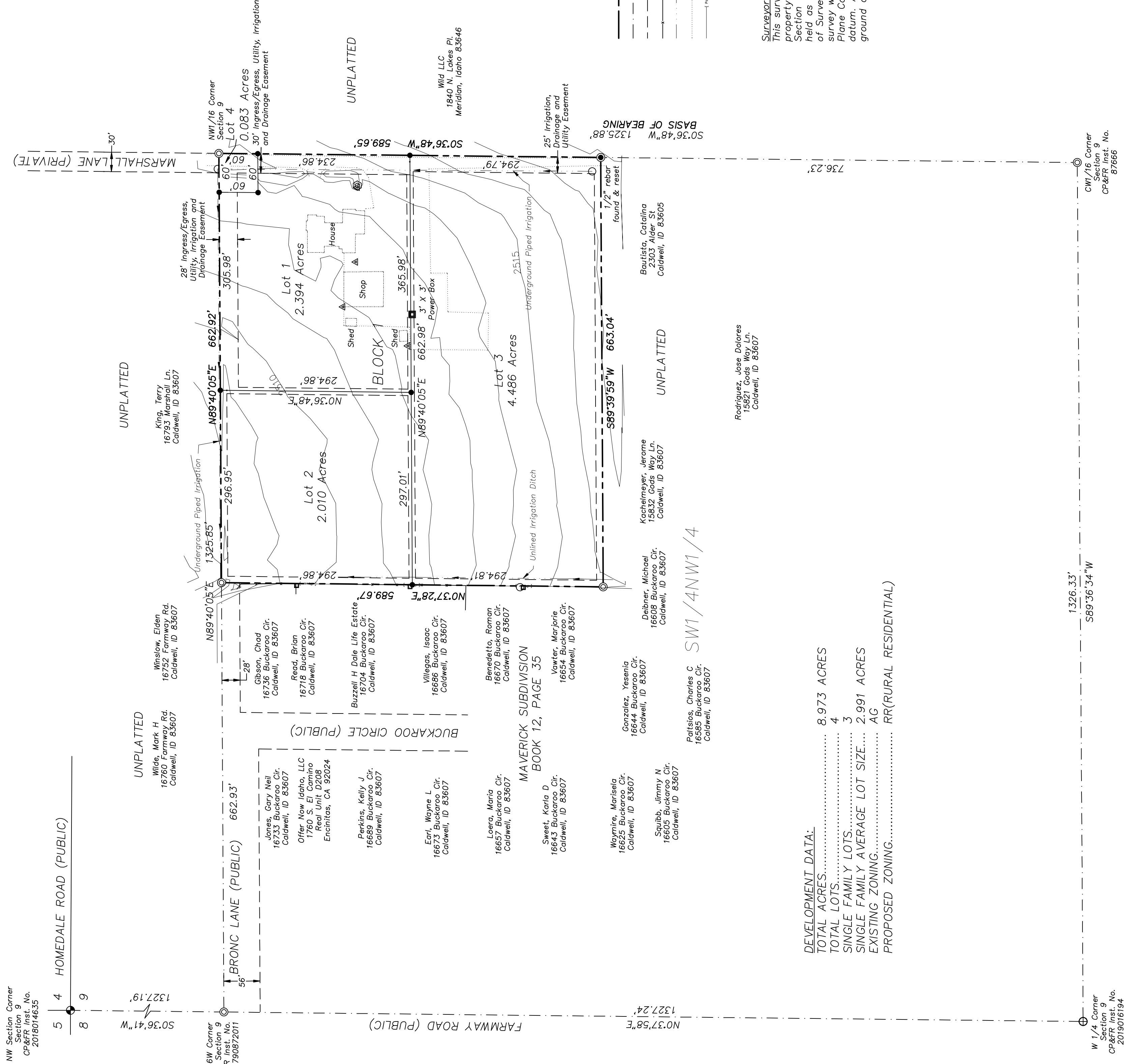
A PORTION OF THE SW 1/4 NW 1/4 OF SECTION 9,
TOWNSHIP 3 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO
2023

VICINITY MAP
Scale: 1" = 400'

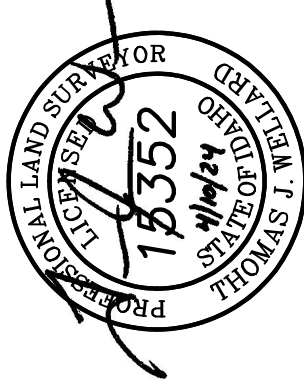


NOTES:

- This development recognizes Section 22-4503, Idaho Code, Right to Farm, which states: "No agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nongriculatural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or and appurtenance to it."
- Water for domestic purposes shall be supplied by single party wells. Sanitary restrictions designating areas reserved for well installation shall be subject to the approval of Southwest District Health.
- Sewage disposal shall be by individual septic systems. Sanitary restrictions designating areas reserved for the construction of drain fields shall be subject to the approval of Southwest District Health.
- This development recognizes and is in compliance with Idaho Code 31-3805(1)(b). Lots are subject to assessments from the Wilder Irrigation District. The development proposes a pressurized irrigation system. Irrigation is provided via a buried irrigation line along the East and North boundaries.
- The subject property is currently zoned AG(AGRICULTURAL).
- The development is 8.973 acres.
- This development consists of 3 residential lots and 1 private road lot.
- Post development storm water run-off from each lot is to be managed by landscaping measures, swales, ditches and similar retention methods, wholly on the lot generating the run-off. The design, construction and maintenance of these facilities is to be the responsibility of each lot owner.
- Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
- No permanent structure shall be located closer than seventy feet (70') to any section or quarter line preserved for a future road unless the highway district having jurisdiction waives the seventy foot (70') setback requirement.
- UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
10 FEET ALONG SUBDIVISION BOUNDARY, 5 FEET ON EACH SIDE OF INTERIOR LOT LINES
- Lot 4 is a private road lot and is subject to a blanket Ingress/Egress, Utility, Irrigation and Drainage Easement.



Surveyor's Narrative:
This survey was performed at the request of Jeremy Eells to subdivide the property described in the reference deed to create additional building lots. Section 9 of the reference deed is a private road lot and is not to be held as shown. The boundary was held as previously established in Record of Survey Inst. No. 9924598. The basis of bearing and elevations for this survey was established by GNSS observations, projected to the Idaho State Plane Coordinate system, West Zone, NAD83 datum. Elevations are NAVD88 datum. All bearings shown are on grid azimuth and all distances are ground at project elevation.



REVISIONS	
4	4/10/24 Add private road lot
3	4/18/23 Add access easement and subdivision line
2	12/2/22 Address County Comments
1	12/31/22 Address County Comments

Skinner Land Survey	
Drawn By: ZCL	17842 Sand Hollow Road Caldwell, Idaho 83607
Date: March 29, 2022	(208) - 454-0933
Surveyed By: ZCL	WWW.SKINNERLANDSURVEY.COM
Job No. FE2422	surveys@skinnerlandsurvey.com

DEVELOPER:
JEREMY EELLS
16697 Marshall Ln
Caldwell, Idaho 83607
208-880-1966

THE LANDING SPOT SUBDIVISION

A PORTION OF THE SW 1/4 NW 1/4 OF SECTION 9,
TOWNSHIP 3 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO
2023

NW Section Corner
Section 9
CP&FR Inst. No.
2018014635

HOMEDALE ROAD (PUBLIC)

UNPLATTED

UNPLATTED

28' Ingress/Egress,
Utility, Irrigation and
Drainage Easement

NW1/16 Corner
Section 9
POINT OF
BEGINNING
Lot 4
0.083 Acres

BUCKAROO CIRCLE (PUBLIC)

Reference Surveys:
Inst. No. 9924598
Inst. No. 2020006950
Inst. No. 2021083576
Maverick Subdivision
Inst. No. 710181
Book 12, Page 35

Reference Deed:
Inst. No. 2020011050
UNPLATTED

MAVERICK SUBDIVISION
BOOK 12, PAGE 35

Lot 3
4.486 Acres

Lot 1
2.394 Acres

Lot 2
2.010 Acres

FARMWAY ROAD (PUBLIC)

NOTES:

1. This development recognizes Section 22-4503, Idaho Code, Right to Farm, which states: "No agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or and appurtenance to it."
2. Water for domestic purposes shall be supplied by single party wells. Sanitary restrictions designating areas reserved for well installation shall be subject to the approval of Southwest District Health.
3. Sewage disposal shall be by individual septic systems. Sanitary restrictions designating areas reserved for the construction of drain fields shall be subject to the approval of Southwest District Health.
4. This development recognizes and is in compliance with Idaho Code 31-3805(1)(b). Lots are subject to assessments from the Wilder Irrigation District.
5. The subject property is zoned CR-RR (CONDITIONAL REZONE-RURAL RESIDENTIAL) subject to development agreement No. _____, Inst. No. _____.
6. The development is 8.973 acres.
7. This development consists of 3 residential lots and 1 private road lot.
8. Post development storm water run-off from each lot is to be managed by landscaping measures, swales, ditches and similar retention methods, wholly on the lot generating the run-off. The design, construction and maintenance of these facilities is to be the responsibility of each lot owner.
9. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
10. No permanent structure shall be located closer than seventy feet (70') to any section or quarter line preserved for a future road unless the highway district having jurisdiction waives the seventy foot (70') setback requirement.
11. UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
10 FEET ALONG SUBDIVISION BOUNDARY, 5 FEET ON EACH SIDE OF INTERIOR LOT LINES
12. Lot 4 is a private road lot and is subject to a blanket Ingress/Egress, Utility, Irrigation and Drainage Easement.

W 1/4 Corner
Section 9
CP&FR Inst. No.
2019016194

S89°36'34"W

1326.33'

NW1/16 Corner
Section 9
CP&FR Inst. No.
87666

BOOK

PAGE

REVISIONS

2	
1	4/10/24 Add private road lot

Sheet 1 of 2

Drawn By: ZCL

Date: March 29, 2022

Surveyed By: ZCL

Job No. FE2422

Skinner
Land Survey

17842 Sand Hollow Road
Caldwell, Idaho 83607
(208)-454-0933
WWW.SKINNERLANDSURVEY.COM
survey@skinnerlandsurvey.com

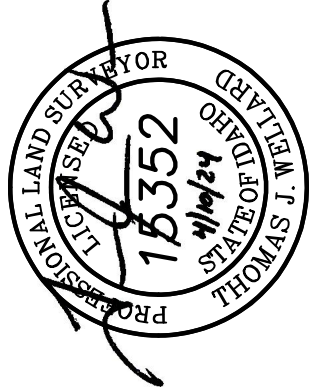


Scale: 1" = 100'

LEGEND

- BRASS CAP MONUMENT - FOUND
- ALUMINUM CAP MONUMENT - FOUND
- 5/8" REBAR - FOUND
- 5/8" x 24" REBAR - SET
- 1/2" x 24" REBAR - SET
- PROPERTY BOUNDARY LINE
- SECTION/ALIQUOT PART LINE
- INGRESS/EGRESS, UTILITY, IRRIGATION & DRAINAGE EASEMENT LINE

Surveyor's Narrative:
This survey was performed at the request of Jeremy Eells to subdivide the property described in the reference deed to create additional building lots. Section control and existing property corner monuments were located and held as shown. The boundary was held as previously established in Record of Survey Inst. No. 9924598. The basis of bearing and elevations for this survey was established by GNSS observations, projected to the Idaho State Plane Coordinate system, West Zone, NAD83 datum. Elevations are NAVD88 datum. All bearings shown are on grid azimuth and all distances are ground at project elevation.



NEIGHBORHOOD MEETING SIGN-UP**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.asp

Phone: 208-454-7458

Fax: 208-454-6633

**NEIGHBORHOOD MEETING SIGN UP SHEET****CANYON COUNTY ZONING ORDINANCE §07-01-15**

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 16695 Marshall Ln.	Parcel Number: 32703000
City: Caldwell	State: Idaho ZIP Code: 83607
Notices Mailed Date: 2/18/22	Number of Acres: 8.98 Current Zoning: Ag
Description of the Request: Rezone	

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Jeremy Eells
Company Name:
Current address: 16695 Marshall Ln.
City: Caldwell State: Idaho ZIP Code: 83607
Phone: [REDACTED] Cell: [REDACTED] Fax:
Email:

MEETING INFORMATION

DATE OF MEETING: Feb. 28 th 2022	MEETING LOCATION: 16695 Marshall Ln.	
MEETING START TIME: 6pm	MEETING END TIME: 7:30pm	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Charlie Paltsios	[Signature]	16585 Buckaroo, Caldwell
2. Esther Read	[Signature]	16718 Buckaroo, Caldwell
3. Jerry Kachelmeyer	[Signature]	15832 Goose Way Lane, Caldwell
4. ELDEN WINSLOW	[Signature]	16752 Farmway RD
5. Ruth Moore	[Signature]	16851 Marshall Lane
6. Betty Jo King	[Signature]	16793 Marshall Lane
7. Terry King	[Signature]	16793 Marshall Lane
8. JEANNETTE KROES	[Signature]	16895 Marshall Lane
9.		

10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Jeremy Ellis

APPLICANT/REPRESENTATIVE (Signature): 

DATE: 2 / 28 / 22

Notice of Neighborhood Meeting
Conditional Use Permit
Pre-application requirement for a Public Hearing

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit (Rezone from Agriculture to Rural Residential) to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors.

This meeting is for informational purposes and to receive feedback from you as we move through the process. This is not a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit (Rezone) is applied.

The Neighborhood Meeting details are as follows

Date: Feb. 28th. 2022

Time: 6:00 pm.

Location: 16695 Marshall Ln. Caldwell, ID. 83607

This project is summarized below:

Site Location: 16695 Marshall Ln. Caldwell, ID. 83607

Proposed access: Marshall Ln.

Total acreage: 8.94

Proposed lots: 3

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project.

If you have any question prior to the meeting, please contact

Owner; Jeremy & Amber Eells at 208-880-1966 or jeremy.eells85@gmail.com

Agent; Hannah Pruitt at 208-912-2790 or hannahp81@gmail.com



June 11, 2024

Dalia Alnajjar
Engineering Supervisor
Development Services Department
111 North 11th Ave. #310
Caldwell, Idaho 83605

Re: 16695 Marshall Ln – Private Road Spot Check

Dear Ms. Alnajjar,

Keller Associates, Inc. completed an inspection of the private road located at 16695 Marshall Ln. We inspected the private road for conformance with the Canyon County Code Ordinance 07-10-03 and standard construction practices.

The private road appears to meet Canyon County Code and we recommend acceptance of the private road. Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County.

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992.

Sincerely,

KELLER ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Justin Walker", is written over the printed name.

Justin Walker, P.E.
County Engineer

cc: File



Attached photos from Certificate of
Engineer for Marshall Lane (Keller
Associates acting as independent engineer)





EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# CR2022-0020/SD2022-0030

Hearing date: September 19, 2024

R32703

PARCEL INFORMATION REPORT

9/11/2024 4:08:48 PM

PARCEL NUMBER: R32703

OWNER NAME: EELLS JEREMY

CO-OWNER: EELLS AMBER

MAILING ADDRESS: 16695 MARSHALL LN CALDWELL ID 83607

SITE ADDRESS: 16697 MARSHALL LN

TAX CODE: 0590000

TWP: 3N RNG: 3W SEC: 09 QUARTER: SW

ACRES: 8.94

HOME OWNERS EXEMPTION: No

AG-EXEMPT: No

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: HIGHWAY DISTRICT #4

FIRE DISTRICT: CALDWELL RURAL FIRE

SCHOOL DISTRICT: VALLIVUE SCHOOL DIST #139

IMPACT AREA: CALDWELL

FUTURE LAND USE 2011-2022 : Res

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: Res

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

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0375F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: ADA CANYON

FUNCTIONAL Classification: NOT In COLLECTOR

INSTRUMENT NO. : 2020011050

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 09-3N-3W SW TX 99704 IN SWNW

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

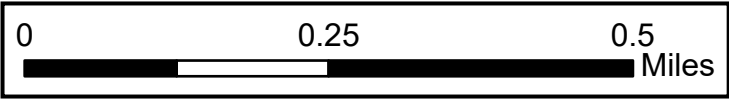
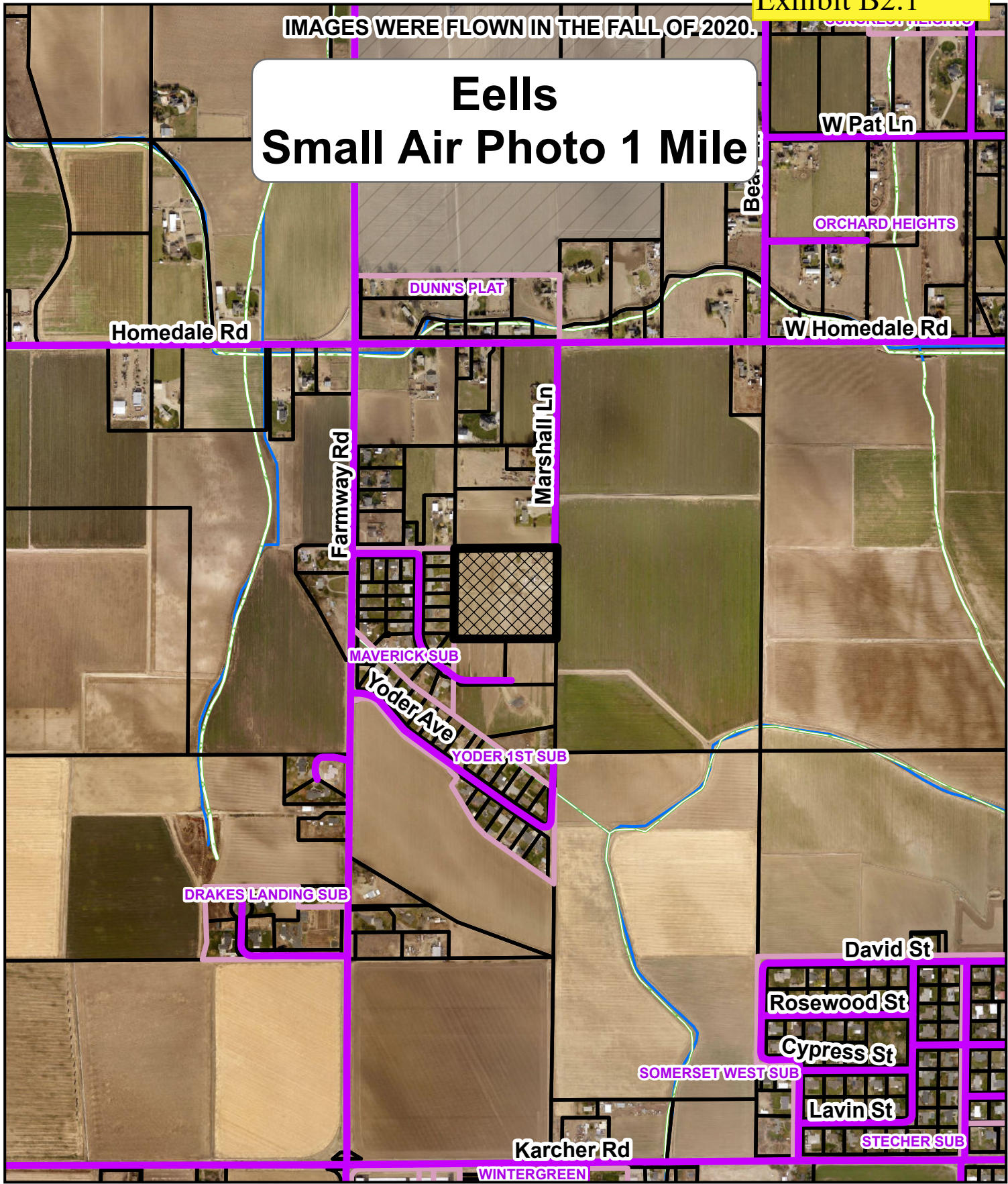
1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED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

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

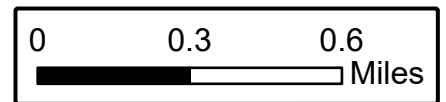
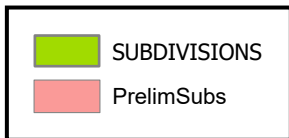
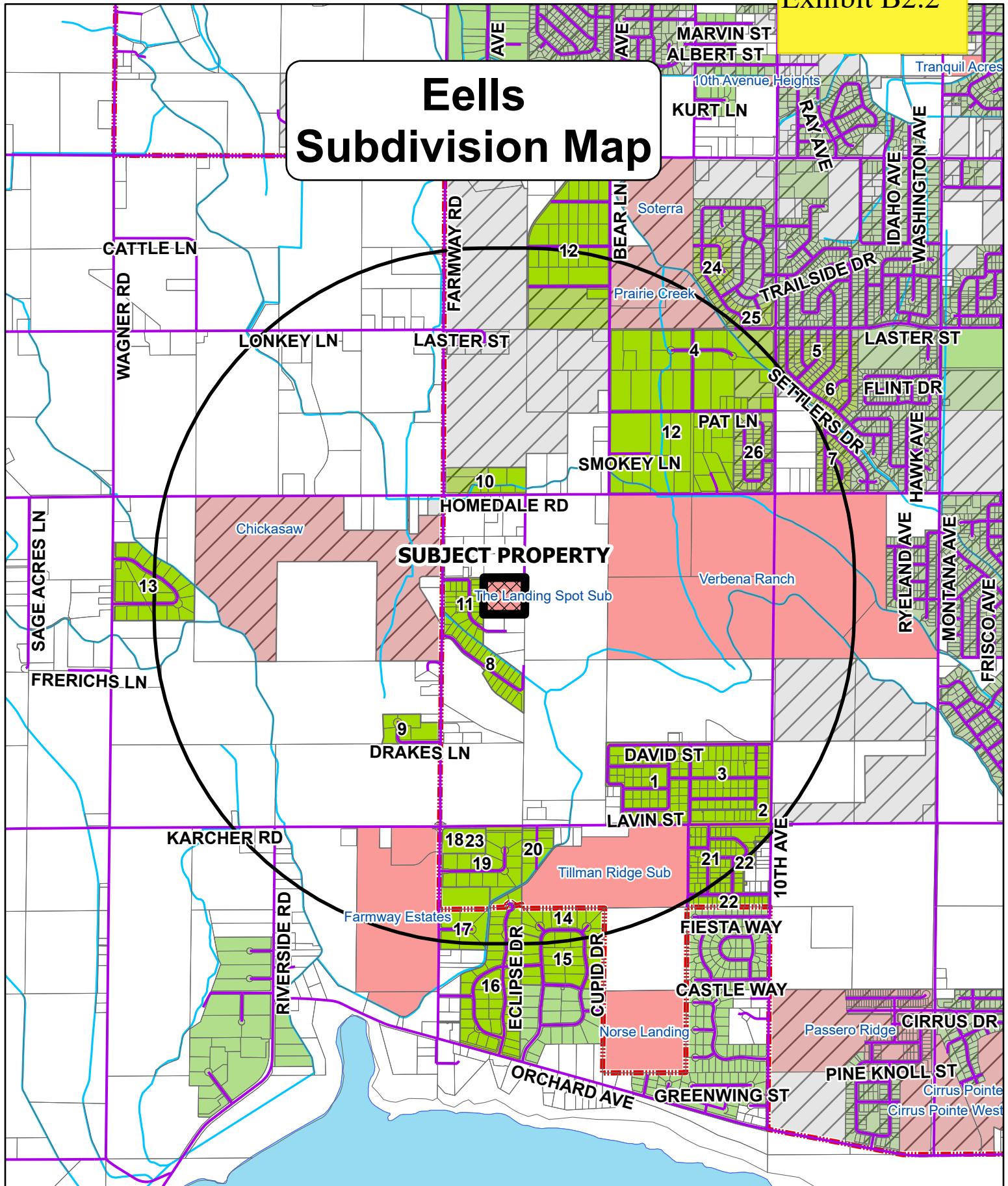
IMAGES WERE FLOWN IN THE FALL OF 2020.

Eells

Small Air Photo 1 Mile



Eells Subdivision Map



SUBDIVISION & LOT REPORT

NUMBER OF SUBS		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
26		640.12	864	0.74	
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
50		2.64	0.48	0.01	78.41
NUMBER OF MOBILE HOME PARKS		ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0		0	0	0	0

PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
SOMERSET WEST SUB	1	3N3W09	36.89	57	0.65	COUNTY (Canyon)	1974
STECHER SUB	2	3N3W09	10.07	14	0.72	COUNTY (Canyon)	1959
STECHER SUB-AMENDED	3	3N3W09	30.27	49	0.62	COUNTY (Canyon)	1968
SUNCREST HEIGHTS	4	3N3W04	22.47	10	2.25	COUNTY (Canyon)	1996
WEST VALLEY ESTATES #5	5	3N3W03	15.15	76	0.20	CALDWELL (CITY)	1998
WEST VALLEY ESTATES #6	6	3N3W03	18.83	80	0.24	CALDWELL (CITY)	1999
WEST VALLEY ESTATES #9	7	3N3W03	14.50	62	0.23	CALDWELL (CITY)	2001
YODER 1ST SUB	8	3N3W09	14.77	23	0.64	COUNTY (Canyon)	1963
DRAKES LANDING SUB	9	3N3W08	9.00	6	1.50	COUNTY (Canyon)	2004
DUNN'S PLAT	10	3N3W09	13.39	8	1.67	COUNTY (Canyon)	1976
MAVERICK SUB	11	3N3W09	12.30	25	0.49	COUNTY (Canyon)	1973
ORCHARD HEIGHTS	12	3N3W04	192.49	78	2.47	COUNTY (Canyon)	1909
JIM CARRIES NORTHSTAR SUBDIVISION	13	3N3W08	30.80	29	1.06	COUNTY (Canyon)	2009
MOONSTRUCK SUB PH 3	14	3N3W16	11.98	11	1.09	COUNTY (Canyon)	2003
MOONSTRUCK SUB PH 2	15	3N3W16	25.75	27	0.95	CANYON (Canyon)	2002
MOONSTRUCK WEST	16	3N3W16	44.44	56	0.79	COUNTY (Canyon)	2004
AUTUMN FALLS SUB	17	3N3W16	11.49	5	2.30	COUNTY (Canyon)	2005
NORTH LAKE ACRES	18	3N3W16	13.79	3	4.60	COUNTY (Canyon)	2004
CANYON LAKE ESTATES SUBDIVISION PHASE 1	19	3N3W16	22.94	19	1.21	COUNTY (Canyon)	2008
WINTERGREEN	20	3N3W16	7.26	7	1.04	CANYON (Canyon)	2000
VANAL HEIGHTS SUB	21	3N3W16	28.60	70	0.41	COUNTY (Canyon)	1960
VANAL HEIGHTS RE-SUB	22	3N3W16	6.08	21	0.29	COUNTY (Canyon)	1973
CANYON LAKE ESTATES SUBDIVISION PHASE 2	23	3N3W16	6.46	1	6.46	COUNTY (Canyon)	2018
CUMBERLAND SUBDIVISION NO. 5	24	3N3W04	13.53	44	0.31	CALDWELL (CITY)	2019
CUMBERLAND SUBDIVISION NO. 6	25	3N3W04	8.12	19	0.43	CALDWELL (CITY)	2023
SELAH ESTATES SUBDIVISION	26	3N3W04	18.74	64	0.29	CALDWELL (CITY)	2023

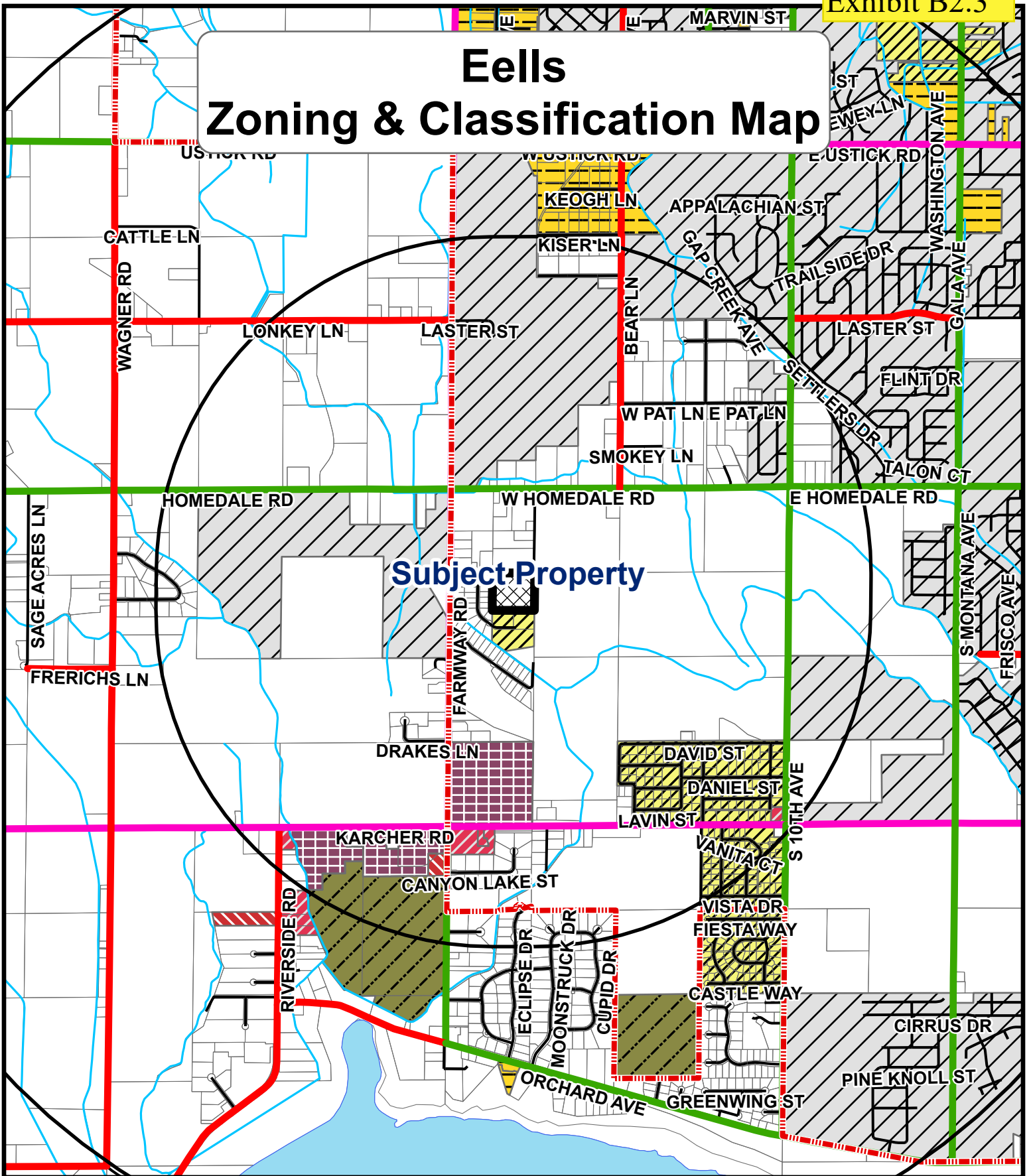
SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

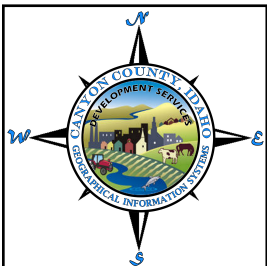
MOBILE HOME & RV PARKS

SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...
------------------	--------------	-------	---------------	----------------	------------

Eells Zoning & Classification Map



Subject Property



Current Zoning

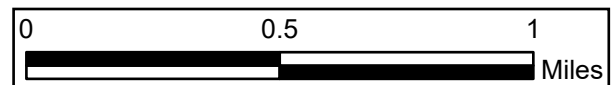
	RR
	CR-RR
	R1
	CR-R1
	R2
	C

	C1
	CR-C1
	C2
	CR-C2
	M1
	CR-M1
	M2

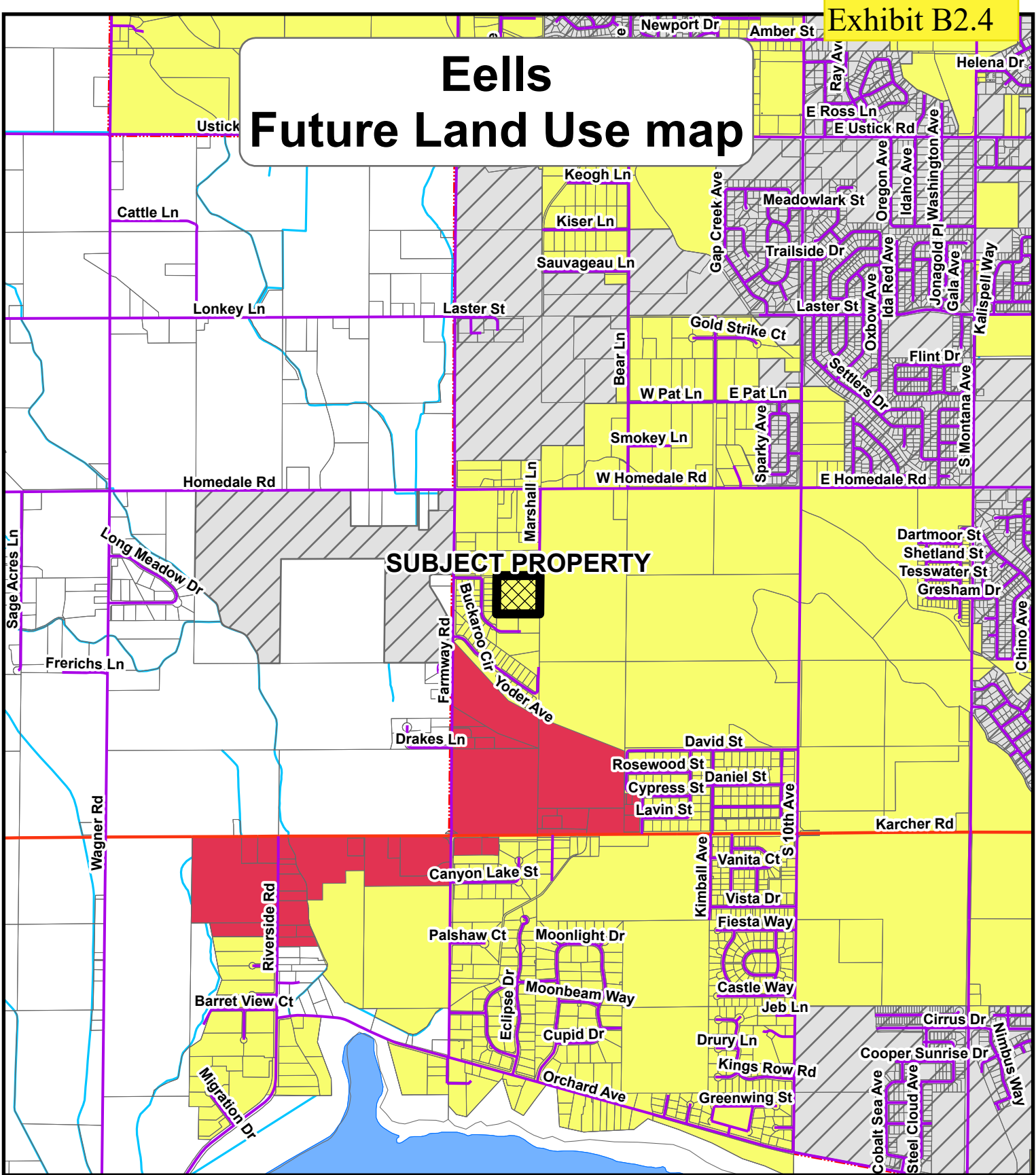
AG

ITD Functional Classification

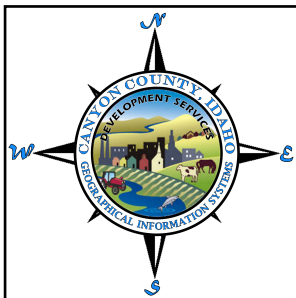
	Interstate
	Major Collector
	Minor Arterial
	Minor Collector
	Other Principal Arterials



Eells Future Land Use map



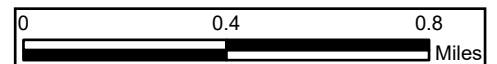
SUBJECT PROPERTY



Legend

Future Land Use 2011_2022

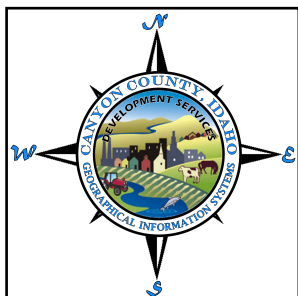
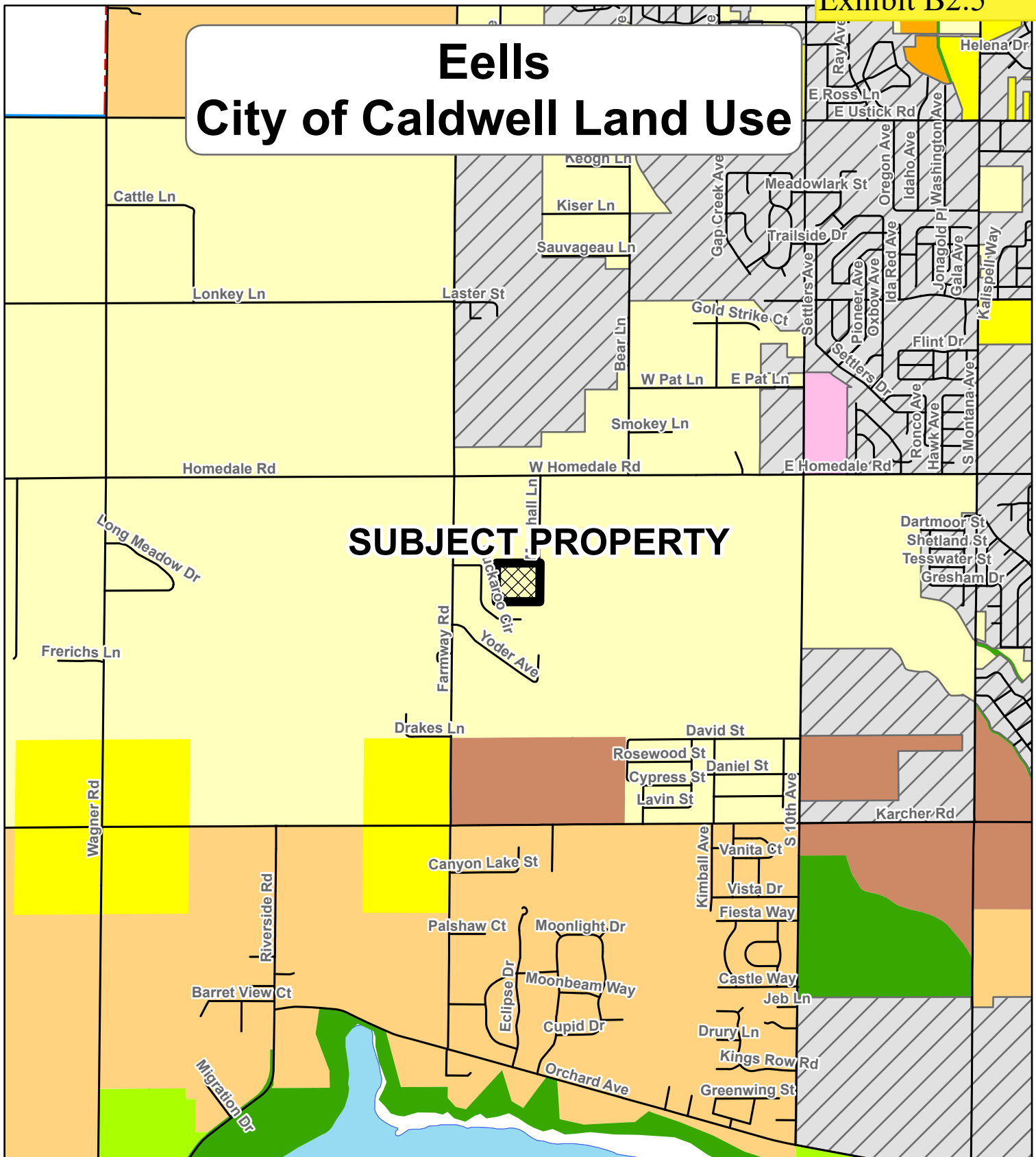
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL



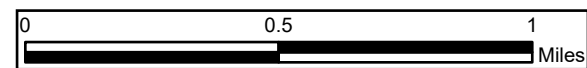
Eells

City of Caldwell Land Use

SUBJECT PROPERTY

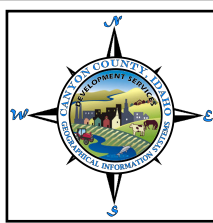
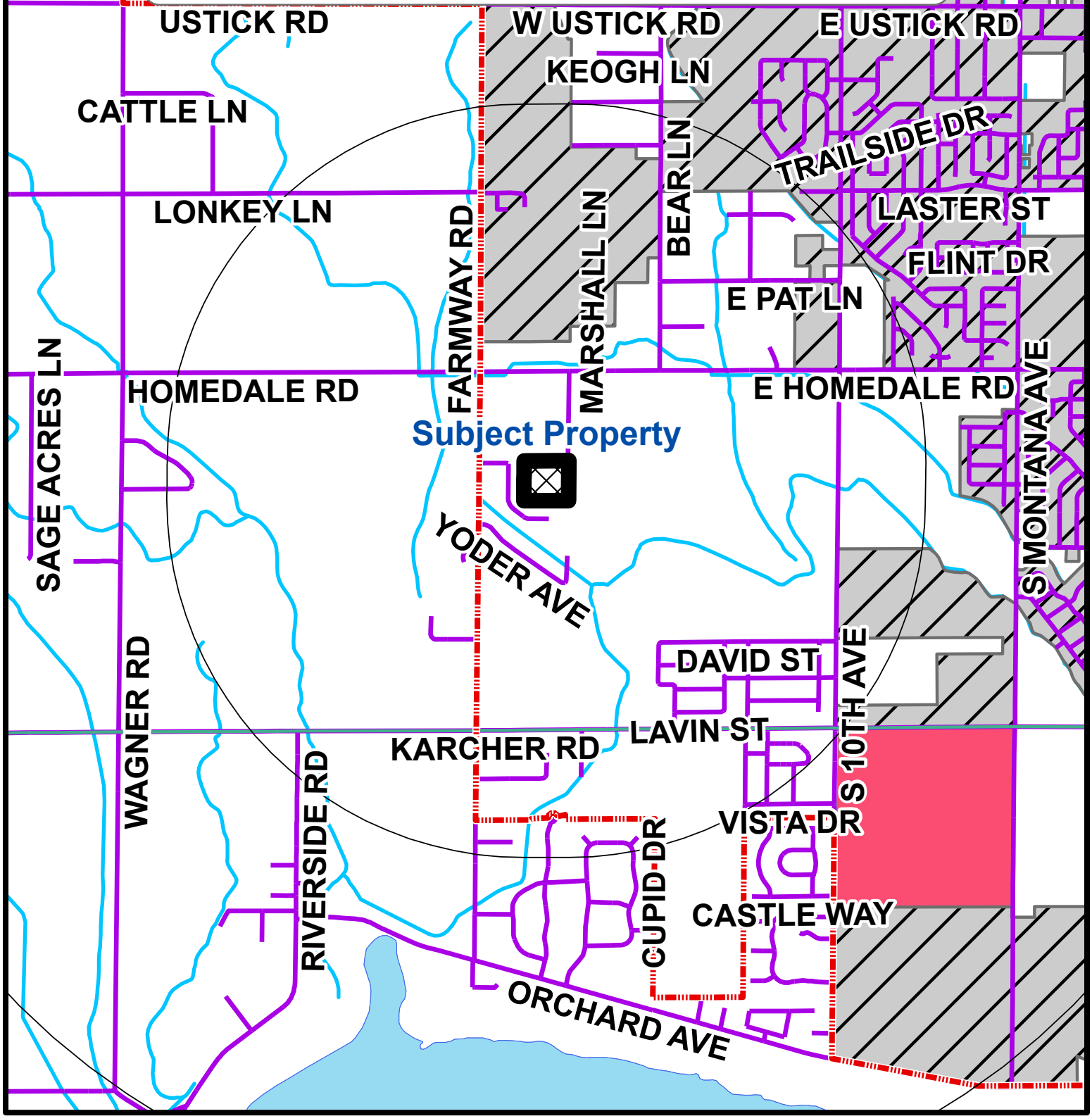


Cald Comp Plan	
■ Residential Estates	■ Commercial & Service
■ Low Density Residential	■ Traditional Neighborhood
■ Medium Density Residential	■ Highway Corridor
■ High Density Residential	■ Manufacturing & Production
■ City Center	■ Industrial
■ Institutional	■ Rail Facilities
■ Business	■ Public
	■ Environmentally Sensitive
	■ Open Space



Eells

Dairy, Feedlot, and Gravel Pit Map



	DAIRYLOTS
	GRAVELPITS
	FEEDLOTS

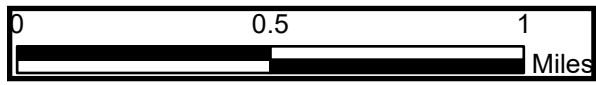


EXHIBIT C

Site Visit Photos: July 17, 2024

Planning & Zoning Commission

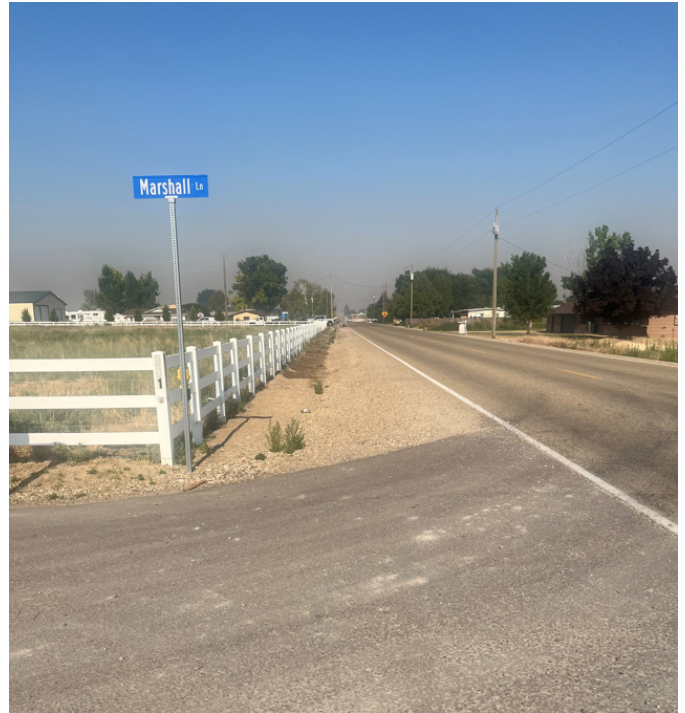
Case# CR2022-0020/SD2022-0030

Hearing date: September 19, 2024

Exhibit C

The Image on the left is at Marshall Lane looking East onto Homedale Road.

The image below is looking West from the same spot.



Both photos are looking South down Marshall Lane towards the subject parcel. The above is at Homedale Rd. The left photo is where the private road was extended.



Image above is from middle of property looking West towards subdivision.

Left image is looking North from middle of property.

Image below is the shop on proposed Lot 3.





Image above left is from middle of property looking South towards RR zoned parcels.

Image above right is looking West onto the property.

Image to the left is looking East from the middle of the property.

EXHIBIT D

Agency Comments Received by: September 9, 2024

Planning & Zoning Commission

Case# CR2022-0020/SD2022-0030

Hearing date: September 19, 2024



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

▪ Engineering Division ▪

Preliminary Plat Check-List

Applicant: Jeremy Eells	Case Number: SD2022-0030
Subdivision Name: The Landing Spot	Plat Date: 4/18/2023 (4)

CANYON COUNTY CODE OF ORDINANCES 07-17-09

The information hereinafter required as part of the preliminary plat submitted shall be shown graphically or by note on plans, and may comprise several sheets showing various elements or required data.

A. FORM OF PRESENTATION	<u>Meets Code / Comments</u>
1. Scale of Drawing (No more than 1"=100' unless approved by DSD prior to submission).	Meets Code
2. Size of Drawing (No larger than 24' x 36")	Meets Code
B. IDENTIFICATION AND DESCRIPTIVE DATA	<u>Meets Code / Comments</u>
1. Proposed name of subdivision and its location by section, township, and range.	Meets Code
2. Reference by dimension and bearing to a section corner or quarter section corner.	Meets Code
3. Name, address and phone number of developer.	Meets Code
4. Name address and phone number of the person preparing the plat.	Meets Code
5. North arrow.	Meets Code
6. Date of preparation.	Meets Code
7. Revision block showing dates if any revisions subsequent to the original preparation date. The revision block shall be part of the title block which shall be placed along the right edge of the drawing sheet.	Meets Code

8. Vicinity map drawn to scale, clearly showing proposed subdivision location in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.	Meets Code
---	------------

C. EXISTING CONDITIONS DATA	<u>Meets Code / Comments</u>
1. 2 Foot Contours shown unless otherwise approved; show all areas in excess of 15% slope.	Meets Code
2. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes or other water features; direction of flow; location and extent of know areas subject to inundation.	Meets Code
3. Location, widths and names of all platted streets, railroads, utility rights of way of public record, public areas, permanent structures to remain including water wells and municipal corporation lines within or adjacent to the tract.	Meets Code
4. Name, book and page numbers of any recorded adjacent subdivisions having a common boundary with the tract.	Meets Code
5. Existing zoning classification, by note.	Meets Code
6. Approximate acreage of the tract, by note.	Meets Code
7. Boundary dimensions of the tract.	Meets Code
8. Names and addresses of adjoining property owners within three hundred (300) feet of the exterior boundary of the tract.	Meets Code
D. PROPOSED CONDITIONS DATA	<u>Meets Code / Comments</u>
1. Road layout, including location, width and proposed names of roads, alleys, pathways, easements, and roadway connections, if any, to an adjoining platted tract.	<p>Meets Code</p> <p>The driveways will need to meet the standards in CCZO 07-10-03. See 07-10-03 (2) regarding fire district approval and 07-10-03 (3)B regarding engineer certification. If there are discrepancies between fire district driveway constructions standards and the minimum standards in CCZO 07-10-03 the more stringent shall apply. These requirements need to be satisfied <u>prior to certificate of occupancy</u>.</p> <p>We do need evidence that Marshall Ln meets (and will continue to meet) CCZO 07-10-03 <u>prior to BOCC final plat</u></p>

	<u>signature</u> . Sounds like you might have that evidence laying around from Jeremy's building permit process. The road requires pass off from the fire district and engineer's certification.
2. Typical lot dimensions including curvilinear data to scale; each lot numbered individually; total number of lots by type and grand total. A private road must be a lot.	Meets Code
3. Location, width and use of easements.	Meets Code
4. Designation of all land to be dedicated or reserved for public use with use indicated.	NA
5. If plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification and status of zoning change, if any.	NA
6. If the proposed subdivision is part of a larger area intended for development, a development master plan of the entire area shall be provided.	NA
7. Appropriate information that sufficiently details the proposed development within any special development area such as hillside, PUD, flood plain, cemetery, manufactured home, large scale development, hazardous and unique areas of development.	NA
8. All roads must be labeled as either "private" or "public" behind or beneath the road name.	Meets Code
E. PROPOSED UTILITY METHODS	<u>Meets Code / Comments</u>
1. Sewage: A statement as to the type of proposed sanitary sewage facilities.	Meets Code
2. Water Supply: A statement as to the type of proposed water supply facilities.	Meets Code
3. Storm Water Disposal: A statement as to the type of storm water disposal facilities which may include evidence as may be required relative to the design and operation of proposed storm water system.	Meets Code
4. Irrigation System: A statement as to the proposed irrigation system, which may include evidence as may be required relative to the design and operation of any proposed irrigation system.	<p>Meets Code</p> <p>Prior to County signature on the final plat the system will need to be approved by City of Caldwell zoning authority and council (31-3805 b(ii)) as well as the County.</p> <p>It seems irrigation water can be delivered to all proposed lots without construction of new improvements. No construction drawings required.</p>

5. Utility Easement: The utility easement width shall be a minimum of the (10) feet from the exterior boundaries and five (5) feet from the interior boundaries. Utility easements shall be shown graphically on the plat.	Meets Code

PRELIMINARY PLAT REVIEWED ON

4/20/2023 – 6/13/2023

PLAT REVIEWED BY:

Stephanie Hailey and
Devin Krasowski

COMPLIANCE WITH CONDITIONS OF APPROVAL

Meets / Comments

CR2022-0020
Conditional Rezone from "A" to "RR"
to be heard with the Short Plat.
Conditions of Approval are Pending



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

▪ Engineering Division ▪

Final Plat Check-List

Applicant: Jeremy Eells	Case Number: SD2022-0030
Subdivision Name: The Landing Spot	Plat Date: 4/18/23 (3)

CANYON COUNTY CODE OF ORDINANCES 07-17-13 (1-6)

The information hereinafter required as part of the preliminary plat submitted shall be shown graphically or by note on plans, and may comprise several sheets showing various elements or required data.

1. METHOD & MEDIUM OF PRESENTATION	<u>Meets Code / Comments</u>
A. All plats to be recorded shall be prepared on a drafting medium in accordance with Requirements of Idaho Code Title 55, Chapter 19, paragraph (1) for Records of Survey Maps.	Meets Code
B. The plat shall be drawn to an accurate scale of not more than one hundred feet to an inch (1"=100') unless otherwise approved by DSD <i>prior to submission</i> .	Meets Code
C. The final plat drawing shall be additionally submitted in digital form approved by the Director.	Meets Code
2. IDENTIFICATION DATA REQUIRED	
A. A title which includes the name of the subdivision and its location by number of section, township, range and county shall be placed together at one location at the top of the sheet and generally centered.	Meets Code
B. Name, address and official seal of the surveyor preparing the plat.	Meets Code
C. North arrow.	Meets Code
D. Date of preparation.	Meets Code
E. Revision block showing dates of any revisions subsequent to the original preparation date. The revision block shall be part of the title block which shall be placed along the right edge of the drawing.	Please fill in the revision block.

3. SURVEY DATA REQUIRED	<u>Meets Code / Comments</u>
A. Boundaries of the tract to be subdivided and the interior lots are to be fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.	Meets Code
B. Any excepted lots within the plat boundaries shall show all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.	NA
C. Basis of bearing on the plat shall be referenced.	Meets Code

4. DESCRIPTIVE DATA REQUIRED	<u>Meets Code / Comments</u>
A. Name, right-of-way lines, courses, lengths, width of all private and public streets, alleys, pedestrian ways and utility easements.	Meets Code
B. All drainage ways.	Meets Code
C. All easements provided for public services or utilities and any limitations of the easements.	Meets Code
D. All lots and blocks shall be numbered throughout the plat in accordance with Idaho Code. "Exceptions", "tracts", and "private parks" shall be so designated, lettered or named and clearly dimensioned.	Meets Code
E. All sites to be dedicated to the public will be indicated and the intended use specified.	NA
F. All roads must be labeled as either "private" or "public" behind or beneath the road name.	Meets Code
G. The area of each lot shall be stated in acres and decimals thereof.	Meets Code
H. The statement from Idaho Code 22-4503 or any later amended statutory language shall appear on all final plats located in a zone where agricultural uses are allowed or permitted.	
I. A note as to the type of sewage disposal facilities to be provided.	Meets Code
J. A note as to the type of water supply facilities to be provided.	Meets Code
K. Required section and quarter-section line setbacks.	Meets Code
5. DEDICATION AND ACKNOWLEDGMENT	<u>Meets Code / Comments</u>
A. A statement of dedication of all streets, alleys, pedestrian ways and other easements for public use by the person holding title of record and by person holding title as vendees under land contract.	NA

B. Acknowledgement of dedication: The dedication referred to in Section 07-18-17 of this Chapter shall be in the form of a certificate acknowledged in accordance with Idaho Code 50-1309.	NA
6. REQUIRED CERTIFICATIONS	<u>Meets Code / Comments</u>
A. Landowner's signature.	Meets Code
B. Certification by a surveyor stating that the plat is correct and accurate and that the monuments described in it have been located as described.	Meets Code
C. Certification of plat approval by the County Surveyor.	Meets Code
D. Certification of plat approval by the Board.	Meets Code
E. Approval or certification of comment by impacted agencies that may include: Highway Districts, Health Department, the City when the development is in an area of City Impact, Treasurer, Recorder, and State and Federal agencies having jurisdiction.	Meets Code

FINAL PLAT REVIEWED ON

6/13/23

PLAT REVIEWED BY:

Stephanie Hailey
and Devin Krasowski

COMPLIANCE WITH CONDITIONS OF APPROVAL

Meets Conditions / Comments

CR2022-0020
Conditional Rezone to be heard with the
Short Plat application.
Conditions of Approval are pending.



September 13, 2022

Mr. Devin Krasowski
Associate Engineer
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: The Landing Spot Subdivision Preliminary Plat Application

Dear Mr. Krasowski,

Keller Associates, Inc. has reviewed the Preliminary Plat for the Landing Spot Subdivision dated June 7, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17.

1. A Road Users Agreement will be required between lots 1 & 3.
2. Plat shall comply with requirements of the local highway district.
3. Plat shall comply with irrigation district requirements.
4. Plat shall comply with Southwest District Health requirements.

We recommend that the preliminary plat be **APPROVED with the conditions listed above**. Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above referenced preliminary plat does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 244-5065.

Sincerely,

KELLER ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'Justin Walker', is written over the printed name.

Justin Walker, P.E.
County Engineer

cc: File



April 18, 2024

Ms. Stephanie Hailey
Engineering Coordinator
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: The Landing Spot Subdivision Preliminary Plat Application

Dear Ms. Hailey,

Keller Associates, Inc. has reviewed the Preliminary Plat for the Landing Spot Subdivision dated April 10, 2024. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17.

We recommend that the preliminary plat be APPROVED. Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above referenced preliminary plat does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 244-5065.

Sincerely,

KELLER ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Justin Walker".

Justin Walker, P.E.
County Engineer

cc: File



September 13, 2022

Mr. Devin Krasowski
Associate Engineer
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: The Landing Spot Subdivision Final Plat Application

Dear Mr. Krasowski,

Keller Associates, Inc. has reviewed the Landing Spot Subdivision Final Plat dated June 7, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17.

We recommend that the final plat be **APPROVED**. Please note that the County Surveyor may have additional comments prior to signature of the Final Plat mylar. Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above-referenced Plat, when granted, does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 244-5065.

Sincerely,

KELLER ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Justin Walker".

Justin Walker, P.E.
County Engineer

cc: File



April 18, 2024

Ms. Stephanie Hailey
Engineering Coordinator
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: The Landing Spot Subdivision Final Plat Application

Dear Ms. Hailey,

Keller Associates, Inc. has reviewed the Landing Spot Subdivision Final Plat dated April 10, 2024. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17.

We recommend that the final plat be **APPROVED**. Please note that the County Surveyor may have additional comments prior to signature of the Final Plat mylar. Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above-referenced Plat, when granted, does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 244-5065.

Sincerely,

KELLER ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Justin Walker".

Justin Walker, P.E.
County Engineer

cc: File

CANYON SOIL CONSERVATION DISTRICT



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

SUPERVISORS: Mike Swartz, Chairman; Robert McKellip Vice Chairman;
Dave Dixon, Secretary/Treasurer; Mike Somerville, Supervisor; & Rex Runkle, Supervisor
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood
SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

August 12, 2022

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

From: Canyon Soil Conservation District (Canyon SCD)

Subject: Notification to Canyon pursuant to the local use Planning Act

Thank you for sending Canyon Soil Conservation District (SCD) several zoning request. They are: CU2022-0007, /Symms Fruit Ranch, Inc. / Todd Lakey, CU2022-0034, Bill LeClerc/Todd Lakey, CR2022-0018, Mireya Fleix, RZ2022-0010/SD2022-0033, Marvil Smith/Mike Engebritson, RZ2022-0011/SD2022-0034, Sierra Vista Properties Inc, CR2022-0022/SD2022-0032 Bonnie Vance Vermaas, CR2022-0016 MDC LLC/Joseph Carter, CR2022-0020 Jeremy Eells Juli McCoy

Comments from Canyon County SCD:

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

We are including and used the Soil Capability Class definitions as written in the draft Comprehensive Plan 2030.

CU2022-0007, /Symms Fruit Ranch, Inc. / Todd Lakey-88% of the soils are class III and 12% are class IV. Class III soils have moderate limitation and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CU2022-0034, Bill LeClerc/Todd Lakey-100% of the soils are class III. Class III soils have moderate limitation and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0018, Mireya Fleix- no comments

RZ2022-0010/SD2022-0033, Marvil Smith/Mike Engebritson- 86% of the soils are Class IV and 14% of the soils are not rated.

RZ2022-0011/SD2022-0034, Sierra Vista Properties Inc, -35% of the soils are Class III, 47% of the soils are Class IV, 11% of the soils are Class VI and 7% is not rated.

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

CANYON SOIL CONSERVATION DISTRICT



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

SUPERVISORS: Mike Swartz, Chairman; Robert McKellip Vice Chairman;
Dave Dixon, Secretary/Treasurer; Mike Somerville, Supervisor; & Rex Runkle, Supervisor
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood

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

CR2022-0022/SD2022-0032 Bonnie Vance Vermaas- 42% of the soils are Class III, 23% of the soils are Class IV, 13% of the soils are Class VI and 22% of the soils are not rated.

CR2022-0016 MDC LLC/Joseph Carter-78% of the soils are Class II, 14% of the soils are Class III and 1% is Class VI. Class II soils are best suited for production and Class III soils have moderate limitation and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0020 Jeremy Eells Juli McCoy-95% of the soils are Class III, 1% of the soils are Class IV and 4% of the soils are Class VI. Class III soils have moderate limitation and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

Continued Partnership and Conservation.
Sincerely,

Rich Sims acting for:

Mike Swartz, Canyon SCD Chairman

Soil Capability Classes definitions

Information derived from Draft Comprehensive Plan 2030, Conservation Practices provided by United States Department of Agriculture-Natural Resources Conservation Service

Soil Capability Classes shows in a general way, the suitability for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management.

Class I/Best Suited: Best suited for intensive production and have few limitations that restrict their use.

Class II/Best Suited: Suited for production. It may have some limitations that reduce the choice of plants or require moderate conservation practices. Some conservation practices that could be used are: Reduced or No Till tillage, Irrigation Water Management (applying water according to soil type and crop need), Nutrient Management (applying fertilizer according to plant needs, take soil samples) and crop rotation (alternating crops on a yearly basis). Irrigation improvements (sprinkler irrigation, drip systems, improved flood irrigation systems).

Class III/Moderately Suited: Limitation that reduce the choice of plants require special conservation practices or both. Some conservation practices that could be used are: Reduced or No Till tillage, Irrigation Water Management (applying water according to soil type and crop need), Nutrient Management (applying fertilizer according to plant needs, take soil samples) and crop rotation (alternating crops on a yearly basis). Irrigation improvements (sprinkler irrigation, drip systems, improved flood irrigation systems). crop rotation (alternating crops on a yearly basis), contour farming on slopes.

Class IV/Moderately suited: Very severe limitations that restrict the choice of plants and require very careful management or both. Some conservation practices that could be used are: Reduced or No Till tillage, Irrigation Water Management (applying water according to soil type and crop need), Nutrient Management (applying fertilizer according to plant needs, take soil samples) and crop rotation (alternating crops on a yearly basis). Irrigation improvements (sprinkler irrigation, drip systems, improved flood irrigation systems), crop rotation (small grains with 4 to 5 years of grass/legumes), contour farming on slopes.

Class V/Least-Suited: Little or no erosion hazard but have other limitations impractical to remove that limit their use primarily to pasture, range, woodland or wildlife food and cover.

Class VI/Least-Suited: Severe limitations make them generally unsuited to cultivation and limit their use primarily to pasture or range, woodland, or wildlife food and cover.

Class VII/Least-Suited: Very severe limitations make them unsuited to cultivation and restrict their use mainly to grazing, woodland, or wildlife.

Class VIII/Least-Suited: Limitations preclude their use for commercial plant production and restrict their use to recreation, wildlife, water supply or aesthetic purposes. Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposed, wildlife habitat, watershed, or aesthetic purposes.

Custom Soil Resource Report

Map—Irrigated Capability Class (CR2022-0020 Jeremy Eells Juli McCoy)



MAP LEGEND

MAP INFORMATION

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

Capability Class - I

Capability Class - II

Capability Class - III

Capability Class - IV

Capability Class - V

Capability Class - VI

Capability Class - VII

Capability Class - VIII

Not rated or not available

Soil Rating Lines

Capability Class - I

Capability Class - II

Capability Class - III

Capability Class - IV

Capability Class - V

Capability Class - VI

Capability Class - VII

Capability Class - VIII

Not rated or not available

Soil Rating Points

Capability Class - I

Capability Class - II

Capability Class - III

Capability Class - IV

Capability Class - V

Capability Class - VI

Capability Class - VII

Capability Class - VIII

Not rated or not available

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

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

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

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

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

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

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

Soil Survey Area: Canyon Area, Idaho
Survey Area Data: Version 18, Sep 9, 2021

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

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

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

Custom Soil Resource Report

Table—Irrigated Capability Class (CR2022-0020 Jeremy Eells Juli McCoy)

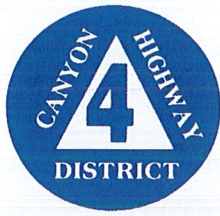
Map unit symbol	Map unit name	Rating	Acres In AOI	Percent of AOI
PpB	Power-Purdam silt loams, 1 to 3 percent slopes	3	20.1	81.4%
PpD	Power-Purdam silt loams, 7 to 12 percent slopes	6	1.0	4.0%
PrB	Purdam silt loam, 1 to 3 percent slopes	3	3.2	13.1%
PrC	Purdam silt loam, 3 to 7 percent slopes	4	0.4	1.5%
Totals for Area of Interest			24.6	100.0%

Rating Options—Irrigated Capability Class (CR2022-0020 Jeremy Eells Juli McCoy)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



August 18, 2022

Canyon County Board of Commissioners and Planning & Zoning Commission
111 N. 11th Street
Caldwell, Idaho 83605
Attention: zoninginfo@canyoncounty.id.gov

RE: CR2022-0020
Conditional Rezone from Agricultural to C-R-R Rural Residential
Canyon County Parcel R32703 aka 16697 Marshall Lane

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for Conditional Rezone of the above described parcel R32703 from Agricultural to C-R-R Rural Residential and offers the following comments on the proposed use:

General

The subject property consists of 1 parcel totaling approximately 8.9 acres, located south of Galloway Rd and east of Emmett Rd in the NW ¼ Section 25 T5N R3W. The request includes a development agreement, and limits division of the property to no more than three lots.

The subject property does not appear to have any frontage on a public road. A public right-of-way for Bronc Lane, 28-feet in width, is contiguous with the subject property at the northwest corner. No public roadway improvements existing within this right-of-way. The subject property is served by a private road (Marshall Lane) which extends north from the northeast corner of the site approximately 1,320-feet to Homedale Rd. CHD4 has record of an access easement to serve the subject property along Marshall Lane (Inst. No. 719749), but does not guarantee its validity. The subject property is located within 1,800 feet of Caldwell city limits, lies within the Caldwell impact area, and is considered urban for purposes of development.

Homedale Rd is classified as a minor arterial on the functional classification maps adopted by CHD4 and Canyon County. The private Marshall Lane access to Homedale Rd is located approximately ¼ mile east of Farmway Rd, which is consistent with collector road spacing for an urban minor arterial. The private Marshall Lane approach to Homedale Rd may be consolidated with a future public road access when the parcel east of the subject property is developed.

Outparcels (Not applicable to this request)

Access

The existing private Marshall Lane approach to Homedale Rd has been improved to meet current CHD4 commercial or multi-family approach standards, and includes a paved apron. This approach is suitable to serve the two additional residential parcels proposed by the applicants. An access permit from CHD4 is required for any new residential construction.

Transportation Impacts:

The proposed two new residential lots are not anticipated to exceed the 500 trips/day threshold which would require a traffic impact study, nor to generate sufficient new traffic to significantly impact the existing or planned transportation network. Traffic impacts from the proposed development may be mitigated through development impact fees collected from new residential construction. CHD4 is currently in development of a capital improvement plan and impact fee program to enact impact fees in this area, but will require the County to participate in adoption of that plan.

Section Line Setbacks

Not applicable to this site.

CHD4 does not oppose the requested zoning changes, but requests the Commission make these comments conditions of any approved land use action. CHD4 also recommends the applicants submit a plat application to CHD4 at the same time application is made to Canyon County to allow both review processes to occur simultaneously.

Please feel free to contact me with any questions on this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chris Hopper", followed by a horizontal line.

Chris Hopper, P.E.
District Engineer

File: Homedale Rd- CR2022-0020 Marshall Lane Rezone_Eells

**BEFORE THE BOARD OF COMMISSIONERS OF
HIGHWAY DISTRICT NO. 4**

In the Matter of the:

**APPLICATION FOR FINAL PLAT
ACCEPTANCE FOR
THE LANDING SPOT SUBDIVISION**

CASE NO. FP-24-01-1

ORDER OF FINAL PLAT ACCEPTANCE

Jeremy & Amber Eells, Applicants

Section 1. Introduction Basis for Order

- 1.1 This matter coming before the Board of Commissioners on the 18th day of January, 2024 for Final Plat approval pursuant to the application of the above named Applicant to the Board of Commissioners of Highway District No. 4 as required by Idaho Code § 50-1312, which provides in part: *.....that in a county where a highway district exists and is in operation no such plat shall be accepted for recording by the county recorder unless the acceptance of said plat by the commissioners of the highway district is endorsed thereon in writing; and as required by Section and 07-23-13 (6) F of the Canyon County Code which provides: (6) Required Certifications: The following certifications shall be placed on the signature page of the final plat: F. Approval or certification or comment by impacted agencies that may include: highway districts, health department, the city when the development is in an area of impact, treasurer, recorder, and state and federal agencies having jurisdiction; and*
- 1.2 Pursuant to the provisions of *Highway Standards and Development Procedures for the Association of Canyon County Highway Districts (ACCHD) Manual* [2022 Edition] [hereinafter referred to as “HSDP”] as set forth in Section 2010, the General Procedures and Conditions for Subdivision Plat Approval.

Section 2. Findings

The Board of Commissioners makes the following Findings:

- 2.1** The Director has approved the Final Plat dimensions and verified that all conditions required by this Highway District for Final Plat acceptance have been incorporated into the Final Plat as presented.
- 2.2** The subject Plat contains neither dedication of right-of-way or public roads or streets nor any required publicly dedicated improvements.

Section 3. Order of the Board of Commissioners

This Board of Commissioners, having made its Findings and good cause appearing, does hereby Order and this does order that:

- 3.1** The Final Plat of "The Landing Spot Subdivision" prepared by Thomas J. Wellard, PLS, No. 15352, dated and stamped April 18, 2023 [herein referred to for convenience as "Final Plat"] is accepted subject to the conditions herein stated.
- 3.2** The Conditions of this Order of Final Plat Acceptance are as follows:
- 3.2.1 Condition Subsequent:** This Order is subject to a condition subsequent that the Final Plat herein accepted and approved is hereinafter approved by the Canyon County Commissioners without change and recorded in the records of the Canyon County Recorder's Office on or before **the 18th day of January, 2025** and this Order is automatically rescinded in the event this condition subsequent is not timely completed.
- 3.3** The Chairman of the Board of Commissioners is authorized to sign the plat on behalf of Highway District No. 4.
- 3.4** The Secretary is directed to file the original of this Order in the official records of this Highway District and to serve a copy upon the Applicant, the Director of Development Services Department of Canyon County, the Director and the Highway District Engineer.

BY ACTION OF THE BOARD OF COMMISSIONERS at its regular meeting held on the 18th day of January, 2024.


By: 
Chairman, Board of Commissioners

ATTEST:


Highway District Secretary

Copy served upon Applicant, Director of Development Services Department of Canyon County, the Director and the Highway District Engineer.

Dated: 1/18/2024

By: 
Highway District Secretary

NW Section Corner
Section 9
CR&R Inst. No.
2018014635

HOMEDEALE ROAD (PUBLIC)

THE LANDING SPOT SUBDIVISION
A PORTION OF THE SW 1/4 NW 1/4 OF SECTION 9,
TOWNSHIP 3 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO
2023

UNPLATTED

UNPLATTED

28' Ingress/Egress,
Utility, Irrigation and
Drainage Easement

NW 1/4 Corner
Section 9
POINT OF
BEGINNING

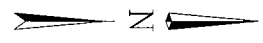
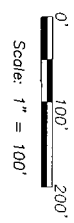
30' Ingress/Egress, Utility, Irrigation
and Drainage Easement

Reference Surveys:
Inst. No. 9924596
Inst. No. 2020006950
Inst. No. 2021083576
Maverick Subdivision
Inst. No. 710181
Book 12, Page 35

Reference Deed:
Inst. No. 2020017050
UNPLATTED

UNPLATTED

- LEGEND
- BRASS CAP MONUMENT - FOUND
 - ALUMINUM CAP MONUMENT - FOUND
 - 5/8" REBAR - FOUND
 - 5/8" x 24" REBAR - SET
 - 1/2" x 24" REBAR - SET
 - PROPERTY BOUNDARY LINE
 - SECTION/ALLOTMENT PART LINE
 - INGRESS/EGRESS, UTILITY, IRRIGATION &
DRAINAGE EASEMENT LINE



FARMWAY ROAD (PUBLIC)

MAVERICK SUBDIVISION
BOOK 12, PAGE 35

BUCKAROO CIRCLE (PUBLIC)

N0°37'58"E
1327.24'

SW 1/4 NW 1/4

UNPLATTED

N0°36'48"W
1325.88'
BASIS OF BEARING

Surveyor's Narrative:
This survey was performed at the request of Jeremy Edis to subdivide the property described in the reference deed to create additional building lots. Section control and existing property corner monuments were located and held as shown. The boundary was held as previously established in Record of Survey Inst. No. 9924596. The basis of bearing and elevations for this survey was established by GNSS observations, projected to the Idaho State Plane Coordinate system, West Zone, NAD83 datum. Elevations are NAVD88 if bearings shown are on grid azimuth and all distances are ground at project elevation.

NOTES:

1. This development recognizes Section 22-4503, Idaho Code. Right to Farm, which states: "No agricultural operation or an apurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or an apurtenance to it."
2. Water for domestic purposes shall be supplied by single party wells. Sanitary restrictions designating areas reserved for well installation shall be subject to the approval of Southwest District Health.
3. Sewage disposal shall be by individual septic systems. Sanitary restrictions designating areas reserved for the construction of drain fields shall be subject to the approval of Southwest District Health.
4. This development recognizes and is in compliance with Idaho Code 31-3805(1)(b). Lots are subject to assessments from the Wilder Irrigation District.
5. The subject property is zoned CR-RR (CONDITIONAL REZONE-RURAL RESIDENTIAL) subject to development agreement No. _____ Inst. No. _____
6. The development is 8.973 acres.
7. This development consists of 3 residential lots.
8. Post development storm water run-off from each lot is to be managed by landscaping measures, swales, ditches and similar retention methods, wholly on the lot generating the run-off; the design, construction and maintenance of these facilities is to be the responsibility of each lot owner.
9. Finish grades of subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
10. No permanent structure shall be located closer than seventy feet (70') to any section or quarter line setback requirement.
11. UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
IF A LOT LINE IS MOVED, THE EASEMENT(S) SHALL MOVE WITH THE LOT LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S)

1326.33'
S89°36'34"W

NW 1/4 Corner
Section 9
CR&R Inst. No.
2019016194

SW 1/4 Corner
Section 9
CR&R Inst. No.
2019016194

BOOK PAGE

Sheet 1 of 2

REVISIONS

No.	Description
1	
2	

Skinner
Land Survey

Drawn By: ZCL
Date: March 29, 2022
Surveyed By: ZCL
17842 Sand Hollow Road
Caldwell, Idaho 83607
(208)-454-0933
WWW.SKINNERLANDSURVEY.COM
surveys@skinnerlandsurvey.com
Job No. FE2422



OWNERS' CERTIFICATE

We, Jeremy & Amber Ellis, husband and wife, say we are the owners of this property, being more particularly described in the legal description below, state that it is our intention to include said property in the subdivision plat, and that we do for ourselves, heirs, transferees, successors and assigns. The easements shown on the plat are not dedicated to the public but intended only for the right and purpose set forth on the plat and no structures other than those for Utility, Irrigation and Drainage purposes are to be erected within limits of the easements.

This parcel is a portion of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9 in Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ (NW1/16 Corner, Section 9), a found 5/8 inch diameter rebar;

thence South 00°36'48" West along the East boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 589.65 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence leaving said East boundary bearing South 89°39'59" West a distance of 663.04 feet to a point on the East boundary of Moverick Subdivision also being the West boundary of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, a found 5/8 inch diameter rebar;

thence North 00°37'28" East along said East boundary a distance of 589.67 feet to the Northeast corner of said Moverick Subdivision, a found 5/8 inch diameter rebar;

thence North 89°40'05" East along the North boundary of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 662.92 feet to the POINT OF BEGINNING, said parcel being 8.973 acres more or less, and being subject to any and all easements and rights of way of record or implied.

Jeremy Ellis

Amber Ellis

ACKNOWLEDGEMENT

STATE OF IDAHO)
) S.S.
COUNTY OF CANYON)

On this ____ day of _____, in the year of 20____, before me, the undersigned, a notary public, personally appeared Jeremy & Amber Ellis, husband and wife, proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

APPROVAL OF CALDWELL CITY ENGINEER

I, The undersigned, Caldwell City Engineer, hereby state that the recommended conditions of the City of Caldwell have been satisfied for this plat.

Caldwell City Engineer

Date

THE LANDING SPOT SUBDIVISION

A PORTION OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 9,
TOWNSHIP 3 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO
2023

SURVEYOR'S CERTIFICATE

I, Thomas J. Wellard, P.L.S., do hereby certify that I am a professional land surveyor licensed by the State of Idaho, and that this plat, as described in the certificate of owners and the attached plat, was drawn from an actual survey made on the ground under my direct supervision and accurately represents the points platted thereon in conformity with the State of Idaho codes relating to plats, surveys and the corner perpetuation and filing act, Idaho Code 55-1601 through 55-1612.

Thomas J. Wellard

P.L.S. 15352

CERTIFICATION AND APPROVAL OF
SOUTHWEST DISTRICT HEALTH DEPARTMENT

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

Southwest District Health Department

Date

APPROVAL OF CANYON HIGHWAY DISTRICT

Canyon Highway District No. 4 does hereby accept this plat in accordance with the provisions of I.C. § 50-1312. Private streets depicted on this plat are not maintained by or under the jurisdiction of the Highway District. There is no legal obligation or assurances that the private streets will be accepted as public streets in the future.

Chairman

Date

CERTIFICATION AND APPROVAL OF COUNTY SURVEYOR

I, the undersigned, Professional Land Surveyor for Canyon County, Idaho do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

County Surveyor

Date

CERTIFICATE OF COUNTY TREASURER

I, Tracie Lloyd, County Treasurer in and for the County of Canyon, State of Idaho, per the requirements of I.C. 50-1308, do hereby certify that any and all current and/or delinquent County Property Taxes for the property included in this proposed subdivision have been paid in full. This certificate is valid for the next thirty (30) days only.

County Treasurer

Date

APPROVAL OF BOARD OF COUNTY
COMMISSIONERS OF CANYON COUNTY

Accepted and approved this ____ day of _____, 20____, by the Canyon County Commissioners, Canyon County, Idaho.

Chairman

Clerk

COUNTY RECORDERS CERTIFICATE

INSTRUMENT NUMBER: _____ FEE _____
STATE OF IDAHO } S.S.
COUNTY OF CANYON }
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS
FILED AT THE REQUEST OF SKINNER LAND
SURVEY CO. AT ____ MINUTES PAST ____ O'CLOCK
____ M. THIS ____ DAY OF _____, 20____,
IN BOOK ____ OF SURVEYS, AT PAGE ____

EX-OFFICIO RECORDER

DEPUTY

Sheet 2 of 2

Drawn By: ZCL

Date: March 29, 2022

Surveyed By: ZCL

Job No. FE2422

Skinner
Land Survey

17842 Sand Hollow Road
Caldwell, Idaho 83607
(208)-454-0933
WWW.SKINNERLANDSURVEY.COM
surveys@skinnerlandsurvey.com

BOOK _____ PAGE _____

The Landing Spot Subdivision

1 in = 800 feet





JAROM WAGONER
Mayor

208.455.3011
(f) 208.455.3003

City Hall
205 South 6th Ave.
Caldwell, Idaho 83605

Post Office Box
P.O. Box 1179
Caldwell, Idaho 83606

For a list of the City
Council members, visit:
Website
www.cityofcaldwell.org

CITY OF *Caldwell, Idaho*

Exhibit D7

August 22, 2024

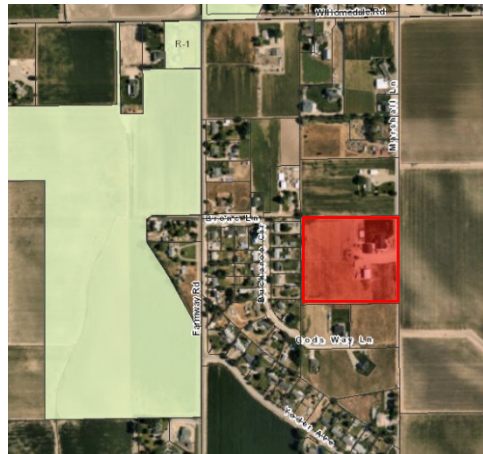
Michelle Barron
Staff Planner
Canyon County Development Services Dept.
111 North 11th Ave. Ste. 340
Caldwell, Idaho 83605

Re: CR2022-0020 and SD2022-0030
R32703
16695 Marshall Lane,
Caldwell, Idaho 83607

Dear Ms. Barron,

Our office received a notification regarding a Conditional Rezone (CR2022-0020) and a Short Plat (SD2022-0030) for Jeremy Eells to consist of three (3) total residential lots on 8.94 acres. Our records do not indicate that the City of Caldwell has previously submitted comments on this application.

This parcel is located within the City of Caldwell's Area of City Impact and is approximately 600 feet from a touch point for annexation (the intersection of Bronco Ln. and Farmway Road). City water and sewer do not appear to be available to this area at this time.



Map Legend:

Green = R-1 Caldwell zoning
No Color = Unincorporated County

The subject parcel is currently designated as Low Density Residential in the City of Caldwell's Comprehensive Plan. However, the City of Caldwell is in the process of updating its comprehensive plan and future land use map and the anticipated

"The Treasure of the Valley"

designation for this property may change to Neighborhood 2 which is equivalent to Low Density Residential/Medium Density Residential.

Because of the existing County homes in this area and the other rural properties in the area, the City finds the proposed short plat and additional two (2) lots should maintain the character of the existing area and would be consistent with the existing and proposed future land use designations. In addition, due to the current property being located off of a private lane, the City does not have any requests or recommendations regarding access, street buffers, or land use buffers.

Sincerely,

Joseph Dodson
Senior Planner
City of Caldwell Planning and Community Development Department

Michelle Barron

From: Steve Pendleton <spendleton@cityofcaldwell.org>
Sent: Monday, September 9, 2024 12:36 PM
To: Michelle Barron
Cc: T.J. Frans; Hallie Hart
Subject: [External] Case No. CR2022-0020 and SD2022-0030
Attachments: Jeremy Ellis Rezone CR2022-0020 and SD2022-0030.pdf

Michelle,

City of Caldwell ha no issue with the request for the Case number shown above. Please see attached memo stating City has no comment pertaining to the application.

Thanks



205 South 6th Ave. Caldwell, ID 83605
P: (208) 455-4683 | F: (208) 455-3012
spendleton@cityofcaldwell.org

Memorandum

To: Michelle Barron
Canyon County Development Services Department

From: TJ Frans, Project Manager
Steven Pendleton, Civil Plans Examiner II

Re: Case No. CR2022-0020 and SD2022-0030

Date: September 9, 2024

The Engineering Department provides the following comments on a request by Jeremy Eells, is requesting a (Conditional Rezone-Rural Residential) zone and Short Plat subdivision (The Landing Spot - 3-lot subdivision) to create two additional lots for family members to build homes on. The request will also include a Development Agreement to place conditions on the rezone. The subject parcel is located at 16695 Marshall Ln., Caldwell, ID 83607; also referenced as a portion of the SW1/4 of Section 9, T3N, R3W, BM, Canyon County, Idaho.

City of Caldwell Engineering Dept. has no comment for the above referenced case number.

FRED BUTLER
CHAIRMAN OF THE BOARD

RICHARD MURGOITIO
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

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

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

21 August 2024

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

Canyon County Development Services
111 North 11th Ave., Ste. 140
Caldwell, Idaho 83605

RE: Jeremy Eells
16695 Marshall Ln., Idaho
Wilder Irrigation District
Cook 4.8 Lateral 05+00, 05+20
Sec. 09, T3N, R3W, BM.

CR2022-0022

W-217-1-4

RECEIVED
▶ AUG 26 2024 ◀
RECEIVED

Michelle Barron, Planner:

There are no Boise Project or Wilder Irrigation District facilities located on the above-mentioned property, however it does in fact possess a valid water right.

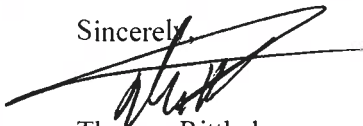
Per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors.

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

Storm drainage and/or street runoff must be retained on site.

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

Sincerely,



Thomas Ritthaler
Assistant Project Manager, BPBC

tbr/tr

cc: Tony Avermann
Lisa Sweet
File

Watermaster, Div; 4 BPBC
Secretary – Treasurer, WID

Michelle Barron

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Wednesday, August 21, 2024 4:23 PM
To: Michelle Barron
Subject: [External] RE: Full Political CR2022-0020 & SD2022-0030 Eells / Landing Spot

Hi Michelle,

Sanitary restrictions were satisfied for the Landing Spot (3-lots including one existing lot) on 09/22/2023.

Let me know if you have any questions or more clarification.

Thank you,



Check out our new online self-service portal here! [PORTAL](#)

Anthony Lee, RS/BS | Land Development Senior
 o 208.455.5384 | c 208.899.1285 | f 208.455.5300
anthony.lee@swdh.id.gov | SWDH.org
 13307 Miami Ln., Caldwell, ID 83607

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Tuesday, August 20, 2024 11:15 AM
To: 'rcollins@cityofcaldwell.org' <rcollins@cityofcaldwell.org>; 'P&Z@cityofcaldwell.org' <P&Z@cityofcaldwell.org>; dgeyer@cityofcaldwell.org; jdodson <jdodson@cityofcaldwell.org>; 'mbessaw@cityofcaldwell.org' <mbessaw@cityofcaldwell.org>; 'clerk@greenleaf-idaho.us' <clerk@greenleaf-idaho.us>; 'amy@civildynamics.net' <amy@civildynamics.net>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'sellersr@cityofnampa.us' <sellersr@cityofnampa.us>; 'watkinsk@cityofnampa.us' <watkinsk@cityofnampa.us>; 'badgerd@cityofnampa.us' <badgerd@cityofnampa.us>; 'addressing@cityofnampa.us' <addressing@cityofnampa.us>; 'critchfieldd@cityofnampa.us' <critchfieldd@cityofnampa.us>; 'clerks@cityofnampa.us' <clerks@cityofnampa.us>; 'timc@cityofnampa.us' <timc@cityofnampa.us>; 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'info@parmacityid.org' <info@parmacityid.org>; 'mayor@parmacityid.org' <mayor@parmacityid.org>; 'planning@parmacityid.org' <planning@parmacityid.org>; 'snickel@staridaho.org' <snickel@staridaho.org>; 'wsevery@cityofwilder.org' <wsevery@cityofwilder.org>; 'casanderson@caldwellschools.org' <casanderson@caldwellschools.org>; 'nicmiller@cw.edu' <nicmiller@cw.edu>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'drhorras@kunaschools.org' <drhorras@kunaschools.org>; 'bgraves@kunaschools.org' <bgraves@kunaschools.org>; 'rreno@kunaschools.org' <rreno@kunaschools.org>; 'dholzhey@marsingschools.org' <dholzhey@marsingschools.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'horner.marci@westada.org' <horner.marci@westada.org>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'krantz@notusschools.org' <krantz@notusschools.org>;

'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>;
 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; joseph.palmer@vallivue.org; 'jdillon@wilderschools.org'
 <jdillon@wilderschools.org>; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'aperry@cityofcaldwell.org'
 <aperry@cityofcaldwell.org>; 'homedalefd@gmail.com' <homedalefd@gmail.com>; 'tlawrence@kunafire.com'
 <tlawrence@kunafire.com>; 'khinkle@kunafire.com' <khinkle@kunafire.com>; 'marsingfiredistrict@yahoo.com'
 <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>;
 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'kenny.hoagland@melbafire.id.gov'
 <kenny.hoagland@melbafire.id.gov>; 'permits@starfirerescue.org' <permits@starfirerescue.org>;
 'johnsonre@nampafire.org' <johnsonre@nampafire.org>; 'johnsonrl@nampafire.org' <johnsonrl@nampafire.org>;
 'linanj@nampafire.org' <linanj@nampafire.org>; 'jeff@parmafire.us' <jeff@parmafire.us>; 'parmaruralfire@gmail.com'
 <parmaruralfire@gmail.com>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'eddy@heritagewifi.com'
 <eddy@heritagewifi.com>; 'jmaloney@wilderfire.org' <jmaloney@wilderfire.org>; 'knute.sandahl@doi.idaho.gov'
 <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'lriccio@hwydistrict4.org'
 <lriccio@hwydistrict4.org>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'office@idcpas.com' <office@idcpas.com>; 'Eddy
 Thiel' <eddy@nampahighway1.com>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'admin1@kunalibrary.org'
 <admin1@kunalibrary.org>; 'admin2@kunalibrary.org' <admin2@kunalibrary.org>; 'lizardbuttelibrary@yahoo.com'
 <lizardbuttelibrary@yahoo.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>;
 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com'
 <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com'
 <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>;
 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>;
 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>;
 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; 'tritthaler@boiseproject.org'
 <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; 'irr.water.3@gmail.com'
 <irr.water.3@gmail.com>; 'kchamberlain.fcdc@gmail.com' <kchamberlain.fcdc@gmail.com>; 'office@idcpas.com'
 <office@idcpas.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'farmers.union.ditch@gmail.com'
 <farmers.union.ditch@gmail.com>; 'irr.water.3@gmail.com' <irr.water.3@gmail.com>; 'wilders04@msn.com'
 <wilders04@msn.com>; 'irrigation.mm.mi@gmail.com' <irrigation.mm.mi@gmail.com>; 'nmid@nmid.org'
 <nmid@nmid.org>; 'eolvera@nmid.org' <eolvera@nmid.org>; 'terri@nyid.org' <terri@nyid.org>;
 'kirk@pioneerirrigation.com' <kirk@pioneerirrigation.com>; 'sheepmama25@gmail.com' <sheepmama25@gmail.com>;
 'mack@settlersirrigation.org' <mack@settlersirrigation.org>; 'kchamberlain.fcdc@gmail.com'
 <kchamberlain.fcdc@gmail.com>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee
 <Anthony.Lee@swdh.id.gov>; 'drain.dist.2@gmail.com' <drain.dist.2@gmail.com>; 'bryce@sawtoothlaw.com'
 <bryce@sawtoothlaw.com>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; 'farmerhouston@gmail.com'
 <farmerhouston@gmail.com>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'testrada@starswd.com'
 <testrada@starswd.com>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org'
 <clittle@achdidaho.org>; 'brentc@brownbuscompany.com' <brentc@brownbuscompany.com>;
 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov'
 <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>;
 'itdd3permits@itd.idaho.gov' <itdd3permits@itd.idaho.gov>; 'airport.planning@itd.idaho.gov'
 <airport.planning@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>;
 'smm5156@gmail.com' <smm5156@gmail.com>; 'deb0815@yahoo.com' <deb0815@yahoo.com>;
 'kunacemetery@gmail.com' <kunacemetery@gmail.com>; '3tjj@frontiernet.net' <3tjj@frontiernet.net>;
 'melbacemetery@gmail.com' <melbacemetery@gmail.com>; 'middletoncemdist13@gmail.com'
 <middletoncemdist13@gmail.com>; 'ann_jacops@hotmail.com' <ann_jacops@hotmail.com>; 'facjhill@gmail.com'
 <facjhill@gmail.com>; 'djarrold@frontier.com' <djarrold@frontier.com>; Brian Cawforth
 <Brian.Cawforth@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov; Michael Stowell
 <mstowell@ccparamedics.com>; 'tryska7307@gmail.com' <tryska7307@gmail.com>; 'shankelc@cityofnampa.us'
 <shankelc@cityofnampa.us>; Diana Little <Diana.Little@canyoncounty.id.gov>; Loretta Tweedy
 <Loretta.Tweedy@canyoncounty.id.gov>; Assessor Website <2cAsr@canyoncounty.id.gov>; Elections Clerk
 <electionsclerk@canyoncounty.id.gov>; 'roger@amgidaho.com' <roger@amgidaho.com>; Nichole Schwend
 <Nichole.Schwend@canyoncounty.id.gov>; Rick Britton <Rick.Britton@canyoncounty.id.gov>; 'Richard Sims'

<middletown.rich@gmail.com>; jlunders@2cmad.org; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>;
'mgrodriguez@usbr.gov' <mgrodriguez@usbr.gov>; 'edward_owens@fws.gov' <edward_owens@fws.gov>;
'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov'
<westerninfo@idwr.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'idahoooo@gmail.com'
<idahoooo@gmail.com>; 'zlathim@idl.idaho.gov' <zlathim@idl.idaho.gov>; 'brandon.flack@idfg.idaho.gov'
<brandon.flack@idfg.idaho.gov>; 'aubrie.hunt@dhw.idaho.gov' <aubrie.hunt@dhw.idaho.gov>;
'marilyn.peoples@dhw.idaho.gov' <marilyn.peoples@dhw.idaho.gov>; 'tricia.canaday@ishs.idaho.gov'
<tricia.canaday@ishs.idaho.gov>; 'dan.everhart@ishs.idaho.gov' <dan.everhart@ishs.idaho.gov>;
'patricia.hoffman@ishs.idaho.gov' <patricia.hoffman@ishs.idaho.gov>; 'stevie.harris@isda.idaho.gov'
<stevie.harris@isda.idaho.gov>; 'brock.cornell@isda.idaho.gov' <brock.cornell@isda.idaho.gov>;
'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; 'carol.chadwick@usda.gov' <carol.chadwick@usda.gov>;
'noe.ramirez@usda.gov' <noe.ramirez@usda.gov>; 'CENWW-RD-BOI-TV@usace.army.mil' <CENWW-RD-BOI-
TV@usace.army.mil>; 'laura.j.freedman@usps.gov' <laura.j.freedman@usps.gov>; 'rakesh.n.dewan@usps.gov'
<rakesh.n.dewan@usps.gov>; 'chad.m.franklin@usps.gov' <chad.m.franklin@usps.gov>; 'sandra.d.karling@usps.gov'
<sandra.d.karling@usps.gov>; 'melvin.b.norton@usps.gov' <melvin.b.norton@usps.gov>; 'tammi.l.barth@usps.gov'
<tammi.l.barth@usps.gov>; 'henry.medel@usps.gov' <henry.medel@usps.gov>; 'khrista.m.holman@usps.gov'
<khrista.m.holman@usps.gov>; 'rochelle.fuquay@usps.gov' <rochelle.fuquay@usps.gov>; 'leroy.eyler@usps.gov'
<leroy.eyler@usps.gov>; 'marc.c.boyer@usps.gov' <marc.c.boyer@usps.gov>; 'mhuff@co.owyhee.id.us'
<mhuff@co.owyhee.id.us>; 'gmprdjennifer@gmail.com' <gmprdjennifer@gmail.com>; 'lisaitano@me.com'
<lisaitano@me.com>; 'scott@fccnw.com' <scott@fccnw.com>; 'info@snakerivercanyonscenicbyway.org'
<info@snakerivercanyonscenicbyway.org>; 'tottens@amsidaho.com' <tottens@amsidaho.com>;
'melvin.b.norton@usps.gov' <melvin.b.norton@usps.gov>; 'scott.hauser@usrtf.org' <scott.hauser@usrtf.org>;
'info@destinationcaldwell.com' <info@destinationcaldwell.com>; 'news@kboi2.com' <news@kboi2.com>;
'news@kivitv.com' <news@kivitv.com>; 'ktvbnews@ktvb.com' <ktvbnews@ktvb.com>; '670@kboi.com'
<670@kboi.com>; Newsroom <newsroom@idahopress.com>; 'm Middletonexpress1@gmail.com'
<m Middletonexpress1@gmail.com>; 'rmorgan@kellerassociates.com' <rmorgan@kellerassociates.com>

Subject: Full Political CR2022-0020 & SD2022-0030 Eells / Landing Spot

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.

Dear Agencies,

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

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

Contact the planner of record, **Michelle Barron** at michelle.barron@canyoncounty.id.gov with any questions or additional agency comments or concerns if applicable.

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 **

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

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



Brad Little, Governor
Jess Byrne, Director

August 30, 2024

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

Subject: CR2022-0020 & SD2022-0030 - Eells/Landing Spot

Dear Ms. Barron:

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

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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

1. AIR QUALITY

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

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

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

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

2. WASTEWATER AND RECYCLED WATER

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

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

3. DRINKING WATER

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

- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

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

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.
- 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

Michelle Barron

From: Doug Critchfield <critchfielddd@cityofnampa.us>
Sent: Tuesday, August 20, 2024 11:48 AM
To: Michelle Barron
Subject: [External] RE: Full Political CR2022-0020 & SD2022-0030 Eells / Landing Spot

Michelle – Nampa Planning and Zoning does not have any comments on this proposal. Thanks – Doug



Doug Critchfield, Principal Planner, ASLA

O: 208.468.5406, F: 208.468.5439

500 12th Ave. S., Nampa, ID 83651

[Planning and Zoning - Like us on Facebook](#)

[Citizen's Guide to Planning](#) - Learn More About Planning!

NAMPAReady

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>

Sent: Tuesday, August 20, 2024 11:15 AM

To: 'rcollins@cityofcaldwell.org' <rcollins@cityofcaldwell.org>; 'P&Z@cityofcaldwell.org' <P&Z@cityofcaldwell.org>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'jdodson@cityofcaldwell.org' <jdodson@cityofcaldwell.org>; 'mbessaw@cityofcaldwell.org' <mbessaw@cityofcaldwell.org>; 'clerk@greenleaf-idaho.us' <clerk@greenleaf-idaho.us>; 'amy@civildynamics.net' <amy@civildynamics.net>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; Robyn Sellers <sellersr@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfielddd@cityofnampa.us>; Clerks <clerks@cityofnampa.us>; Char Tim <timc@cityofnampa.us>; 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'info@parmacityid.org' <info@parmacityid.org>; 'mayor@parmacityid.org' <mayor@parmacityid.org>; 'planning@parmacityid.org' <planning@parmacityid.org>; 'snickel@staridaho.org' <snickel@staridaho.org>; 'wsevery@cityofwilder.org' <wsevery@cityofwilder.org>; 'casanderson@caldwellschools.org' <casanderson@caldwellschools.org>; 'nicmiller@cw.edu' <nicmiller@cw.edu>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'drhorras@kunaschools.org' <drhorras@kunaschools.org>; 'bgraves@kunaschools.org' <bgraves@kunaschools.org>; 'rreno@kunaschools.org' <rreno@kunaschools.org>; 'dholzhey@marsingschools.org' <dholzhey@marsingschools.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'horner.marci@westada.org' <horner.marci@westada.org>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'krantz@notusschools.org' <krantz@notusschools.org>; 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'jdillon@wilderschools.org' <jdillon@wilderschools.org>; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; 'homedalefd@gmail.com' <homedalefd@gmail.com>; 'tlawrence@kunafire.com' <tlawrence@kunafire.com>; 'khinkle@kunafire.com' <khinkle@kunafire.com>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'kenny.hoagland@melbafire.id.gov' <kenny.hoagland@melbafire.id.gov>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'johnsonre@nampafire.org' <johnsonre@nampafire.org>;

Ron Johnson <johnsonrl@nampafire.org>; 'linanj@nampafire.org' <linanj@nampafire.org>; 'jeff@parmafire.us' <jeff@parmafire.us>; 'parmaruralfire@gmail.com' <parmaruralfire@gmail.com>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'jmaloney@wilderfire.org' <jmaloney@wilderfire.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'lriccio@hwydistrict4.org' <lriccio@hwydistrict4.org>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'office@idcpas.com' <office@idcpas.com>; 'Eddy Thiel' <eddy@nampahighway1.com>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'admin1@kunalibrary.org' <admin1@kunalibrary.org>; 'admin2@kunalibrary.org' <admin2@kunalibrary.org>; 'lizardbuttelibrary@yahoo.com' <lizardbuttelibrary@yahoo.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; 'irr.water.3@gmail.com' <irr.water.3@gmail.com>; 'kchamberlain.fcdc@gmail.com' <kchamberlain.fcdc@gmail.com>; 'office@idcpas.com' <office@idcpas.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'farmers.union.ditch@gmail.com' <farmers.union.ditch@gmail.com>; 'irr.water.3@gmail.com' <irr.water.3@gmail.com>; 'wilders04@msn.com' <wilders04@msn.com>; 'irrigation.mm.mi@gmail.com' <irrigation.mm.mi@gmail.com>; 'nmid@nmid.org' <nmid@nmid.org>; 'eolvera@nmid.org' <eolvera@nmid.org>; 'terri@nyid.org' <terri@nyid.org>; 'kirk@pioneerirrigation.com' <kirk@pioneerirrigation.com>; 'sheepmama25@gmail.com' <sheepmama25@gmail.com>; 'mack@settlersirrigation.org' <mack@settlersirrigation.org>; 'kchamberlain.fcdc@gmail.com' <kchamberlain.fcdc@gmail.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'drain.dist.2@gmail.com' <drain.dist.2@gmail.com>; 'bryce@sawtoothlaw.com' <bryce@sawtoothlaw.com>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; 'farmerhouston@gmail.com' <farmerhouston@gmail.com>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'testrada@starswd.com' <testrada@starswd.com>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; 'brentc@brownbuscompany.com' <brentc@brownbuscompany.com>; 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; 'itdd3permits@itd.idaho.gov' <itdd3permits@itd.idaho.gov>; 'airport.planning@itd.idaho.gov' <airport.planning@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; 'smm5156@gmail.com' <smm5156@gmail.com>; 'deb0815@yahoo.com' <deb0815@yahoo.com>; 'kunacemetery@gmail.com' <kunacemetery@gmail.com>; '3tjj@frontiernet.net' <3tjj@frontiernet.net>; 'melbacemetery@gmail.com' <melbacemetery@gmail.com>; 'middletoncemdist13@gmail.com' <middletoncemdist13@gmail.com>; 'ann_jacops@hotmail.com' <ann_jacops@hotmail.com>; 'facjhill@gmail.com' <facjhill@gmail.com>; 'djharrold@frontier.com' <djharrold@frontier.com>; Brian Cawforth <Brian.Cawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'tryska7307@gmail.com' <tryska7307@gmail.com>; Curt Shankel <shankelc@cityofnampa.us>; Diana Little <Diana.Little@canyoncounty.id.gov>; Loretta Tweedy <Loretta.Tweedy@canyoncounty.id.gov>; Assessor Website <2cAsr@canyoncounty.id.gov>; Elections Clerk <electionsclerk@canyoncounty.id.gov>; 'roger@amgidaho.com' <roger@amgidaho.com>; Nichole Schwend <Nichole.Schwend@canyoncounty.id.gov>; Rick Britton <Rick.Britton@canyoncounty.id.gov>; 'Richard Sims' <middleton.rich@gmail.com>; Jim Lunders <jlunders@2cmad.org>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'mgrodriguez@usbr.gov' <mgrodriguez@usbr.gov>; 'edward_owens@fws.gov' <edward_owens@fws.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'idahoaaa@gmail.com' <idahoaaa@gmail.com>; 'zlathim@idl.idaho.gov' <zlathim@idl.idaho.gov>; 'brandon.flack@idfg.idaho.gov' <brandon.flack@idfg.idaho.gov>; 'aubrie.hunt@dhw.idaho.gov' <aubrie.hunt@dhw.idaho.gov>; 'marilyn.peoples@dhw.idaho.gov' <marilyn.peoples@dhw.idaho.gov>; 'tricia.canaday@ishs.idaho.gov' <tricia.canaday@ishs.idaho.gov>; 'dan.everhart@ishs.idaho.gov' <dan.everhart@ishs.idaho.gov>;

'patricia.hoffman@ishs.idaho.gov' <patricia.hoffman@ishs.idaho.gov>; 'stevie.harris@isda.idaho.gov' <stevie.harris@isda.idaho.gov>; 'brock.cornell@isda.idaho.gov' <brock.cornell@isda.idaho.gov>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; 'carol.chadwick@usda.gov' <carol.chadwick@usda.gov>; 'noe.ramirez@usda.gov' <noe.ramirez@usda.gov>; 'CENWW-RD-BOI-TV@usace.army.mil' <CENWW-RD-BOI-TV@usace.army.mil>; 'laura.j.freedman@usps.gov' <laura.j.freedman@usps.gov>; 'rakesh.n.dewan@usps.gov' <rakesh.n.dewan@usps.gov>; 'chad.m.franklin@usps.gov' <chad.m.franklin@usps.gov>; 'sandra.d.karling@usps.gov' <sandra.d.karling@usps.gov>; 'melvin.b.norton@usps.gov' <melvin.b.norton@usps.gov>; 'tammi.l.barth@usps.gov' <tammi.l.barth@usps.gov>; 'henry.medel@usps.gov' <henry.medel@usps.gov>; 'khrista.m.holman@usps.gov' <khrista.m.holman@usps.gov>; 'rochelle.fuquay@usps.gov' <rochelle.fuquay@usps.gov>; 'leroy.eyler@usps.gov' <leroy.eyler@usps.gov>; 'marc.c.boyer@usps.gov' <marc.c.boyer@usps.gov>; 'mhuff@co.owyhee.id.us' <mhuff@co.owyhee.id.us>; 'gmprdjennifer@gmail.com' <gmprdjennifer@gmail.com>; 'lisaitano@me.com' <lisaitano@me.com>; 'scott@fccnw.com' <scott@fccnw.com>; 'info@snakerivercanyonscenicbyway.org' <info@snakerivercanyonscenicbyway.org>; 'tottens@amsidaho.com' <tottens@amsidaho.com>; 'melvin.b.norton@usps.gov' <melvin.b.norton@usps.gov>; 'scott.hauser@usrtf.org' <scott.hauser@usrtf.org>; 'info@destinationcaldwell.com' <info@destinationcaldwell.com>; Media - KBOI TV News <news@kboi2.com>; Media - KIVI News <news@kivitv.com>; Media - KTVB News <ktvbnews@ktvb.com>; Media - KBOI Radio News <670@kboi.com>; Media - IPT Newsroom <newsroom@idahopress.com>; 'middletonexpress1@gmail.com' <middletonexpress1@gmail.com>; 'rmorgan@kellerassociates.com' <rmorgan@kellerassociates.com>
Subject: Full Political CR2022-0020 & SD2022-0030 Eells / Landing Spot

CAUTION: This email originated OUTSIDE the City of Nampa domain. DO NOT click on links or open attachments unless you recognize the sender or are sure the content is safe. Highlight the suspect email and send using the Outlook Phish Alert Report button or call the IT Helpdesk at (208) 468-5454.

Dear Agencies,

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

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

Contact the planner of record, **Michelle Barron** at michelle.barron@canyoncounty.id.gov with any questions or additional agency comments or concerns if applicable.

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 ****

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

Michelle Barron

From: Timothy Jensen <tejensen@kunaschools.org>
Sent: Tuesday, August 20, 2024 10:03 PM
To: Michelle Barron
Subject: [External] Eells/Landing Spot Notice

Kuna School District has no official comment on this request.

Tim Jensen Ed.S
Kuna School District Planning Coordinator
Principal-Fremont MS
IMLA President

CONFIDENTIALITY NOTICE: This e-mail, including attachments, is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your device.

EXHIBIT E

Public Comments Received by: September 9, 2024

Planning & Zoning Commission

Case# CR2022-0020/SD2022-0030

Hearing date: September 19, 2024

To whom it may concern,

We are writing to express concerns regarding the rezoning request for the property at 16695 Marshall Ln, Caldwell 83607, referenced in case no. CR2022-0020 and SD2022-0030. The request seeks to change the zoning from Agricultural to Rural Residential, with the intent to create two additional lots for the construction of family residences.

This letter represents the perspectives of three out of the four households residing on Marshall Ln. Our concerns primarily revolve around the safety and maintenance of our private dirt lane, which is the sole access point to the mentioned property.

While we respect the property owner's rights to request rezoning and improvements, the current and anticipated increase in traffic, due to multiple families and businesses already operating from the existing residence, is concerning. Several years ago, traffic on an average day consisted of up to 5 to 10 vehicles. However, this number has escalated significantly due to the additional family units and businesses, disrupting the tranquility and privacy of our community and causing safety concerns due to the frequency and speed of passing vehicles.

Furthermore, the increased traffic has led to maintenance issues on our small dirt lane. Continual grading and periodic application of gravel are necessary to maintain the road's condition. While the current residents had an agreement in place to share these responsibilities, it appears the owners of the property in question have yet to file a revised agreement to address the increased wear and tear.


And finally, the prospect of additional wells being drilled also raised questions regarding water levels and availability.

To preserve the quiet and private nature of our lane, we voice our concerns about the proposed rezoning and the addition of more residences. If the rezoning is approved despite our concerns, we kindly request that a separate entrance/exit for the property is created. This could be achieved through an extension from Gods Wy Ln, Yoder Ave, or Bronc Ln, subject to easement permissions. Furthermore, we request the finalization of a road agreement that includes the subject property, and assigns road maintenance responsibilities proportionally based on the level of road use.

Thank you for your attention to our concerns and for considering our requests. We appreciate you taking them into account when reviewing the rezoning application.

Sincerely,

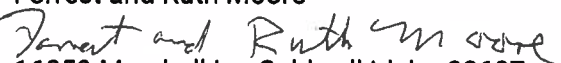
Jeanette Kroes

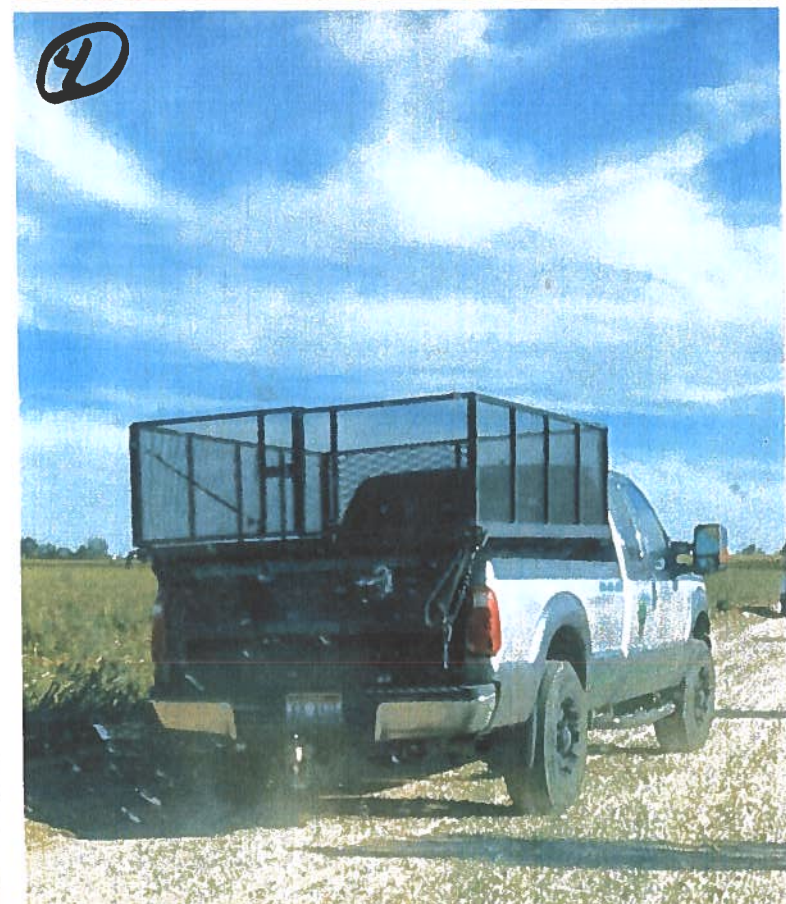
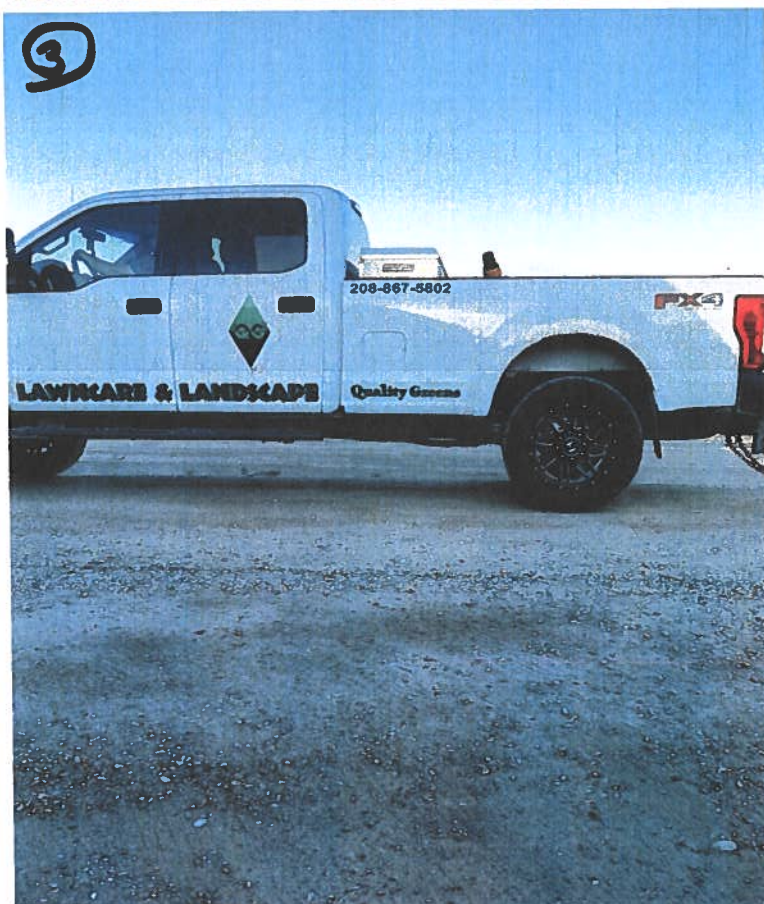
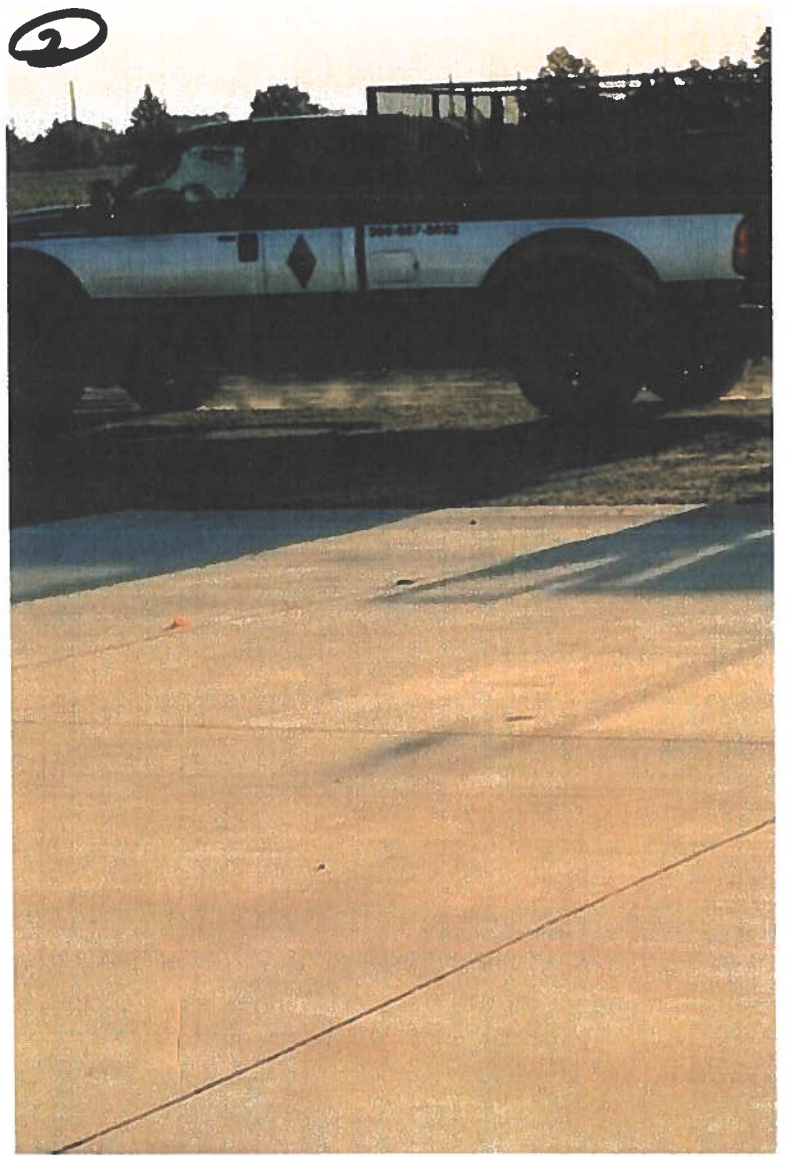
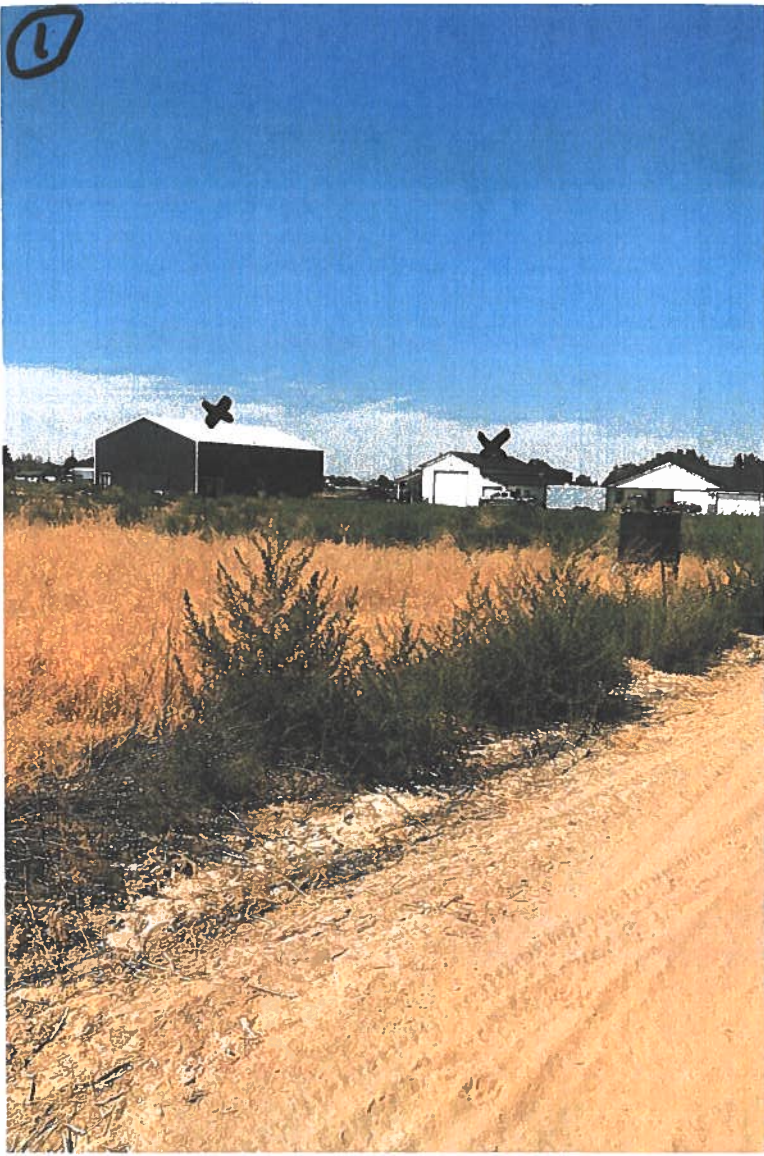

16895 Marshall Ln., Caldwell, ID 83607

Andrew & Brittany Kroes


16931 Marshall Ln., Caldwell, ID 83607

Forrest and Ruth Moore


16859 Marshall Ln. Caldwell Idaho 83607



Pictures

- ① There is two families living in the shops on Eells property.
- ② Landscaping trucks that go down road several times a day. Business run out of
- ③ White shop where family is living.

Michelle Barron

From: nikki rodriguez <niknik0821@gmail.com>
Sent: Monday, September 9, 2024 9:45 AM
To: Michelle Barron
Subject: [External] Written testimony for CR2022-0020 and SD2022-0030

Good morning, Michelle,

I hope you had a good weekend! I wasn't sure if we were allowed to email our written testimony for the upcoming hearing for CR2022-0020 and SD2022-0030. Below is the testimony for the Benedetto family at 16670 Buckaroo Circle. If this isn't allowed please let me know and I can print and drop it off at the office.

Thank you!
Nikki Benedetto

To whom it may concern,

In reference to Agricultural rezone proposal CR2022-0020 and SD2022-0030 I write this letter in deep opposition of this request for the following reasons:

- Wild Life in the area specifically Hawks, and other birds find sanctuary in the area. Daily we see hawks use our fence line to post and feed on what they find in the open field.
- There are already 817 active home listings in Caldwell as of 9/3/24 and 43 of these homes are brand new. Plenty to choose from on the existing market. This number will increase as building continues.
- The area is building at such a rapid rate that agricultural designated areas are disappearing. We live in this area specifically due to current zoning. There are currently 81 un developed properties for sale in Caldwell.
- The property has three homes/structure's and takes up a bit of the Mountain View the existing neighbors enjoy. Last year a massive tall steel structure was also built next to the existing home directly behind our home specifically and took up a good chunk of our Mountain View's. Future development behind Buckaroo Circle may completely eliminate the Mountain View diminishing our entire neighborhoods quality of life. Our neighborhood enjoys the 4th of July fireworks view, the sunrise, and the wildlife.
- Blocking the Mountain View detracts from property value and appeal which is a financial impact and burden the entire neighborhood would suffer.

Sincerely,
Benedetto
16670 Buckaroo Circle

EXHIBIT F

DRAFT – Findings of Fact, Conclusions of Law & Order (FCOs)

Planning & Zoning Commission / Hearing Examiner

Case# CR2022-0030

Hearing date: September 19, 2024



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

In the matter of the application of:

Jeremy Eells – Case # CR2022-0020

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone
CR2022-0020, 16695 Marshall Ln, Caldwell (Parcel Number: R32703), a portion of the SW¼ of Section 9, T3N, R3W, BM, Canyon County, Idaho
- 2) Development Agreement with conditions.

Parcel Size: 8.973 acres

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0020.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-01-25 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-05-01
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria, are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and

statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CR2022-0020) was presented at a public hearing before the Canyon County Planning and Zoning Commission on (09/19/2024). Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

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

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

Conclusion: The proposed conditional rezone is consistent with the comprehensive plan.

Findings: (1) The parcel's future land use in the 2020 comprehensive plan is residential.

(2) The proposed conditional rezone is consistent with the eight (8) policies and four (3) goals:

Chapter 1. Property Rights:

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Policy 11. Property owners shall not use their property in a manner that negatively impacts the surrounding neighbors or neighborhoods.

Chapter 2. Population:

Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy 3. Encourage future populations to locate in areas that population for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development:

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

Chapter 5. Land Use:

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

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

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

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0020.

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

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

Conclusion: As conditioned the requested is more appropriate than the current zoning designation.

- Findings:**
- (1) Per the 2020 Comprehensive plan the proposed project aligns with the future outlook of the area (Exhibit B2.4 of the staff report) as well as the property is located within the City of Caldwell Area of City Impact. (Exhibit B2.5 of the staff report)
 - (2) The surrounding area is zoned primarily agricultural, but the land use to the west and south is predominately residential. (Exhibit B2.3 of the staff report) The Caldwell city limits are now approximately 665 feet to the west with a recent annexation into the City and approximately 1500 feet to the north. To the East, there is productive agriculture. Directly south of this parcel, there is Rural Residential zoning.
 - (3) The Rural Residential zone would be more appropriate than the Agricultural zone due to the fact that it is a transitional area that moves from a higher density into the larger agricultural parcels. There are 26 platted subdivisions in the area, with an average lot size of .76 acres. There are two higher density subdivisions to the West that are in the County and are zoned Agricultural, but have ½-acre or less parcel sizes. (Exhibit B2.2 of the staff report)
 - (4) The parcel directly to the South, that was part of the original parcel that created the subject parcel, rezoned to Rural Residential in 2019, and later went through an administrative land division.
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0020.
 - (6) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed development as conditioned, is compatible with the surrounding land uses.

- Findings:**
- (1) the change from Agricultural to Rural Residential is compatible with surrounding land uses. This parcel is in the Area of City Impact of the City of Caldwell and they have the designation as Low Density Residential in their Future Land Use Map. This is a transitional area between the higher density subdivisions and the larger production agricultural parcels.
 - (2) The applicants currently have a tenant that is operating a Landscaping Business from this parcel, which is an allowed use in the Canyon County Code of Ordinances 07-10-27 – Zoning Matrix for an Agricultural zone. Changing the zoning to Rural Residential will exclude those types of businesses being operated and reduce the traffic on the private road (Marshall Lane). A Condition of Approval will be added to the Development Agreement that assures the Landscaping Business will cease and desist on the parcel.
 - (3) Adding two additional residential lots is consistent with the lot sizes in the area, and is actually larger than many parcels that are in the area today.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0020.
 - (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: As conditioned, the request will not negatively affect the character of the area.

- Findings:**
- (1) The character of the area is a transitional area from higher density residential to productive agriculture.

- (2) Adding two additional residential lots is consistent with the lot sizes in the area, and is actually larger than many parcels that are in the area today.
- (3) The parcel is in the Caldwell Area of City Impact and they agree that the development will meet their Future Land Use and should maintain the character of the existing area.
- (4) With the approval of the rezone to Rural Residential, the residential character of the area will exclude the Landscaping Business that is currently being operated from the property. This should reduce traffic and any heavier equipment being taken in and out of the parcel down the private road. A Condition of Approval will be added to the Development Agreement that assures the Landscaping Business will cease and desist on the parcel.
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0020.
- (6) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided to accommodate the proposed zoning map amendment at the time of any development.

- Findings:**
- (1) Individual septic systems are requested for each lot. This parcel is within the Ada Canyon Nitrate Priority area. An email from SWDH was received confirming that sanitary restrictions were satisfied on 9/22/2023. (Exhibit D10 of the staff report) Sanitary Restrictions will be satisfied when Southwest District Health signs the final plat.
 - (2) Individual wells are requested for each lot. Notice was given to the Idaho Department of Water Resources of this Preliminary Plat, but no comments were received.
 - (3) Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved. The private road Marshall Ln. had to be extended past the driveway to Lot 2, Block 1 to meet Canyon County Code of Ordinance 07-10-03. The County Engineer approved the updated Preliminary Plat. (Exhibits D3 and D3.1 of the staff report)
 - (4) The parcel is served by Boise Project Board of Control/Wilder Irrigation. The parcel has a valid water right. Boise Project Board of Control submitted a letter reminding the applicant per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, to serve neighboring properties must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors. (Exhibit D9 of the staff report) The Canyon County Engineer reviewed the irrigation plan and deemed it sufficient to meet code. (Exhibit D1 of the staff report)
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0020.
 - (6) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Legal access exists and no public street improvements need to be made to provide adequate access to and from the subject property.

- Findings:**
- (1) The subject parcel has access off of Homedale Road via a private road, Marshall Lane.

- (2) Highway District 4 an Order of Final Plat Acceptance that states in the findings “The subject Plat contains neither dedication of right-of-way or public roads or streets nor any required publicly dedicated improvements.” (Exhibit D6.1 of the staff report)
- (3) With the approval of the rezone to Rural Residential, the residential character of the area will exclude the Landscaping Business that is currently being operated from the property. This should reduce traffic and any heavier equipment being taken in and out of the parcel via the private road. A Condition of Approval will be added to the Development Agreement that assures the Landscaping Business will cease and desist on the parcel.
- (4) The Private Road, Marshall Lane, will be used for access to the newly created parcels. The applicant will need to add the two new lots to the current RUMA that the existing parcel is a part of.
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0020.
- (6) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed development for the conditional rezone does have legal access.

- Findings:**
- (1) The property has an ingress/egress easement through Marshall Lane off of Homedale Road. There was an easement reduction that was approved when Marshall Lane was approved to a 30 feet width. The applicant wishes to continue that easement reduction to access the addition build out of Marshall Lane (60 feet in length) and continue onto Lot 3 in Block 1. (Exhibit A2.2 of the staff report)
 - (2) Lot 2, Block 1 will also access off Marshall Lane. Applicant is asking for an easement reduction for the ingress/egress easement through Lot 1, Block 1 due to irrigation structures and landscaping that currently exists.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0020.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: As conditioned, essential services will not be impacted.

- Findings:**
- (1) All affected agencies were notified per CCZO §07-05-01.
 - (2) The Vallivue School District was noticed and no comments were received. Kuna School District responded and said they had no comments. (Exhibit D13 of the staff report)
 - (3) Canyon County Sheriff Office was noticed and no comments were received.
 - (4) Caldwell Rural Fire and Canyon County Emergency Services were notified and no comments were received. Prior to Board signature on the Final Plat, the Fire District will need to provide written approval for the Private Road. (CCCO 07-10-03(2))
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0020.
 - (6) Evidence includes associated findings and evidence supported within this document.

**Canyon County Code §09-01-25 Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT
ORDINANCE**

Conclusion: The property is located within the Caldwell Area of City Impact. A notice was sent to the City of Caldwell per Canyon County Code Section 09-01-25. The City of Caldwell is not requiring any improvements for this development.

- Findings:**
- (1) The City of Caldwell Engineering submitted a letter stating that they have no concerns with this request. (Exhibit D8 of the staff report)
 - (2) The City of Caldwell submitted a letter stating that this development fits their Comprehensive Plan and that the additional two lots should maintain the character of the existing area and would be consistent with the existing and proposed future land use designations. The city does not have any requests or recommendations regarding access, street buffers, or land use buffers. (Exhibit D7 of the staff report)
 - (3) With this information provided by the City of Caldwell, the applicant is requesting a waiver of CCCO 09-01-19 by the Board of County Commissioners in accordance with CCCO 09-01-19(6).
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0020.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **approval** of Case #CR2022-0020, a conditional rezone of R32730 subject to conditions of the development agreement (Attachment A).

DATED this _____ day of _____, 2024.

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

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

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

Notary: _____

My Commission Expires: _____

ATTACHMENT A
DRAFT CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel shall be in subjection to the Canyon County Code of Ordinance Chapter 7, Article 17 for platting with a maximum of 3 buildable lots with an average lot size of 2.99 acres.
3. All businesses that were operating on this parcel that is not allowed per CCCO §07-10-27 will cease and desist within thirty (30) days of the FCO document signing by the Board of County Commissioners.
4. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."

EXHIBIT G

DRAFT – Findings of Fact, Conclusions of Law & Order (FCOs)

Planning & Zoning Commission

Case# SD2022-0030

Hearing date: September 19, 2024



Planning & Zoning Commission
The Landing Spot - SD2022-0030
Development Services Department

FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER

Findings

1. The applicant, Jeremy Eells, requests approval of a short plat for The Landing Spot (Attachment A). The result is dividing parcel R32703 (8.973 acres) into three lots (2.99 acre average lot size). The request includes a waiver of subdivision improvements. The subject property is 16995 Marshall Ln., Caldwell (Parcel R32703), also referenced as a portion of the SW¹/₄ of Section 9, T3N, R3W, BM, Canyon County, Idaho.
2. The subject property is zoned “CR-RR” per decision on CR2022-0020 running concurrently with this application.
3. The subject property is located in the Caldwell Area of City Impact. The City of Caldwell was notified of the application per CCCO §09-01-23(1). The City of Caldwell – Planning Division supports the proposal because the density proposed aligns with their comprehensive plan. They are also not going to require any improvements since the plat is in alignment with the character of the area. (Exhibit D7 of the staff report). The City of Caldwell – Engineering Division also had no concerns with the request. (Exhibit D8 of the staff report)
4. Per CCCO §09-01-19(5), the county will not sign a final plat, or authorize the plat to be recorded, before the city engineer's signature is on the plat.
5. The property has irrigation water rights. The property has a pressurized irrigation system via water rights from Boise Project Board of Control/Wilder Irrigation District (Exhibit D9 of the staff report and Attachment A, plat note 4).
6. The development will be served by individual wells and septic systems (Attachment A, plat notes 2 & 3).
7. Subdivision runoff will be maintained within the subdivision (Attachment A, plat notes 8 & 9).
8. The subject parcel has an ingress/egress easement via a private road (Marshall Lane) off of a Homedale Road (public road). At the time of approval of Marshall Lane, an easement reduction to 30 feet was approved. The applicant is asking that the easement reduction continue for the part of Marshall Lane that was extended past the access for Lot 2 to comply with CCCO §07-10-03. The applicant is requesting a reduced 28’ ingress/egress easement along the north boundary of Lot 1 to serve Lot 2 due to existing irrigation and landscaping. (Exhibit A2.2 of the staff report) An amendment to the road user’s maintenance agreement for Marshall Lane per CCZO §07-10-03(1)B3 shall be recorded before the approval of the final plat.
9. Highway District #4 provided an Order of Final Plat Acceptance that states in the findings “The subject Plat contains neither dedication of right-of-way or public roads or streets nor any required publicly dedicated improvements.” (Exhibit D6.1 of the staff report)
10. No comments were received from the Caldwell Rural Fire District. The private road access is over 150’ from a public road. Therefore, the Caldwell Rural Fire District requires access and turnaround review before final plat approval.
11. The development is not in a mapped floodplain (Flood Zone X).
12. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2022-0030.
13. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on July 20, 2022, and August 20, 2024. The newspaper notice was published on August 20, 2024. Property owners were sent a notice on August 20, 2024. The property was posted on August 20, 2024.

Conclusions of Law

Section 07-17-09(4)A of the Canyon County Zoning Ordinance (CCZO) states, “*The commission or hearing examiner shall hold a noticed public hearing on the preliminary plat. The hearing body shall recommend that the*

board approve, approve conditionally, modify, or deny the preliminary plat. The reasons for such action will be shown in the commission's minutes. The reasons for action taken shall specify:

1. The ordinance and standards used in evaluating the application;
2. Recommendations for conditions of approval that would minimize adverse conditions, if any;
3. The reasons for recommending the approval, conditional approval, modification, or denial; and
4. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.”

Upon review of the preliminary plat, the Planning and Zoning Commission finds that the plat is consistent with the following subject to conditions of approval:

- A. Idaho Code §67-6513 (Subdivisions);
- B. Idaho Code §50-1301 through 50-1329 (Platting);
- C. Idaho Code §22-4503 (Right-to-Farm Act, Plat note #2);
- D. Idaho Code, §31-3805 & 42-111 (Irrigation);
- E. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations); and
- F. City of Caldwell– Area of City Impact Agreement, CCCO §09-01-25.

The preliminary plat was found to be consistent with the standards of review subject to conditions of approval. (Exhibits 7D1, 7D3, 7D3.1, 7D4 and 7D4.1 of the staff report)

Conditions of Approval

1. All subdivision improvements (public roads, shared access, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioner’s signature on the final plat.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected unless approved by the irrigation district.
3. Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on the subject property.
4. The development shall comply with Southwest District Health (SWHD) requirements. Evidence shall be SWDH’s signature on the final plat.
5. The development shall comply with the requirements of Highway District No. 4 (Exhibit D6.1 of the staff report). Evidence shall be Highway District No. 4’s signature on the final plat.
6. Per CCCO §09-01-19(5), the county will not sign a final plat, or authorize the plat to be recorded, before the city engineer's signature is on the plat.
7. Compliance with the international fire code administered through the fire district review of the access and turnaround is required. Evidence of compliance shall be submitted to DSD prior to the Board's signature on the final plat.
8. The road user’s maintenance agreement for Marshall Lane, in accordance with CCZO §07-10-03(1)B3. The agreement with the instrument number shall be added as a plat note on the final plat.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0030, the Planning & Zoning Commission **recommends approval** of the Preliminary Plat for The Landing Spot Subdivision to the Board of County Commissioners subject to the Conditions of Approval as enumerated herein.

RECOMMENDED FOR APPROVAL on this _____ day of _____, 2024.

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

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this _____ day of _____, in the year 2024, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he(she) executed the same.

Notary: _____

My Commission Expires: _____

DRAFT

Attachment A

