



Planning and Zoning Commission
Hearing Date: November 7, 2024
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMER: CU2023-0025
APPLICANT/REPRESENTATIVE:
PROPERTY OWNER: Sheree Surber
APPLICATION: Conditional Use Permit
LOCATION: 25366 Emmett Rd. Caldwell, ID 83607 Parcel R38010, a portion of the SW quarter of section 25, T5, R3, BM, Canyon County, Idaho.
ANALYST: Arbay Mberwa, Associate Planner
REVIEWED BY: Carl Anderson, Planning Supervisor

REQUEST:

The applicants, Sheree and Michael Surber, requests a conditional use permit to allow a dog kennel use on parcel R38010. The dog kennel will house a maximum of ten (10) adult dogs on the property.

PUBLIC NOTICIFICATION:

Neighborhood meeting conducted on:	November 8, 2023
Neighbor notification within 600 feet mailed on:	October 4, 2024
Newspaper notice published on:	October 8, 2024
Notice posted on site on:	October 8, 2024

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1. BACKGROUND:

The subject parcel R38010 on 25366 Emmett Rd. Caldwell, ID is 4.72 acres, zoned "A" agricultural. The subject parcel is an original parcel created prior to September 6, 1979 as Tax 6-A (CCZO §07-02-03). Currently a home is being built on site. **See Exhibit B.11.** During construction the applicant applied for a temporary use permit to allow the owner to live in a RV while the home is being constructed. **See Exhibit B.7.** The applicants are requesting a conditional use permit to run a dog kennel on the subject parcel. On December 13, 2023 the applicant submitted a conditional use permit application. On August 1, 2024 the applicant provided an amended application. **See Exhibit A.1.**

2. HEARING BODY ACTION:

Pursuant to Canyon County Ordinance Article 07-07-01 every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. The commission may require higher standards of site development than those listed specifically in this chapter in order to assure that the proposed use will be compatible with other property and uses in the vicinity. The commission may revoke or modify its approval of a conditional use permit in accordance with the procedures set forth in the hearing and appeals procedures found in article 5 of this chapter.

The Commission may attach special conditions to a conditional use permit including, but not limited to, conditions which: (1) Minimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity; (2) Control the sequence and timing of development; (3) Control the duration of development; (4) Designate the exact location and nature of development; (5) Require the provision for on site or off site public facilities or services; (6) Require more restrictive standards than those generally required in this chapter; or (7) Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county (07-07-17).

Prior to making a decision concerning a conditional use permit request, the presiding party may require studies at the applicant's expense of the social, economic, fiscal, and environmental effects of the proposed conditional use (07-07-19).

OPTIONAL MOTIONS:

Approval of the Application: "I move to approve CU2023-0025, Surber, 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 CU2023-0025, Surber, finding the application **does not** meet the criteria for approval under Article 07.07.05 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 CU2023-0025, Surber to a [date certain or uncertain]

3. HEARING CRITERIA

Table 1. Conditional Use Permit Review Criteria Analysis

HEARING CRITERIA (07-07-05): The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(1)	Is the proposed use permitted in the zone by conditional use permit;
			Staff Analysis	The proposed use consists of a dog kennel in the "A" (Agricultural) zone which is allowed by conditional use permit, (CCZO §07-10-27). The applicants submitted a

				<p>conditional use permit application on December 13, 2023, in accordance with CCZO §07-07-03, the application was then amended on August 1, 2024. See Exhibit A.1.</p> <p>Pursuant to CCZO §07-02-03 Kennels are defined as “Any portion of land, or any building, structure, enclosure or premises on the same or adjacent parcels, in which canines are housed, groomed, bred, boarded, trained, or sold, in which a total of six (6) or more dogs, three (3) months of age or over are kept or maintained in conformance with CCCO §03-05-09.”</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(2)	What is the nature of the request;
			Staff Analysis	<p>The request consists of a conditional use permit to allow a dog kennel use on parcel R38010. The mission of selective breeding preservation, development and improvement of their dogs. There will be a maximum of ten (10) adult dogs older than that of one (1) years old on site. Dogs will not be bred before the age of two (2). Currently there are six (6) dogs and five (5) out of the six (6) dogs are spayed/neutered. All dogs go through training and have participated in events. Litters will only be planned in an effort to improve the breed. The best puppies will be kept while the others will be placed in pet homes, it’s unclear when the dogs are bred and how many come from the litter. See Exhibit A.2.</p> <p>On the property there currently is a dog run on the north side which is approximately 64’X64’ that is secured by split rail poly and wired fencing. There is a 10’X20’ kennel and of that 10’X10’ is covered and has wind barriers, shaded panels and floor mats. The larger kennel is used during the day dependent on weather but the dogs are housed in the residence. Dogs will primarily be in the backyard without free range to the pasture/runs on the exterior of the backyard. The residence is approximately 3,840sq ft, at night all dogs are kept inside the residence. See Exhibit A.6.</p> <p>In the next one (1) to four (4) years additional fencing around the perimeter of the property will be installed, additional dog runs will be constructed and landscaping will be added. Appropriate measures will be taken to address excessive dog barking such as the use of bark collars, landscaping and the use of the residence. There will be a dog door leading to the backyard that the dogs will have access to in the day and will be secured at night. There are no employees for the dog kennel and public interactions will be minimal. See Exhibit A.2.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(3)	Is the proposed use consistent with the comprehensive plan;
			Staff Analysis	<p>The proposed use is consistent with the 2030 Comprehensive plan components for property rights and land use and community design. Generally, the dog kennel aligns with the comprehensive plan such as having the right to enjoy the property for its intended use without creating nuisances and the right of control to use the property legally.</p> <p>The subject property is zoned “A” Agricultural and the future land use designation is “RR” (Rural Residential). Kennels are allowed by conditional use permit in both zones which is consistent with the 2030 comprehensive plan.</p>

			<p>Chapter 1. Property Rights:</p> <ul style="list-style-type: none"> G1.01.00: <i>Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.</i> A1.01.00a: <i>Require properties to conform to the zoning code before receiving additional zoning approvals.</i> A1.01.00b: <i>Canyon County will take appropriate measures to enforce all nuisance ordinances to protect the quality of life and private property rights.</i> <p>Chapter 4- Land Use and Community Design:</p> <ul style="list-style-type: none"> G4.02.00: <i>Ensure that growth maintains and enhances the unique character throughout the county.</i> P4.02.01: <i>Consider site capability and characteristics when determining the appropriate location and intensities of various land uses.</i> P4.03.03: <i>Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.</i> <p>No person should be deprived of private property, owners have the right to due process. The request of a conditional use permit for a dog kennel will not violate policies, goals and actions in the comprehensive plan. See Exhibit B.10.</p>																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>07-07-05(4)</p> <p>Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;</p>																	
			<p>Staff Analysis</p> <p>The proposed use will not be injurious to other properties in the immediate vicinity and will not negatively change the essential character of the area.</p> <p>Adjacent Existing Conditions:</p> <table border="1"> <thead> <tr> <th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Lot size</th></tr> </thead> <tbody> <tr> <td>N</td><td>Agricultural with a home on site.</td><td>A</td><td>10-acres</td></tr> <tr> <td>E</td><td>Agricultural use</td><td>A</td><td>55.42-acres</td></tr> <tr> <td>S</td><td>Agricultural use</td><td>A</td><td>55.42-acres</td></tr> <tr> <td>W</td><td>Residential use within the Ward Estates Subdivision</td><td>A</td><td>5.22-acres</td></tr> </tbody> </table> <p><small>"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)</small></p> <p>Surrounding Land Use Cases: At a 600' radius of the property, three (3) parcels have been conditionally rezoned. A conditional rezone was approved in 2008 to conditionally rezone a parcel from "A" (Agricultural) to "CR-R-R" (Conditional Rezone Rural Residential) to the northwest of the subject property. See Exhibit B.12. A conditional rezone was approved in 2020 to conditionally rezone a 10-acre parcel from "A" (Agricultural) to "CR-R-1" (Conditional Rezone Single-Family Residential) to the southwest of the subject property. See Exhibit B.8. A parcel to</p>	Direction	Existing Use	Primary Zone	Lot size	N	Agricultural with a home on site.	A	10-acres	E	Agricultural use	A	55.42-acres	S	Agricultural use	A	55.42-acres	W
Direction	Existing Use	Primary Zone	Lot size																	
N	Agricultural with a home on site.	A	10-acres																	
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S	Agricultural use	A	55.42-acres																	
W	Residential use within the Ward Estates Subdivision	A	5.22-acres																	

				<p>the north has been conditionally rezoned from “A” (Agricultural) to “CR-R-1” (Conditional Rezone Single-Family Residential) and is part of the Christensen Homestead Subdivision. See Exhibit B.3.</p> <p>Character of the Area: Majority of the surrounding area is zoned “A” (Agricultural) while there are some parcels zoned Rural Residential, and/or in a Subdivision. There are parcels conditionally rezoned to Single-Family Residential. Directly to the west of the property there is the Ward Estate Subdivision consisting of ten (10) lots. To the north there is the Christiansen Homestead Subdivision consisting of twenty-four (24) lots. The dog kennel is not anticipated to change the character of the surrounding area or be injurious to other property in the immediate vicinity. See EXHIBIT B.2-5.</p> <p>The property will be fenced in with poly split rail. See Exhibit A.6. The property is greater than 150 feet away from the nearest residential property. There is fifteen (15) parcels of which eight (8) have residences in a 600-foot radius of the subject property. The applicant will keep the dogs from running at large by fencing the perimeter of the property.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(5)	Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
			Staff Analysis	<p>The project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein.</p> <p>Water: Based on the land use worksheet submitted with the application, domestic water is provided via an individual domestic well and there is surface irrigation water. Fire suppression will be supplied by a private well.</p> <p>Sewer: In a pre-development meeting on August 14, 2023, Southwest District Health noted that there’s no concerns for the septic, however, it would be advantageous to install a separate septic system for the expanded facility. See Exhibit A.5. The initial plan proposed a building of a distinct structure similar to a cooled/heated shop on the south side of the property to provide additional shelter for the dogs. The amended application submitted on August 1, 2024, no longer proposes the building. Due to that the existing residential septic is adequate for the proposed use. The home will be serviced by an individual septic. See Exhibit A.6 and D.6.</p> <p>The property is in the NE Canyon Co. nitrate priority zone. See Exhibit B.1. Nitrate Priority Area is defined as “general locations in Canyon County, as defined by the appropriate state agencies, where groundwater test results show the presence of nitrates in varying amounts.” See Exhibit B.10. According Southwest District Health a Nutrient Pathogen Study is not necessary at this time. See Exhibit A.6. Agency notice was sent out to Southwest District Health on August 7, 2024 and comments received are in Exhibit D.6.</p> <p>Irrigation: Irrigation is to be provided by Black Canyon Irrigation District. Black Canyon Irrigation District noted on August 24, 2023, “all right of ways and</p>

				<p>easement must stay clear of all structures, buildings, fences, and landscape.” See Exhibit A.5. As conditioned in #10 of the conditions of approval. Agency notice was sent out to Black Canyon Irrigation District on August 7, 2024 and comments were not received.</p> <p>Drainage: The parcel is not in a Drain District, and accommodations/improvements are not required. See Exhibit B.1.</p> <p>Stormwater drainage facilities: There is a drainage ditch outside of the southeast side of the property if needed, however, at this time accommodations/improvements are not required. See Exhibit B.3.</p> <p>Utility Systems: There is adequate utility systems to service the home and the proposed dog kennel. An agency notice was sent to Century Link and Intermountain gas on August 7, 2024 and no comments were received. See Exhibit D.</p> <p>Waste: The solid waste shall be disposed of in a manner consistent with local sanitation and landfill requirements. The animal waste will be bagged and disposed of with garbage service and/or additional waste system will be addressed as needed Exhibit A.3.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(6)	Does legal access to the subject property for the development exist or will it exist at the time of development;
			Staff Analysis	<p>The subject property has legal access from Emmett road, which is a public major collector road in Highway District No. 4. jurisdiction.</p> <p>Highway District No. 4. states that the property has frontage along Emmett road, a public, major collector. There is an existing half circular driveway 1,950’ north of Purple Sage road a minor arterial.</p> <p>In a Pre-Development meeting Highway District No. 4 commented that the circular driveway may remain there or be moved however, no new approaches are allowed. The applicants are proposing to use the driveway as is. The circular driveway needs to be improved to meet SD-106 commercial approach standards and an approach permit is required.</p> <p>Pick up shall be entered via Emmet road and be by forward motion only. If there are any changes of use an approach permit will need to be permitted with Highway District No. 4. No work within the right-of-way can occur until an approach permit is issued. See Exhibit A.5. As a condition of approval, prior to commencement of use an approach permit shall be approved by Highway District No. 4. As conditioned the applicant is required to have an approach permit and bring the driveway to standards pursuant to Highway District No.4.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(7)	Will there be undue interference with existing or future traffic patterns;
			Staff Analysis	There will not be undue interference with the existing or future traffic patterns.

				<p>There will be minimal customer contact on site as customers will only be picking up dogs from the kennel with an appointment between the hours of 9 AM and 5 PM. It is anticipated that the number of people visiting the site by appointment per year will be minimal. There will be minimum contact to protect the dogs.</p> <p>An agency notice was sent out on August 7, 2024, to Idaho Transportation Department (ITD) and Canyon Highway District No. 4. neither agency had comments or concerns regarding the request. See Exhibit D.3 and D.4.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(8)	<p>Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)</p>
			Staff Analysis	<p>Essential services will be provided to accommodate the proposed use. The services will not be negatively impacted by such use, or require additional public funding in order to meet the needs created by the requested use. On August 7, 2024, all affected agencies and services were noticed and no objection comments were received. See Exhibit D for all agency comments.</p> <p>The following essential services will not be impacted by the request:</p> <p>School Facilities: Parcel R38010 is serviced by the Middleton School District #134, and it is not anticipated that there will be any impacts on school facilities. Agency notice was sent out to Middleton School District #134 on August 7, 2024, and comments were not received.</p> <p>Police protection: The Canyon County Animal Control will be enforcing rules/codes to mitigate noise, nuisances and from animals running at large (CCZO §03-05-15). The approval of a dog kennel is not anticipated to impact police protection. Agency notice was sent out to Canyon County Sheriff and Animal Control on August 7, 2024, and comments were not received.</p> <p>Fire protection: The parcel is under Middleton Rural Fire District. Middleton Rural Fire District will be required to provide services to the parcel. All development shall comply with the 2018 International Fire Code and codes set forth by Canyon County. According to Middleton Rural Fire District on October 26, 2023, fire response time is eight (8) minutes under ideal conditions. With the completion of a new fire district station the response time will be three (3) minutes under ideal driving conditions. Fire suppression will be supplied by a private well. Any additions or future building will require commercial plan review/permits for access and water supply by the fire district prior to building permit issuance. Accessibility of roadway access, traffic and radio coverage can be viewed in Exhibit A.5. Agency notice was sent out to Middleton Fire District on August 7, 2024 and comments were not received.</p> <p>Emergency Medical Services: The approval of a dog kennel is not anticipated to impact Emergency Medical Services. Agency notice was sent out to emergency</p>

				<p>Management coordinator, Paramedics and EMT on August 7, 2024, and comments were not received.</p> <p>Irrigation Facilities: Irrigation is provided by the Black Canyon Irrigation District, there will not be additional services required. Agency notice was sent out to Black Canyon Irrigation District on August 7, 2024, and comments were not received.</p>
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4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Animal Control, Canyon County Paramedics/EMT, Middleton Fire District, State Fire Marshall, Canyon Highway District No. 4, Middleton School District, Idaho Transportation Department, Compass, Intermountain Gas, CenturyLink, Canyon County Building Department, Idaho Department of Water Resources (Water Rights), Department of Environmental Quality, Black Canyon irrigation District, Southwest District Health, and the City of "Middleton" were notified of the subject application on August 7, 2024. **See Exhibit D.2.**

Staff received agency comments from Canyon Highway District No. 4, Idaho Transportation Department, Southwest District Health and Department of Environmental Quality. 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:

Staff did not receive written public comments by the materials deadline of October 28, 2024.

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:

In consideration of the application and supporting materials, staff concludes that the proposed Conditional Use Permit is **compliant** with Canyon County Ordinance 07-07-05. 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:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Compliance with Canyon County Public Safety Ordinance; Article 5, Animal Control Regulations, other than obtaining a kennel license.
3. This conditional use permit shall adhere to the land use time limitation as stated in CCCO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility

proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.

4. The conditional use permit shall be limited to parcel R38010. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission. The permit shall expire upon change of ownership to any other person.
5. The proposed development shall be in general conformance with the applicant's site plan and Letter of Intent (**Exhibit A.2 and A.4**).
6. The hours of pick-up shall be between 9 a.m. to 5 p.m. daily.
7. The number of canines on the premise shall not exceed ten (10) dogs.
8. The area shall have a minimum four-foot split-rail poly fencing with wire fencing on the perimeter of the property. Fencing compliance shall be submitted to DSD no later than 90 days after moving into the home and prior to commencement of the use.
9. The area site and fencing shall be maintained and kept in good repair. The area and surrounding fence line shall be kept weed-free and/or maintained with weeds being 6" in height or less.
10. All structures shall comply with Canyon County Code of Ordinance setback requirements (§07-10-21) and shall be clear of all right of ways and easements pursuant to Black Canyon Irrigation District.
11. The dog kennel and property shall be maintained in a clean and sanitary condition.
12. The operator shall dispose of solid waste in a manner that does not contribute to potential environmental and water contamination in and around the subject property. Canine waste shall be disposed of at a regular frequency at the Landfill per disposal requirements.
13. The half circular approach shall be improved to meet commercial approach standards pursuant to Canyon Highway District No. 4 (**Exhibit A.5**). Evidence shall be the approach permit provided by Canyon Highway District No.4. Evidence shall be submitted to DSD no later than 90 days after moving into the home.

7. EXHIBITS:

A. Application Packet & Supporting Materials

- A.1 Amended Master application
- A.2 Letter of intent
- A.3 Land-Use work sheet
- A.4 Site Plan
- A.5 Agency Pre-Development Communication
- A.6 Email Correspondence
- A.7 Initial Master application

B. Supplemental Documents

- B.1 Parcel Tool
- B.2 Hearing Notice Map
- B.3 Neighborhood Notification Map

- B.4 Small Ortho Map
- B.5 Notification Map
- B.6 Neighborhood Notification list
- B.7 TP2024-0010
- B.8 RZ2019-0042
- B.9 RZ2021-0019
- B.10 2030 Comprehensive Plan
- B.11 BP2024-0237
- B.12 CR2007-6

C. Site Visit Photos: **July 15, 2024**

- C.1 Site Photos

D. Agency Comments Received by: **September 9, 2024**

- D.1 Agency response requested: **August 7, 2024**
- D.2 Agency legal Transmittal: **August 7, 2024**
- D.3 Highway District No. 4; Received: **August 7, 2024**
- D.4 Idaho Transportation Department; Received: **August 13, 2024**
- D.5 Idaho Department of Environmental Quality; Received: **August 20, 2024**
- D.6 Southwest District Health; Received: **August 30, 2024**

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

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# CU2023-0025

Hearing date: November 7, 2024




0 100 200 300 400 500 600 700 800 900 1000 Feet





(AMENDED)

CONDITIONAL USE PERMIT PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: Sheree Surber & Michael Surber	
	MAILING ADDRESS: 25366 Emmett Road, Caldwell, ID 83607	
	PHONE: 208-872-5158	EMAIL: sheree.surber@protonmail.com
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.		
Signature:  Date: 8-1-24		

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

SITE INFO	STREET ADDRESS: 25366 Emmett Road, Caldwell, ID 83607	
	PARCEL NUMBER: R38010	
	PARCEL SIZE: 4.72	
	REQUESTED USE: Dog breeding	
	FLOOD ZONE (YES/NO) No	ZONING DISTRICT:

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	DATE RECEIVED.
RECEIVED BY:	APPLICATION FEE: CK MO CC CASH

The following is an **amended** explanation regarding the application for a Conditional Use Permit for the residential property situated at 25366 Emmett Road, Caldwell, ID 83607, CU2023-0024.

Objective:

I am seeking approval of a conditional use permit to utilize our property for dog breeding. The primary mission of the kennel is breed preservation and the development and improvement of our lines. **We propose the permanent housing of a maximum of ten (10) adult dogs (greater than one year) on the premises.** However, the precise number of dogs at any given time will hinge upon the progression of our expansion efforts, ensuring that adequate space and shelter are available to responsibly care for the animals.

Current Intended Use:

Currently, we own six dogs (three Yorkshire Terriers, 5-8 lbs, and three Labrador Retrievers, 70-80 lbs). Five of our six dogs are spayed/neutered, and one 1½-year-old female labrador is intact.

All of our dogs have undergone extensive training, and the majority have participated in events such as rally and obedience trials, hunt tests, and barn hunt trials. Additionally, we volunteer with Go Team Therapy Dogs.

As I work towards showing in AKC conformation events, selectively breeding dogs that adhere to the breed standard and are properly health-tested and evaluated for temperament is part of that process. Litters will only be planned to in an effort to continue and improve our lines. From those limited litters, the puppy(ies) that best meet the program standards would be kept/held back, while the others would be placed in pet homes. Dogs would not be bred before two years of age, and several factors could preclude a dog from continuing in the program, in which case, the dog would be neutered or spayed.

Current Facilities:

The property spans 4.72 acres and includes a dwelling currently undergoing extensive renovation, with an anticipated finished living space of 3,850 square feet upon completion (the renovation project is permitted separately from this application).

We currently have a dog run on the north side of the property with approximate dimensions of 64' x 64' that is secured by split-rail poly fencing with wired fencing attached to the interior for additional reinforcement. This area also includes a 10' x 20' chain-link kennel inside the main perimeter, 10' x 10' of which is covered and has wind barriers/shade panels/floor mats installed. This large pen is used during the day, weather permitting, and the animals are housed inside the main residence with us otherwise.

At this time, there are mature trees and shrubbery on the North and South sides of the back yard.

Facility Improvements Less than 1 Year:

Upon completion of the residence in Q4 of 2024 or Q1 of 2025, additional poly fencing with interior wire fence reinforcements will be re-installed around the large backyard, and a dog door from the residence to the backyard will be installed, allowing the dogs indoor/outdoor access during the day. This will be in addition to the existing dog run referenced above.

Facility Improvements 1 to 4 years:

Within the next one to four years, we intend to install additional fencing around the remainder of the perimeter of the property, as well as within the property boundaries to create additional fenced-in dog runs/pastures. Fencing will be constructed of poly split-rail with wire reinforcement to match the existing fencing.

Additionally, we intend to add to the current landscape to include more trees and plants in the back yard, as well as around the perimeter of the property that will provide additional noise barrier, privacy, and protection from weather as they mature.

Noise Mitigation:

With regard to noise mitigation, we currently do not have any dogs on the property that bark excessively. However, in the event the issue arises in the future, appropriate steps would be taken to address the problem and may include housing the dog in or on a part of the property that provides a calmer environment and/or greater noise protection, bark collars, or other training equipment/methods as required. **The least severe method that proves effective in controlling the unwanted behavior would be used. Further, all efforts to correct the barking in a way that is not directly aversive to the dog would be attempted first.**

Employees:

There are currently no plans to hire employees.

Public Interactions:

Public interactions will be kept to a minimum to help ensure the health and safety of the litters. They will primarily consist of limited visits to view existing litters and the collection of puppies on placement day. These visits may occur Monday through Sunday by appointment. Because no more than a handful of people would be accessing the property per year, we intend to utilize the existing circular driveway as access points and parking. There would be no impact on traffic and/or essential services of any significance.

Future Intended Use:

Our future plans do not extend beyond that which is stated above.

LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

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

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

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

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

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

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

7. **FENCING** ☒ Fencing will be provided (Please show location on site plan)
Type: Poly split-rail with wire barrier fencing attached Height: 3-4 ft

8. **STORMWATER:** ☐ Retained on site ☐ Swales ☐ Ponds ☒ Borrow Ditches
☒ Other: Drainage ditch along East/South property lines

9. **SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)
Irrigation provided by Black Canyon Irrigation

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

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

2. FIRE SUPPRESSION:

- ☒ Water supply source: private well

3. INCLUDED IN YOUR PROPOSED PLAN?

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

NON-RESIDENTIAL USES

1. SPECIFIC USE: Dog breeding

2. DAYS AND HOURS OF OPERATION:

- ☒ Monday By appt only to _____
☒ Tuesday By appt only to _____
☒ Wednesday By appt only to _____
☒ Thursday By appt only to _____
☒ Friday By appt only to _____
☒ Saturday By appt only to _____
☒ Sunday By appt only to _____

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

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

Not to exceed:

Height: 3.5 ft Width: 4 ft. Height above ground: 0-3 ft

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

5. PARKING AND LOADING:

How many parking spaces? Existing driveway

Is there is a loading or unloading area? Existing driveway

ANIMAL CARE-RELATED USES	
1. MAXIMUM NUMBER OF ANIMALS:	<u>10 adults - including desexed/retired sires/dams</u>
2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?	<input type="checkbox"/> Building <input checked="" type="checkbox"/> Kennel <input type="checkbox"/> Individual Housing <input checked="" type="checkbox"/> Other <u>Residence</u>
3. HOW DO YOU PROPOSE TO MITIGATE NOISE?	<input checked="" type="checkbox"/> <u>Residence/</u> <input checked="" type="checkbox"/> Building <input type="checkbox"/> Enclosure <input checked="" type="checkbox"/> <u>Landscape/</u> <input checked="" type="checkbox"/> Barrier/Berm <input checked="" type="checkbox"/> Bark Collars
4. ANIMAL WASTE DISPOSAL	<input checked="" type="checkbox"/> Individual Domestic Septic System <input type="checkbox"/> Animal Waste Only Septic System <input checked="" type="checkbox"/> Other: <u>Bagged and disposing with garbage service / additional waste system</u> <u>will be addressed as needed</u>

The figure is a technical architectural drawing consisting of a site plan and a 3D perspective view of a building. The site plan is a large rectangle with dashed lines indicating property boundaries and internal divisions. Handwritten annotations in black ink are present throughout the plan, including "Pasture Run" in several locations, "Backyard" in the center, and "Proposed Poly fence w/ wire reinforcement" on the right side. A small building footprint is shown in the lower-left quadrant. Dimensions are noted along the boundaries, such as "100' 00\"/>The figure is a technical architectural drawing consisting of a site plan and a 3D perspective view of a building. The site plan is a large rectangle with dashed lines indicating property boundaries and internal divisions. Handwritten annotations in black ink are present throughout the plan, including "Pasture Run" in several locations, "Backyard" in the center, and "Proposed Poly fence w/ wire reinforcement" on the right side. A small building footprint is shown in the lower-left quadrant. Dimensions are noted along the boundaries, such as "100' 00\"/>

3D VIEW

2



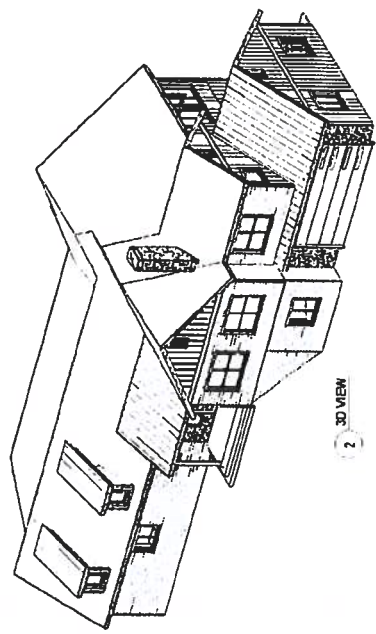
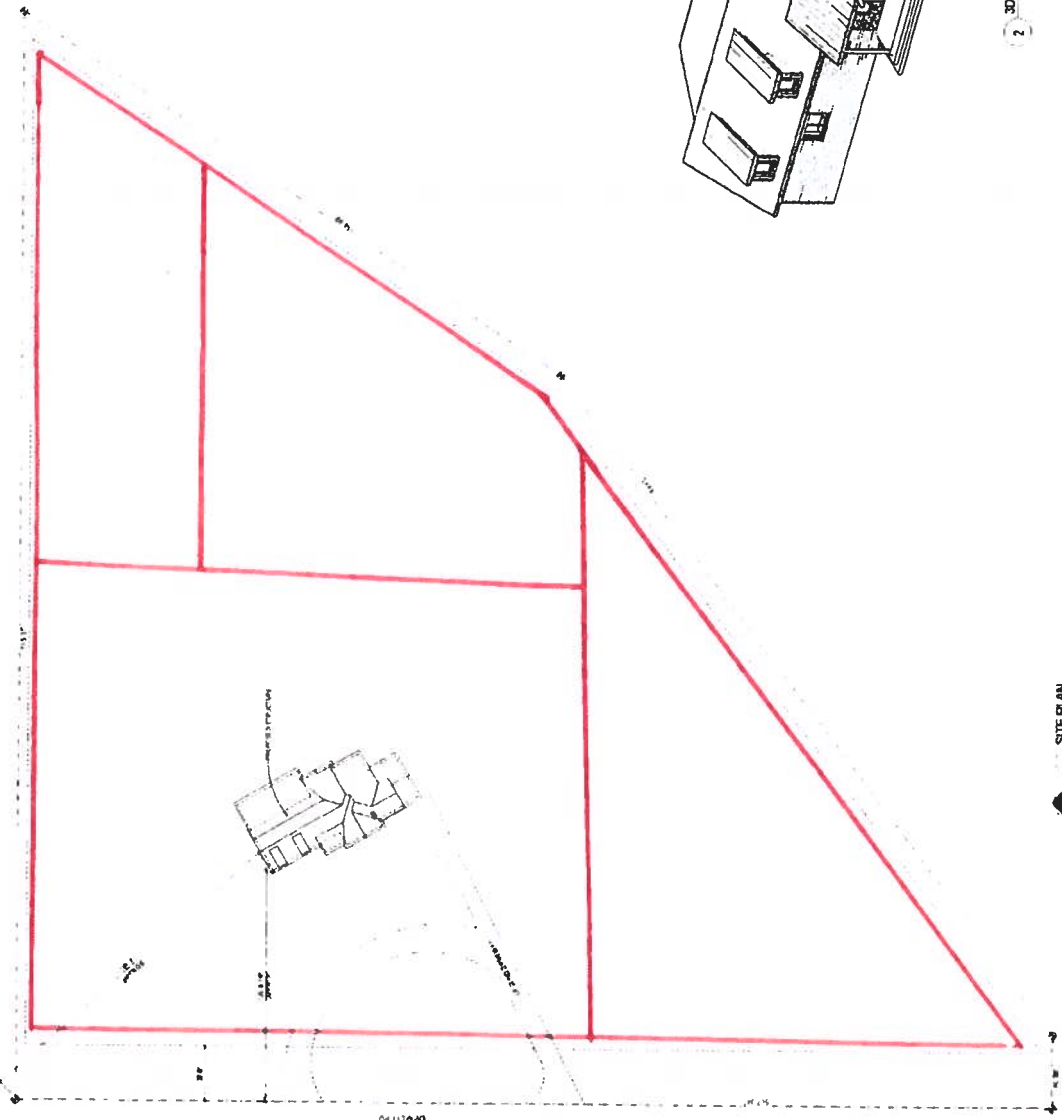
SURBER ADDITION
CADDWELL, ID 83807
SITE PLAN

REVISIONS	
NO.	DATE
1	10/1/2010
2	10/1/2010
3	10/1/2010
4	10/1/2010
5	10/1/2010
6	10/1/2010
7	10/1/2010
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96	10/1/2010
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98	10/1/2010
99	10/1/2010
100	10/1/2010

SHEET TITLE
SITE PLAN

NO. 001
DATE 10/1/2010
BY [Signature]
CHECKED BY [Signature]
APPROVED BY [Signature]

A.10



3D VIEW

GENERAL NOTES
1. THE PROPOSED BUILDING ADDITION IS TO BE CONSTRUCTED ON THE EXISTING LOT AND SHALL BE IN ACCORDANCE WITH THE CITY OF CADDWELL, IDAHO ZONING ORDINANCES.
2. THE PROPOSED BUILDING ADDITION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CADDWELL, IDAHO ZONING ORDINANCES.
3. THE PROPOSED BUILDING ADDITION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CADDWELL, IDAHO ZONING ORDINANCES.
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8. THE PROPOSED BUILDING ADDITION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CADDWELL, IDAHO ZONING ORDINANCES.
9. THE PROPOSED BUILDING ADDITION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CADDWELL, IDAHO ZONING ORDINANCES.
10. THE PROPOSED BUILDING ADDITION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF CADDWELL, IDAHO ZONING ORDINANCES.

DISCLAIMER
THESE PLANS AND SPECIFICATIONS ARE PREPARED BY THE ARCHITECT AND DO NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE PLANS AND SPECIFICATIONS. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY CONFLICTS BETWEEN THESE PLANS AND SPECIFICATIONS AND ANY OTHER PLANS OR SPECIFICATIONS. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY CONFLICTS BETWEEN THESE PLANS AND SPECIFICATIONS AND ANY OTHER PLANS OR SPECIFICATIONS.



AGENCY ACKNOWLEDGMENT

Date:

Applicant: Sheree Surber

Parcel Number: R38010

Site Address: 25366 Emmett Road, Caldwell, ID 83607

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:

☒ Applicant submitted/met for official review.

Date: 08/14/2023 Signed:

Anthony Lee
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District:

District: SWDH

☐ Applicant submitted/met for official review.

Date: _____ Signed:

Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District:

District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed:

Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District:

District: _____

☒ Applicant submitted/met for official review.

Date: 8/24/23 Signed:

[Signature]
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

All right of ways & easements must stay clear of all structures/buildings/fences/landscape!

Area of City Impact:

City:

Black Canyon Irrigation District
Notus, ID

☐ Applicant submitted/met for official review.

Date: _____ Signed:

Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

Received by Canyon County Development Services:

Date: _____ Signed:

Canyon County Development Services Staff

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED



Pre-Development Meeting

Name of Development: Macuchla Labadors
Applicant: Sheree Surber
P.E./P.G.: _____
All others in Attendance: _____

EHS#035 Date 08/14/2023

Number of Lots or Flow: 1 Acreage of Proposed Development: 4.72
Location of Development: 25366 Emmett Rd, Caldwell ID 83607

Project in Area of Concern: No Groundwater/Rock <10' Unknown
Level 1 NP Necessary for N: Unknown


LSAS/CSS Proposed: No
BRO meeting for P or above: No
Proposed Drinking Water: Individual ☒, City ☐, Community ☐, Public Water Supply ☐
BRO meeting for PWS, Com: No

Information Distributed: SER ☐, NP Guidance ☐, Non-Domestic WW ap. ☐

Additional Comments: Applicant discussed with SWDH potential plans for a separate facility for dog breeding & training in addition to abandoning the existing septic system & installing a new system. It was proposed that a maximum of 20 dogs for breeding will be on the premise. In the future, it would be advantageous to install a separate septic system for the expanded facility. SWDH has no concerns at this time. When the applicant is ready to move forward with the construction of the house, they will need to apply for a septic permit. A letter of intended use was provided along with floor plans for the proposed house. 08/14/2023 Anthony Lee

Attach conceptual plan, if provided, or any other correspondence, and create a file for this information. The information will be helpful when responding to the county about permitting requirements and should be maintained with the subdivision file or commercial permit file when completed, for a complete written history of the project and SWDH involvement.



DATE: October 26, 2023
TO: Sherce Surber
Canyon County P&Z
FROM: Victor Islas, Deputy Chief 
SUBJECT: Fire District Comment
PROJECT NAME: Conditional Use Permit - 25366 Emmett Rd., Caldwell Idaho

Fire District Summary Report:

1. **Overview:**

- a. This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the Canyon County, Idaho.

2. **Fire Response Time:**

- a. The property listed above will be served by the Middleton Rural Fire District Station 53, located at 302 E. Main St., Middleton, ID. Station 53 is 4.1 miles with a travel time of 8 minutes under ideal driving conditions.
- b. Middleton Rural Fire District Station 54 will be located at 26476 Harvey Rd., Caldwell Idaho. When construction is complete, and the station is in service, the property listed above will be 2.1 miles with a travel time of 3 minutes under ideal driving conditions.

3. **Accessibility:** Roadway Access, Traffic, Radio Coverage

- a. Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.
- b. A parking and circulation plan will need to be approved by the fire district.
- c. The parking shall not create obstruction for emergency service access to the property.
- d. Vehicles shall be parked in designated areas only.

4. **Additional Comments:**

- a. Any additions or future building on this site will require commercial plan review/permits for access and water supply by the fire district prior to building permits being issued.



CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

Pre-Development Meeting Minutes

Project Name: Emmett-Surber Dog Breeding
Project Owner/Representative: Sheree Surber
Phone: [REDACTED]
Email: [REDACTED]
Project Location: R38010
Jurisdiction: CHD4-Roads

Public Roads

Name	Classification	Exist. R/W	Ultimate R/W	Notes
Emmett Road	Principal Arterial	35' ROW west of centerline, 25' easement east of centerline	100' full width 50' half-width	

Access:

Existing circular driveway 1,950 north of Purple Sage may remain; however, no new approaches allowed. Applicant may relocate driveway if needed. Will review approach at time of approach permit.

Improvement Requirements:

Based upon using the existing residence to breed up to 25 dogs per year, traffic impacts are anticipated to be minimal as customer pickups occur at time of dog purchase—customers are not expected daily.

1. Applicant is required to improve circular approach per SD-106 (commercial approach).
2. Pick-up/drop-off
 - a. When entering Emmett Road it shall be by forward motion only.

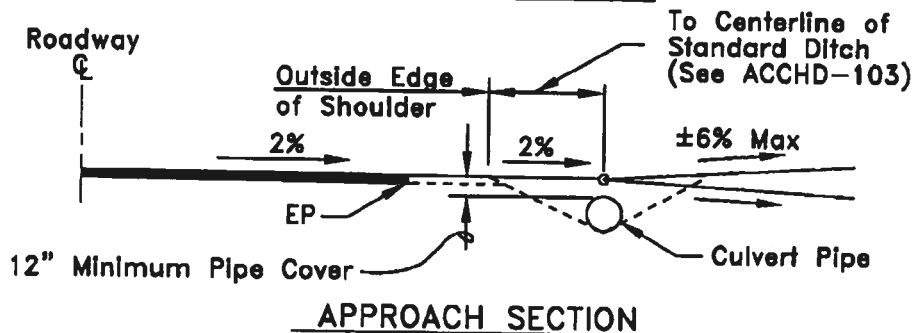
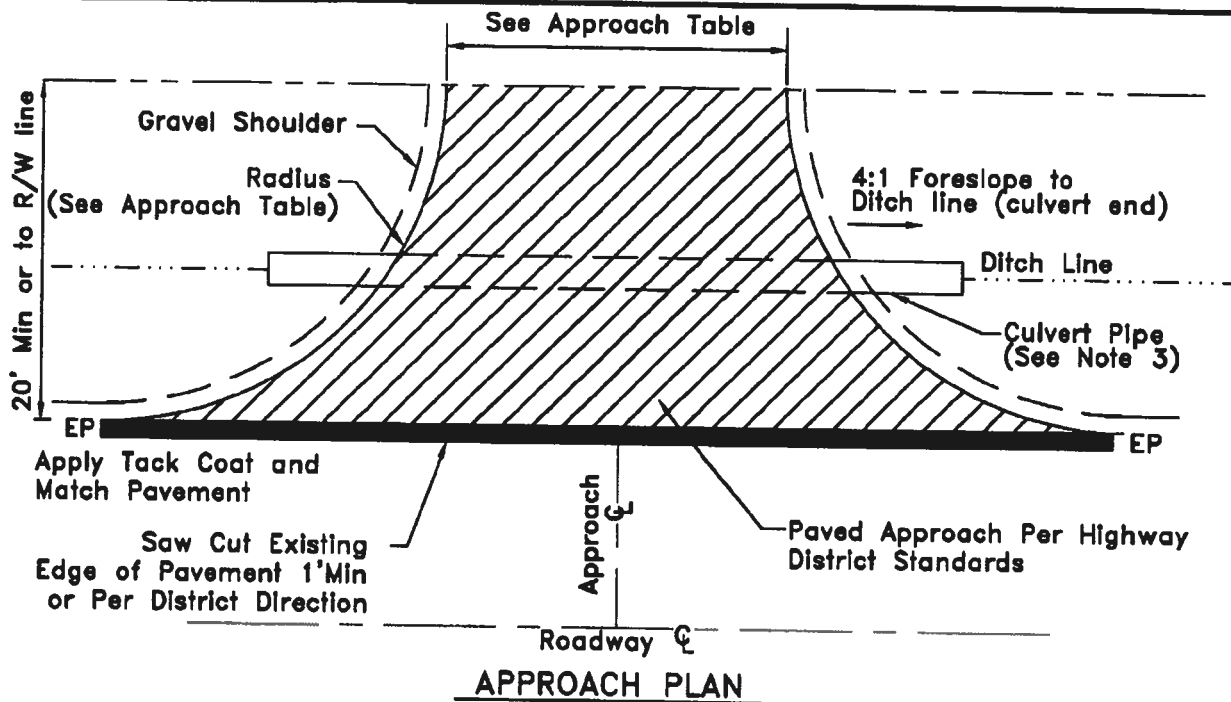
These items will be reviewed at time of approach permit

Other Comments:

Comments applicable for dog breeding only. CHD4 policy requires any change in use to seek an approach permit. If at any time training, kennel, or other changes of use occur please apply for an approach permit with CHD4.

No work within the right-of-way can occur until approach permit is issued.

The above represents the District's current policies to which the parcels may be subject to at time of development. These standards are subject to change and the standards/policies in effect at the time of approach permit application or improvement drawings shall apply. This is not an exhaustive list please see further details within the ACCHD: HSDP 2022.



APPROACH TABLE

APPROACH TYPE	Appr Width*		Min** Radius
	Min	Max**	
Residential, Three or More	24'	30'	20'
Commercial (One Way)	20'	30'	20'
Commercial (Two Way)	24'	40'	20'

* Does not include required 2' gravel shoulder on each side of approach.
 ** Or based on applicable commercial design vehicle.

PAVED APPROACH

STRUCTURAL SECTION **

2.5" Surfacing (Required)
 6" Base
 9" Subbase

**COMMERCIAL APPROACH OR RESIDENTIAL APPROACH
 SERVING THREE (3) OR MORE PROPERTIES**

N.T.S.

NOTES:

- Approaches spacing shall conform to section 3000 of the ACCHD Manual.
- Ingress/Egress by forward motion only.
- Culvert pipe shall be 12" min. diameter. Culvert pipe shall extend to the intersection of the ditch line and the 4:1 approach foreslope. Pipe material shall be either 0.064" thick corrugated steel, 0.060" corrugated Aluminum or Class V reinforced concrete.
- For approach serving primarily commercial trucks refer to section 3061.050.
- Serving One (1) Commercial Property or Three (3) or More Residences.

REVISED 01/22

ASSOCIATION OF
 CANYON COUNTY
 HIGHWAY DISTRICTS
 CANYON COUNTY, IDAHO

COMMERCIAL & MULTIPLE
 RESIDENTIAL APPROACH

STANDARD DRAWING
 ACCHD-106

Arbay Mberwa

From: Sheree Surber <s[REDACTED]>
Sent: Monday, October 21, 2024 4:52 PM
To: Arbay Mberwa
Subject: [External] Fwd: Fw: RE: CU2023-0025

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon, Arbay.

Per our conversation just now, please see the following updated notes in red for each item listed below.

As a reminder, you can continue to reach me at [REDACTED].

From: Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>
Date: On Monday, October 21st, 2024 at 3:46 PM
Subject: RE: CU2023-0025
To: '[REDACTED]' >

Hello,

Should the Planning and Zoning Commission wish to approve the subject application, staff recommends the following conditions:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. This conditional use permit must follow land use time limitation as stated in CCCO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
3. The conditional use permit shall be limited to parcel R37812011. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission.
4. The proposed development shall be in general conformance with the site plan and Letter of Intent.

As we discussed today, the main residence continues to be under construction. We have a tentative date of sometime before Christmas for completion, but that date remains very much subject to change/delay.

We currently have one dog run that is approximately 64' x 64' on the north property line (backed up to a field that is being farmed). The fencing surrounding this run is split-rail poly fencing with additional wired fence secured to the

interior. There is shade and wind protection provided within this dog run for animals that they have access to at all times.

Once the house is completed, we will be reinstalling the same split-rail poly fencing with wire fencing secured to the interior around the back yard area just behind the residence. The dogs will have a dog door that will allow them access between the backyard and residence as needed.

The dogs all sleep in the residence (no dogs sleep outside). At night, the dog door is closed to ensure the dogs remain in the home.

The home will be approximately 3,840 sq ft.

The additional areas noted as "Pasture/Run" would primarily be used as pasture for future animals such as livestock. I listed them as possible "runs" because I take the dogs down to these areas of our property on occasion to play/exercise; however, they are not left unattended in those areas.

The dogs would be in the existing pen, backyard, or residence when not attended.

1. The operator shall dispose of waste in a manner that does not contribute to potential environmental and water contamination in and around the subject property. Canine waste shall be disposed of at a regular frequency at the Landfill per disposal requirements or another approved means of waste disposal.

All animal waste will be regularly picked up, bagged, and disposed of via landfill.

I realized that my amended application still had the box for "septic" marked. This is not accurate - no pet waste will be disposed of in the existing septic system. (Please let me know if I need to submit a second amended application to clarify this).

1. The area shall have a minimum six-foot sight obscuring fence (as defined by CCCO Section 07-02-03) on the perimeter of the property, to minimize loud, frequent, or habitual barking and dogs running at large. Fencing compliance shall be submitted to DSD no later than 90 days after approval.

I currently have Yorkshire Terriers and show line (English) Labradors which are much more stalker than their field line counterparts. The existing split-rail poly fencing with wire reinforcement has proven to be effective in keeping the dogs from running at large. Furthermore, we have not had issues with excessive barking.

A large, solid fence around the entire property would be an eyesore and in conflict with the aesthetic of this area. The split-rail poly fencing matches with the look and feel of this area and is cohesive with the property of our neighbors.

I would request that the existing split-rail poly fencing with wire fence reinforcement be allowed. In the event of a future issue, I would ask that the solid and/or higher fencing be limited only to those areas where the dogs are left unattended.

1. The area site and fencing shall be maintained and kept in good repair. The area and surrounding fence line shall be kept weed-free and/or maintained with weeds being 6" in height or less.
2. The dog kennel and property shall be maintained in a clean and sanitary condition.
3. Pursuant to Southwest District Health an additional septic tank shall be installed for the operations of a dog kennel. The required improvement must be completed no later than 90

days after approval. Evidence shall be written approval by Southwest District Health. Evidence shall be submitted to DSD.

See above - there will not be a separate kennel building; therefore, there is nothing to tie an additional septic tank to. I have sent an email to Anthony Lee per your request and will forward his response to you once it's received.

1. All habitual barking sounds must cease by 9 PM by putting the dogs to sleep completely indoors in an enclosed kennel. Enclosed kennels must be soundproofed to reduce noise impacts at night.\

See above - the dogs are housed in the residence at night and the dog door will be secured.

Please review the current conditions, and please let me know if you would like to add or edit any of the conditions. The first half are standard conditions, but they may all be modified. ***The conditions are subject to change, the final conditions will be posted on Canyon county Website under Land Hearings no later than Nov. 1, 2024.***

In the updated application form the submittal requirements include hours of operations. Most of the information is in the landuse worksheet and letter of intent. For pick-ups it's noted that there by appointment only every day, is there a timeframe of when pick-ups will take place such as the hours of pick-up shall be between 9 a.m. to 7 p.m. daily. Will all 10 dogs fit in the residence at night, if so where. Please provide input by October 28, 2024.

There would likely be only a handful of people accessing the property to pick-up a puppy per year as litters will be extremely limited, if at all. All pick-ups would be by appointment and would take place Monday - Sunday 9 AM to 5 PM. Please let me know if I need to submit a second amended application to reference this.

Our dogs typically "free sleep" in the residence and have free access to most areas. The house will be approximately 3,840 sq ft. The younger dog(s) will have crates set up in my office on the main level for sleeping until they reach a more mature/trustable age or as needed. All dogs sleep indoors as stated above.

Your case for a dog kennel has been scheduled for public hearing on Nov. 7, 2024, before the Planning and Zoning Commissioners. The meeting will start 6:30pm at 111 N 11th Ave. If you would like presentation slides up during the hearing please send that to me by October 28, 2024.

If you have any further questions or items that I need to address, please don't hesitate to reach out to me at [REDACTED] or [REDACTED]

If you have any questions please let me know.

Thanks,



Arbay Mberwa

Associate Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6039

Email: Arbay.Mberwa@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 ****

From: Arbay Mberwa

Sent: Tuesday, October 8, 2024 9:57 AM

To: [REDACTED] >

Subject: CU2023-0025

Hi Sheree,

Notice of Hearing

Your case for a dog kennel has been scheduled for public hearing on Nov. 7, 2024, before the Planning and Zoning Commissioners. The meeting will start 6:30pm at 111 N 11th Ave. Somethings to be aware of is that

1. The staff report and exhibits will be posted on the Development Service Website, posted no later than October 31, 2024. This will include draft conditions of approval, which will be important to review prior to the hearing. If you have questions or concerns please let me know.
2. As the applicant you will be presenting and introducing your request before the Planning and Zoning commissioners please be prepared to stand for questions. If you would like a slide show/presentation please have that submitted to me no later than October 28, 2024, so it can be considered a public record.

The letter of intent has a large scope of 15 years, conditional use permits if approved, it needs to commence in 3 years and improvements must be completed in 5 years. Can you please submit an updated letter of intent to complete all improvements by then. There is no request for employees at this time, please note in the future if would like to change this, you will have to amend the conditional use permit.

As I complete the staff report how will the dogs be kept from running at large and mitigate noise? Will there be negative impacts to approving the request of a dog kennel, please provide evidence. Are there adequate services such as water, sewer, irrigation and waste?

Please let me know if you have questions.

Thanks,



Arbay Mberwa

Associate Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6039

Email: Arbay.Mberwa@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

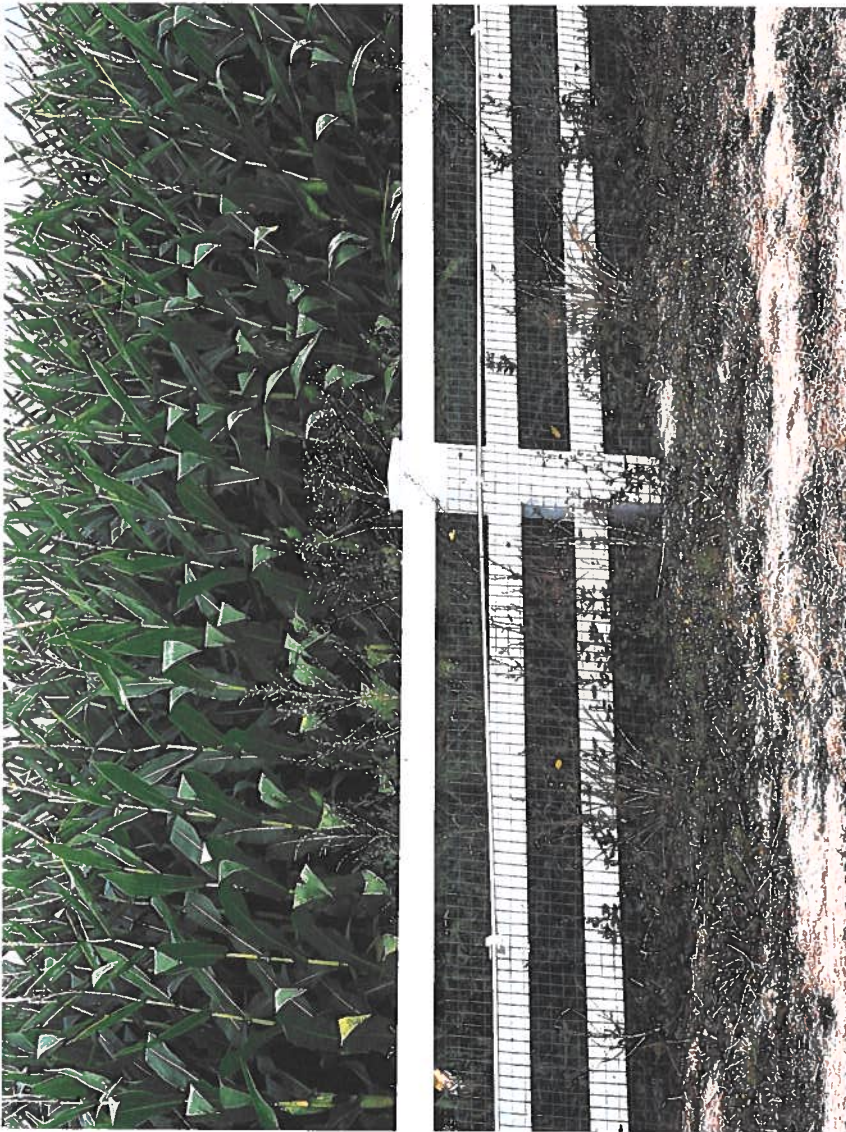
1pm – 5pm

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

Arbay Mberwa

From: Sheree Surber <[REDACTED]>
Sent: Tuesday, August 13, 2024 11:21 AM
To: Arbay Mberwa
Subject: [External] Fwd: Fw: CU2023-0025

Please see the following photograph:



(NOTE: I am only using this account to send the picture. All correspondence should continue to go to [REDACTED] as I do not check this account regularly.)

Cordially,

Sheree Surber

Arbay Mberwa

From: Arbay Mberwa
Sent: Wednesday, August 7, 2024 10:43 AM
To: [REDACTED]
Subject: CU2023-0025

Hi Sheree,

Status update on the conditional use permit for a dog kennel, the agency notice will be sent out today and the 30-day comment period will end on September 9, 2024. The land use worksheet states that the type of fencing will be poly fencing with wire barrier attached and/or chain link at 3-4 feet, can you please provide a photo of what that will look like or the material of the fence. The fencing needs to keep the dogs from running at large. Lastly, what is in the letter of intent is what you will be held to if the conditional use permit is approved. Any future modifications will need to amend the conditional use permit.

I'll be emailing you through out the process as I work through the case, if I need additional information. If you have any questions please let me know.

Thanks,



Arbay Mberwa

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

Direct Line: 208-455-6039

Email: Arbay.Mberwa@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 ****

Arbay Mberwa

From: Arbay Mberwa
Sent: Thursday, July 18, 2024 4:51 PM
To: [REDACTED]
Subject: CU2023-0025 Updates
Attachments: DD_Temporary-Use_Packet (1).pdf

Hello,

I am the planner assigned to your conditional use permit application for a dog kennel (CU2023-0024) Dan Lister will be assisting.

Please provide an updated letter of intent. Going through the application there are some concerns with the letter of intent, it states that within the next 15 year there's intentions to submit a separate building permit for a structure. The issue with that is per Canyon County Code of Ordinance §07-07-23 a conditional use permit shall commence in three (3) years and must be completed within five (5) years after the conditional use permit is granted. What's feasible to commence and complete with a 3-5 year time frame? The fencing is proposed to be built in 1-2 years, how will the dogs be kept from running at large without a fence, will the fencing be adequate? When mitigating factors such as noise what needs to be in place prior to commencing business? Please include any extra information in the updated letter of intent.

The land-use worksheet states that there will be maximum 20 adult dogs, how much will there be when commencing? When mitigating noise building and bark collars were checked off the land-use worksheet will the building be built within the 3 to 5-year period? The future intended uses such as number of employees, expansion pertaining to parking and loading and adding other structure will need to amend this conditional use permit if approved. I recommend detailing out the phases of the project in the updated letter of intent and.

Dan and I went ahead and completed a site visit on 7/15 and it appears that someone is residing in an RV outside of an RV park while the residence is being built. That is not allowed per Canyon County Code of Ordinance §07-15-01 unless a temporary use permit application has been approved of and currently there isn't a temporary use permit. I do advise to get a temporary use permit application in as soon as possible (application attached).

If you have any questions please reach out and let me know.

Thanks,



Arbay Mberwa

Associate Planner

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

Direct Line: 208-455-6039

Email: Arbay.Mberwa@canyoncounty.id.gov

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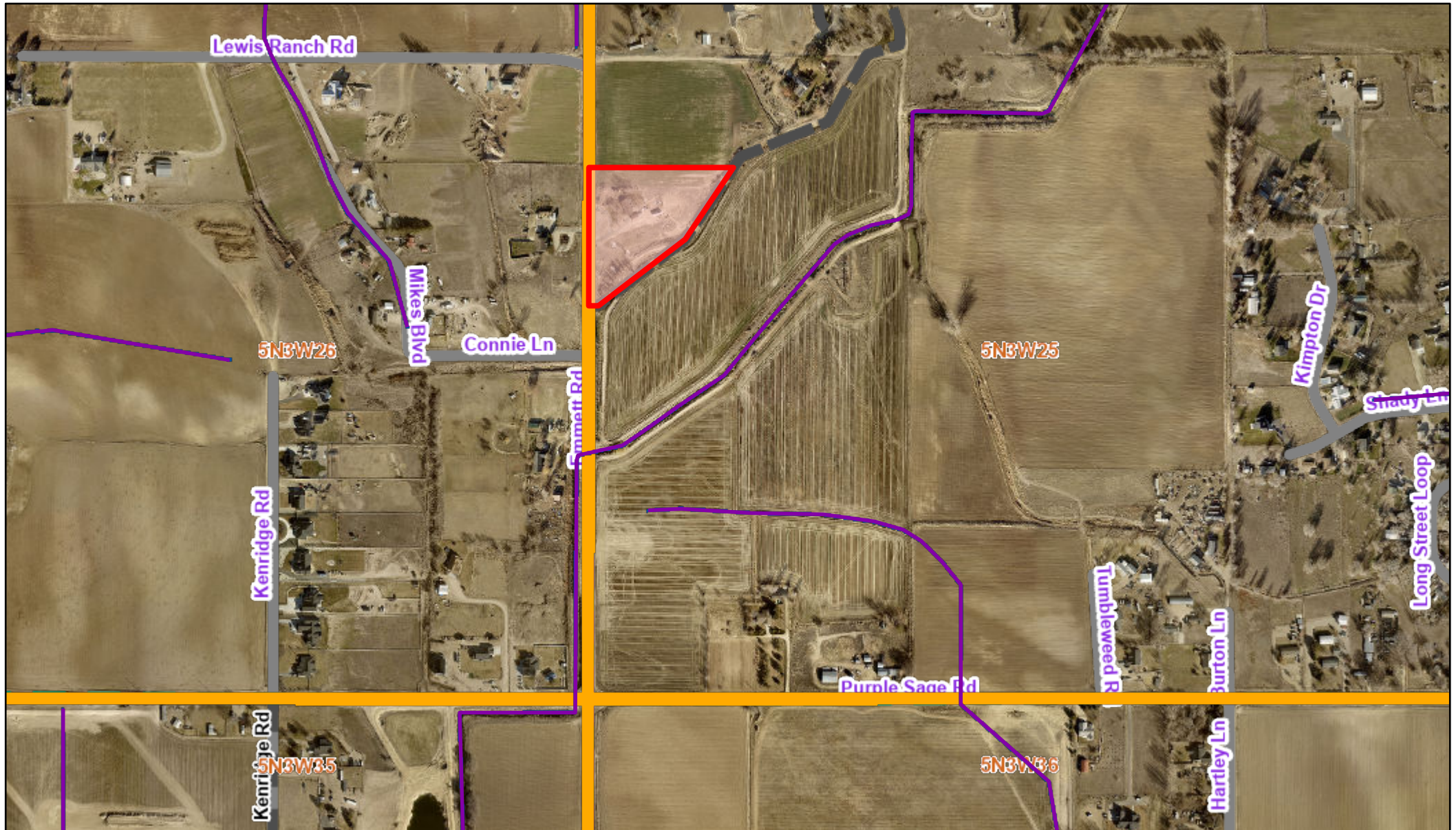
Monday, Tuesday, Thursday and Friday

8am – 5pm

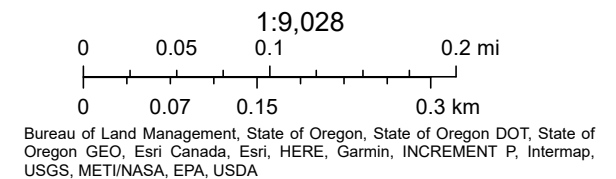
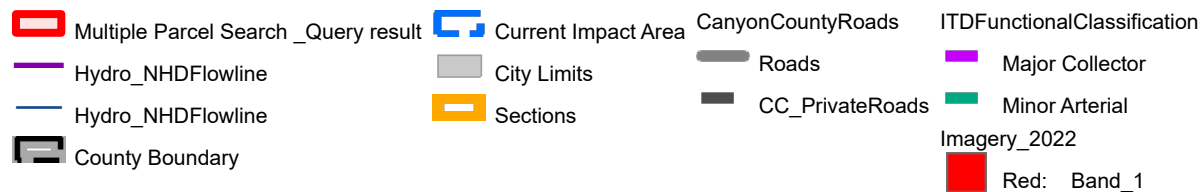
Wednesday

1pm – 5pm

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



12/14/2023, 8:57:42 AM





CONDITIONAL USE PERMIT

PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: Sheree Surber & Michael Surber	
	MAILING ADDRESS: 25366 Emmett Road, Caldwell, ID 83607	
	PHONE: [REDACTED]	EMAIL: [REDACTED]
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.		
Signature: <u>[Signature]</u> Date: <u>12-13-2023</u>		

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

SITE INFO	STREET ADDRESS: 25366 Emmett Road, Caldwell, ID 83607	
	PARCEL NUMBER: R38010	
	PARCEL SIZE: 4.72	
	REQUESTED USE: Dog breeding with potential to expand into training/hosting events	
	FLOOD ZONE (YES/NO) No	ZONING DISTRICT:

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER <u>CU 2023 - 0025</u>	DATE RECEIVED: <u>12-13-2023</u>
RECEIVED BY: <u>E. Kiester</u>	APPLICATION FEE: <u>\$950.00</u> CK MO CC CASH



CONDITIONAL USE PERMIT **PUBLIC HEARING - CHECKLIST**

CONDITIONAL USE PERMIT - CCZO Section 07-07-05

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

Description	Applicant	Staff
Master Application completed and signed	✓	✓
Letter of Intent (see standards on next page)	✓	✓
Site Plan (see standards on next page)	✓	✓
Land Use Worksheet	✓	✓
Neighborhood Meeting sheet/letter completed and signed	✓	✓
Proof of application/communication with (varies per application):	✓	
Southwest District Health	✓	✓
Irrigation District	✓	✓
Fire District	✓	✓
Highway District/ Idaho Transportation Dept.	✓	✓
Area of City Impact	N/A	OK
Deed or evidence of property interest to the subject property	✓	✓
Fee: \$950.00 \$600.00 (CUP Modification)		
Fees are non-refundable		

An application that requires additional Use Standards per Chapter 7, Article 14 of the Canyon County Code:

- ☐ Contractor Shop
- ☐ Mineral Extraction (Long Term)
- ☐ Wind Farm
- ☐ Staging Area
- ☐ Manufacturing or processing of hazardous chemicals or gases
- ☐ Ministorage Facility

**If applicable, review the Additional Use Standards Below, if not applicable, please disregard them.*

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

Letter of Intent

The following is an explanation regarding the application for a Conditional Use Permit for the residential property situated at 25366 Emmett Road, Caldwell, ID 83607.

Objective:

To seek approval for the utilization of the property for dog breeding, with the potential incorporation of training activities/hosting of events in the future.

Current Intended Use:

The property spans 4.72 acres and encompasses an existing residence of approximately 3,000 square feet, including both finished and unfinished areas. This dwelling is slated for extensive renovation in 2024, with the anticipated final area of 3,800-3,900 square feet of finished living space upon completion. Permitting is being/has been submitted separately for the renovation of the residence.

Within the next one to two years, we intend to install fencing around the perimeter of the property, as well as within the property boundaries to create fenced-in dog run(s)/pasture(s). Fencing will likely be constructed of poly split-rail and/or chain-link.

Within the next 15 years, we intend to submit for a separate building permit allowing for the construction of a distinct structure, similar to a heated/cooled shop, within the southern expanse of the property. The envisioned facility will provide additional shelter for the animals (kennel).

We propose the permanent housing of a maximum of twenty adult dogs (greater than one year) on the premises. However, the precise number of dogs at any given period will hinge upon the progression of our expansion efforts, ensuring that adequate space and shelter are available to responsibly care for the animals.

There are currently no plans to hire employees.

Public interactions will be kept to a minimum to help ensure the health and safety of the litters. They will primarily consist of limited visits to view existing litters and the collection of puppies on placement day. These visits may occur Monday through Sunday by appointment. Because no more than a handful of people would be accessing the property per year, we intend to utilize the existing circular driveway as access points and parking. Any impact on traffic and/or essential services would be minimal, if any.

Future Intended Use:

Should we expand to encompass training services/hosting of events in the future, public interaction would naturally become more frequent. While we do not currently foresee hiring employees, we estimate it would not exceed four in the event it becomes necessary.

Upon the expansion into training/event hosting, the entrances, interior roads/driveway, and parking areas will be enhanced/constructed per code, a separate septic system will be addressed, and additional permits will be obtained for those projects as required at the time of construction.



RESPONSIBILITY FOR THE DESIGN AND SPECIFICATING TO BE OUTLINED FOR CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING ANY QUESTIONS AND ISSUES, IN THE WORK, DRAWINGS AND SPECIFICATIONS AND THE CONTRACTOR SHALL NOTIFY THE DESIGNER IN WRITING OF ANY ERRORS, OMISSIONS OR UNUSUAL DETAILING REQUIREMENTS. CLOSING THE DESIGN PROBLEMS, THE DESIGNER'S LIABILITY REGARDING ERRORS AND/OR OMISSIONS WILL BE LIMITED TO THE CORRECTION OF THE ORIGINAL DRAWINGS. CONSOLE PARTS WILL BE THE SAME.

SURBER ADDITION
25366 EMMETT RD
CALDWELL, ID 83607
SITE PLAN



LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

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

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

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

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

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

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

7. **FENCING** ☒ Fencing will be provided (Please show location on site plan)
Type: Poly 3-rail with wire barrier fencing attached and/or chain link fencing Height: 3-4 ft

8. **STORMWATER:** ☐ Retained on site ☐ Swales ☐ Ponds ☒ Borrow Ditches
☒ Other: Drainage ditch along East/South property lines

9. **SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)
Irrigation provided by Black Canyon Irrigation

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

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

2. FIRE SUPPRESSION:

- ☒ Water supply source: Private well

3. INCLUDED IN YOUR PROPOSED PLAN?

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

NON-RESIDENTIAL USES

1. SPECIFIC USE: Dog breeding with potential to expand into training/hosting events in the future

2. DAYS AND HOURS OF OPERATION:

- ☒ Monday By appt only to _____
☒ Tuesday By appt only to _____
☒ Wednesday By appt only to _____
☒ Thursday By appt only to _____
☒ Friday By appt only to _____
☒ Saturday By appt only to _____
☒ Sunday By appt only to _____

3. WILL YOU HAVE EMPLOYEES? ☒ Yes If so, how many? 1-4 ☐ No There are no plans for employees at this time but it is possible in the future

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

Any lighting would be on the building above signage
Height: 3.5 ft Width: 4 ft. Height above ground: TBD ft

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

5. PARKING AND LOADING:

How many parking spaces? Existing driveway - If expansion takes place, parking will be provided in the lower pasture per code requirements.

Is there is a loading or unloading area? Existing driveway

ANIMAL CARE-RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: 20 adult dogs/bitches (greater than 1 year of age)

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☒ Building ☒ Kennel ☐ Individual Housing ☒ Other Residence

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: Additional waste system will be addressed as needed

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



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: 25366 Emmett Road	Parcel Number: R38010	
City: Caldwell	State: ID	ZIP Code: 83607
Notices Mailed Date: <u>October 26, 2023</u>	Number of Acres: 4.72	Current Zoning: <u>Res.</u>
Description of the Request: Dog breeding with possible future expansion into training		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Sheree Surber		
Company Name: Macushla Labradors		
Current address: 25366 Emmett Road		
City: Caldwell	State: ID	ZIP Code: 83607
Phone: [REDACTED]	Cell: [REDACTED]	Fax:
Email: [REDACTED]		

MEETING INFORMATION

DATE OF MEETING: <u>11-8-2023</u>	MEETING LOCATION: 25366 Emmett Road	
MEETING START TIME: <u>6:00 pm</u>	MEETING END TIME: <u>7:00 pm</u>	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Denise Burnett	<u>Denise Burnett</u>	25498 Emmett Rd
2. Stewart Voss	<u>Stewart Voss</u>	25367 Emmett Rd
3. Randy Robertson	<u>Randy Robertson</u>	13247 Lewis Ranch Rd
4. Dawn Robertson	<u>Dawn Robertson</u>	13247 Lewis Ranch
5.		
6.		
7.		
8.		
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):

Sheree Surber

APPLICANT/REPRESENTATIVE (Signature): 

DATE: 11/8/23

Sheree Surber
25366 Emmett Road, Caldwell, ID 83607

October 26, 2023

Dear Neighbor,

I am in the process of submitting an application for a Conditional Use Permit to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance §07-01-15).

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

The Neighborhood Meeting details are as follows:

Date: Wednesday, November 8, 2023

Time: 6:00 PM

Location: 25366 Emmett Road, Caldwell, ID 83607

Property Description: Residential Property

The project is summarized below:

Site Location: 25366 Emmett Road, Caldwell, ID 83607

Proposed access: Existing driveway(s)

Total Acreage: 4.72

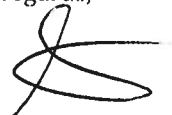
Proposed Lots: R38010

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 questions prior to the meeting, please contact me directly.

Warm regards,



Sheree Surber



AGENCY ACKNOWLEDGMENT

Date:

Applicant: Sheree Surber

Parcel Number: R38010

Site Address: 25366 Emmett Road, Caldwell, ID 83607

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:

☒ Applicant submitted/met for official review.

Date: 08/14/2023 Signed:

Anthony Lee
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District:

District: SWDH

☐ Applicant submitted/met for official review.

Date: _____ Signed:

Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District:

District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed:

Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District:

District: _____

☒ Applicant submitted/met for official review.

Date: 8/24/23 Signed:

Robert J. Fausch
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

All right of ways & easements must stay clear of all structures/buildings/fences/landscape!

Area of City Impact:

City:

Black Canyon Irrigation District
Notus, ID

☐ Applicant submitted/met for official review.

Date: _____ Signed:

Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

Received by Canyon County Development Services:

Date: _____ Signed:

Canyon County Development Services Staff

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED



Pre-Development Meeting

Name of Development: Macuchla Labadors
Applicant: Sheree Surber
P.E./P.G.: _____
All others in Attendance: _____

EHS#035 Date 08/14/2023

Number of Lots or Flow: 1 Acreage of Proposed Development: 4.72
Location of Development: 25366 Emmett Rd, Caldwell ID 83607

Project in Area of Concern: No Groundwater/Rock <10' Unknown
Level 1 NP Necessary for N: Unknown

LSAS/CSS Proposed: No
BRO meeting for P or above: No
Proposed Drinking Water: Individual ☒, City ☐, Community ☐, Public Water Supply ☐
BRO meeting for PWS, Com: No

Information Distributed: SER ☐, NP Guidance ☐, Non-Domestic WW ap. ☐


Additional Comments: Applicant discussed with SWDH potential plans for a separate facility for dog breeding & training in addition to abandoning the existing septic system & installing a new system. It was proposed that a maximum of 20 dogs for breeding will be on the premise. In the future, it would be advantageous to install a separate septic system for the expanded facility. SWDH has no concerns at this time. When the applicant is ready to move forward with the construction of the house, they will need to apply for a septic permit. A letter of intended use was provided along with floor plans for the proposed house. 08/14/2023 Anthony Lee

Attach conceptual plan, if provided, or any other correspondence, and create a file for this information. The information will be helpful when responding to the county about permitting requirements and should be maintained with the subdivision file or commercial permit file when completed, for a complete written history of the project and SWDH involvement.



DATE: October 26, 2023

TO: Sherce Surber
Canyon County P&Z

FROM: Victor Islas, Deputy Chief 

SUBJECT: Fire District Comment

PROJECT NAME: Conditional Use Permit - 25366 Emmett Rd., Caldwell Idaho

Fire District Summary Report:**1. Overview:**

- a. This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the Canyon County, Idaho.

2. Fire Response Time:

- a. The property listed above will be served by the Middleton Rural Fire District Station 53, located at 302 E. Main St., Middleton, ID. Station 53 is 4.1 miles with a travel time of 8 minutes under ideal driving conditions.
- b. Middleton Rural Fire District Station 54 will be located at 26476 Harvey Rd., Caldwell Idaho. When construction is complete, and the station is in service, the property listed above will be 2.1 miles with a travel time of 3 minutes under ideal driving conditions.

3. Accessibility: Roadway Access, Traffic, Radio Coverage

- a. Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.
- b. A parking and circulation plan will need to be approved by the fire district.
- c. The parking shall not create obstruction for emergency service access to the property.
- d. Vehicles shall be parked in designated areas only.

4. Additional Comments:

- a. Any additions or future building on this site will require commercial plan review/permits for access and water supply by the fire district prior to building permits being issued.



CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

Pre-Development Meeting Minutes

Project Name: Emmett-Surber Dog Breeding
Project Owner/Representative: Sheree Surber
Phone: [REDACTED]
Email: [REDACTED]
Project Location: R38010
Jurisdiction: CHD4-Roads

Public Roads

Name	Classification	Exist. R/W	Ultimate R/W	Notes
Emmett Road	Principal Arterial	35' ROW west of centerline, 25' easement east of centerline	100' full width 50' half-width	

Access:

Existing circular driveway 1,950 north of Purple Sage may remain; however, no new approaches allowed. Applicant may relocate driveway if needed. Will review approach at time of approach permit.

Improvement Requirements:

Based upon using the existing residence to breed up to 25 dogs per year, traffic impacts are anticipated to be minimal as customer pickups occur at time of dog purchase—customers are not expected daily.

1. Applicant is required to improve circular approach per SD-106 (commercial approach).
2. Pick-up/drop-off
 - a. When entering Emmett Road it shall be by forward motion only.

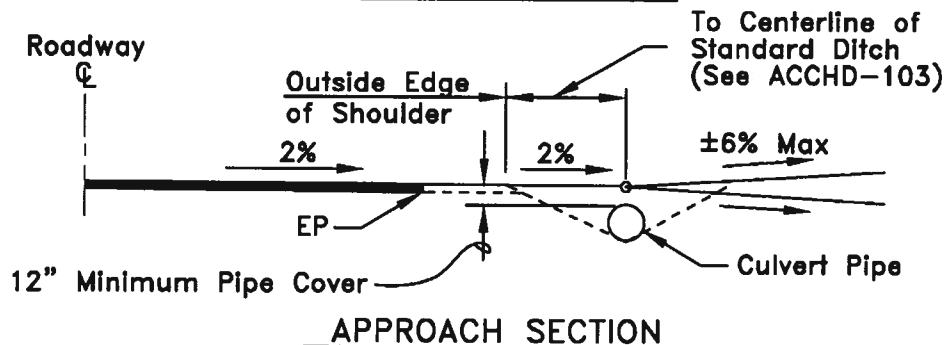
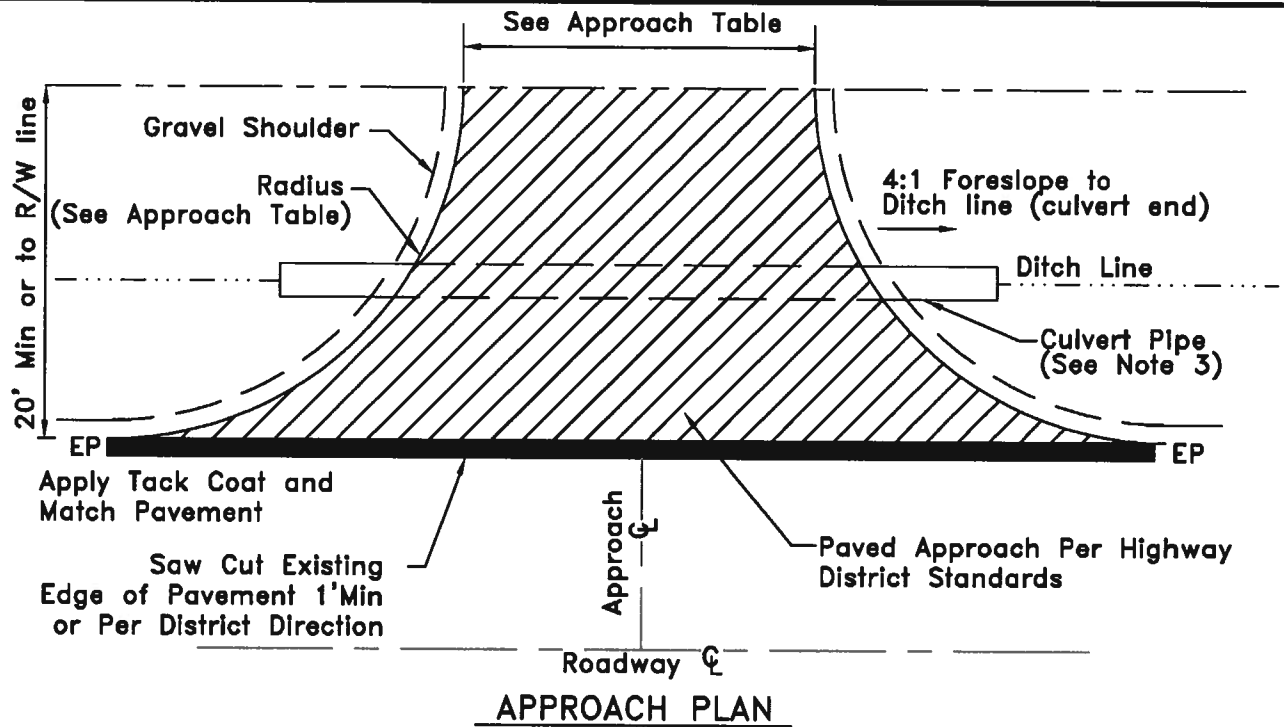
These items will be reviewed at time of approach permit

Other Comments:

Comments applicable for dog breeding only. CHD4 policy requires any change in use to seek an approach permit. If at any time training, kennel, or other changes of use occur please apply for an approach permit with CHD4.

No work within the right-of-way can occur until approach permit is issued.

The above represents the District's current policies to which the parcels may be subject to at time of development. These standards are subject to change and the standards/policies in effect at the time of approach permit application or improvement drawings shall apply. This is not an exhaustive list please see further details within the ACCHD: HSDP 2022.



APPROACH TABLE

APPROACH TYPE	Appr Width*		Min**
	Min	Max**	Radius
Residential, Three or More	24'	30'	20'
Commercial (One Way)	20'	30'	20'
Commercial (Two Way)	24'	40'	20'

* Does not include required 2' gravel shoulder on each side of approach.

** Or based on applicable commercial design vehicle.

PAVED APPROACH

STRUCTURAL SECTION **

2.5" Surfacing (Required)
6" Base
9" Subbase

COMMERCIAL APPROACH OR RESIDENTIAL APPROACH SERVING THREE (3) OR MORE PROPERTIES

N.T.S.

NOTES:

- Approaches spacing shall conform to section 3000 of the ACCHD Manual.
- Ingress/Egress by forward motion only.
- Culvert pipe shall be 12" min. diameter. Culvert pipe shall extend to the intersection of the ditch line and the 4:1 approach foreslope. Pipe material shall be either 0.064" thick corrugated steel, 0.060" corrugated Aluminum or Class V reinforced concrete.
- For approach serving primarily commercial trucks refer to section 3061.050.
- Serving One (1) Commercial Property or Three (3) or More Residences.

REVISED 01/22

ASSOCIATION OF
CANYON COUNTY
HIGHWAY DISTRICTS
CANYON COUNTY, IDAHO

COMMERCIAL & MULTIPLE
RESIDENTIAL APPROACH

STANDARD DRAWING
ACCHD-106



WARRANTY DEED

Alliance Title & Escrow, LLC Order No.: 603462

FOR VALUE RECEIVED

Sharon Kay Martin, an unmarried woman

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

^A
Sheree J Surber and Michael S Surber, wife and husband

whose current address is

25366 Emmett Rd
Caldwell, ID 83607

the grantee(s), the following described premises, in Canyon County, Idaho, TO WIT:

SEE EXHIBIT A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: March 30, 2022

Sharon Kay Martin
Sharon Kay Martin

State of Utah, ss

County of Washington

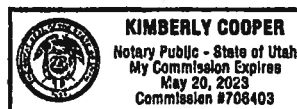
On this 1st day of April, 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared Sharon Kay Martin, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Kimberly Cooper
the undersigned

Notary Public for the State of Utah

Residing at: Saint George
Commission Expires: May 10, 2023



File No. 603462

Exhibit 'A'

A part of the Northwest 1/4 of the Southwest 1/4 of Section 25, Township 5 North, Range 3 West of the Boise Meridian in Canyon County, Idaho, more particularly described to wit:

Commencing at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 25, Township 5 North, Range 3 West of the Boise Meridian; thence
South 00°00' West 462.66 feet, along the West line of the said Section 25 to the initial point of this description; thence

North 90°00' East 595.32 feet; thence

South 33°53'30" West 354.90 feet; thence

South 52°39' West 449.62 feet; thence

North 90°00' West 40 feet to a point on the West line of the said Section 25; thence

North 00°00' East 567.34 feet, along the said West line to the initial point of this description.

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

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

Receipt Number: 81280

Date: 12/14/2023

Date Created: 12/14/2023

Receipt Type: Normal Receipt

Status: Active

Customer's Name: Sheree Surber

Comments: CU2023-0025

Site Address: 25366 EMMETT RD, Caldwell ID / Parcel Number: 38010000 0

CHARGES

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Conditional Use Permit	CU2023-0025	\$950.00	\$0.00	\$0.00

Sub Total: \$950.00

Sales Tax: \$0.00

Total Charges: \$950.00

PAYMENTS

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Credit Card	147808279	\$950.00

Total Payments: \$950.00

ADJUSTMENTS

Receipt Balance: \$0.00

EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# CU2023-0025

Hearing date: November 7, 2024

R38010

PARCEL INFORMATION REPORT

10/22/2024 11:47:16 AM

PARCEL NUMBER: R38010

OWNER NAME: SURBER SHEREE J

CO-OWNER: SURBER MICHAEL A

MAILING ADDRESS: 25366 EMMETT RD CALDWELL ID 83607

SITE ADDRESS: 25366 EMMETT RD

TAX CODE: 0310000

TWP: 5N RNG: 3W SEC: 25 QUARTER: SW

ACRES: 4.72

HOME OWNERS EXEMPTION: No

AG-EXEMPT: No

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: HIGHWAY DISTRICT #4

FIRE DISTRICT: MIDDLETON FIRE

SCHOOL DISTRICT: MIDDLETON SCHOOL DIST #134

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE 2011-2022 : Res

FLU Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY

FLU RR Zone Desc 2030: RURAL RESIDENTIAL

FUTURE LAND USE 2030: INTENSIVE AGRICULTURE OVERLAYRURAL RESIDENTIAL \ AG

IRRIGATION DISTRICT: BLACK CANYON IRRIGATION DIST

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0235F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: NE CANYON CO.

FUNCTIONAL Classification: Major Collector

INSTRUMENT NO. : 2022018238

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 25-5N-3W SW TAX 6-A IN SW1/4

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:

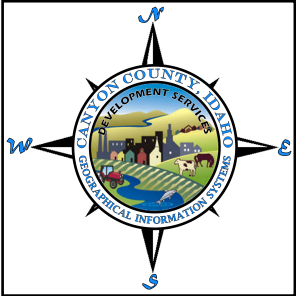
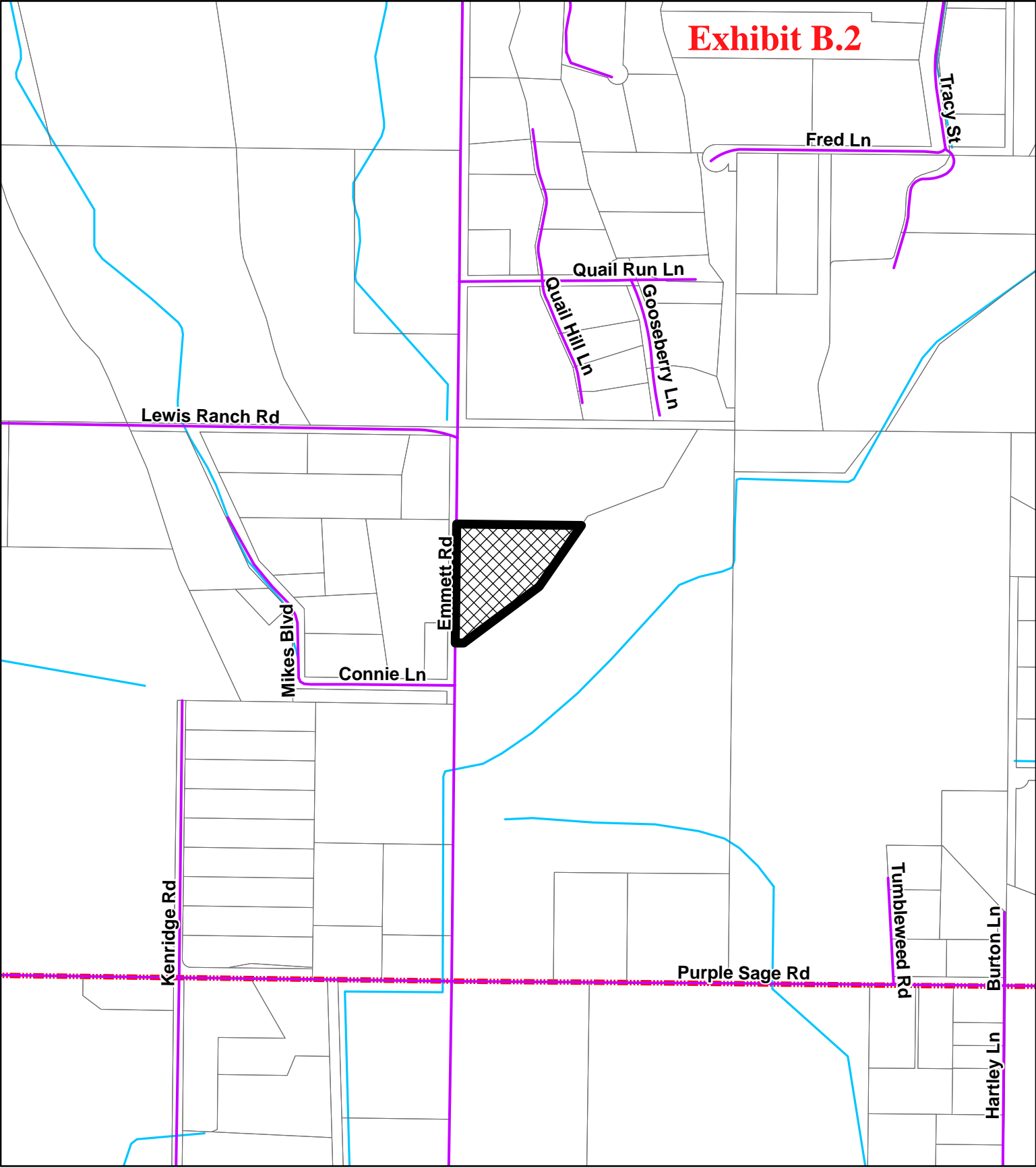


DISCLAIMER:

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.

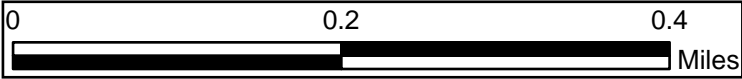
CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM
THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

Exhibit B.2



Legend

 SUBJECT_PROPERTY



Neighborhood Notification Map

Parcel No. R38010

Buffer Distance 600 Feet

Canyon County
Development Services
111 North 11th Ave, #140
Caldwell, ID 83605

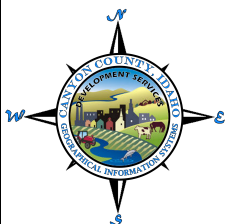
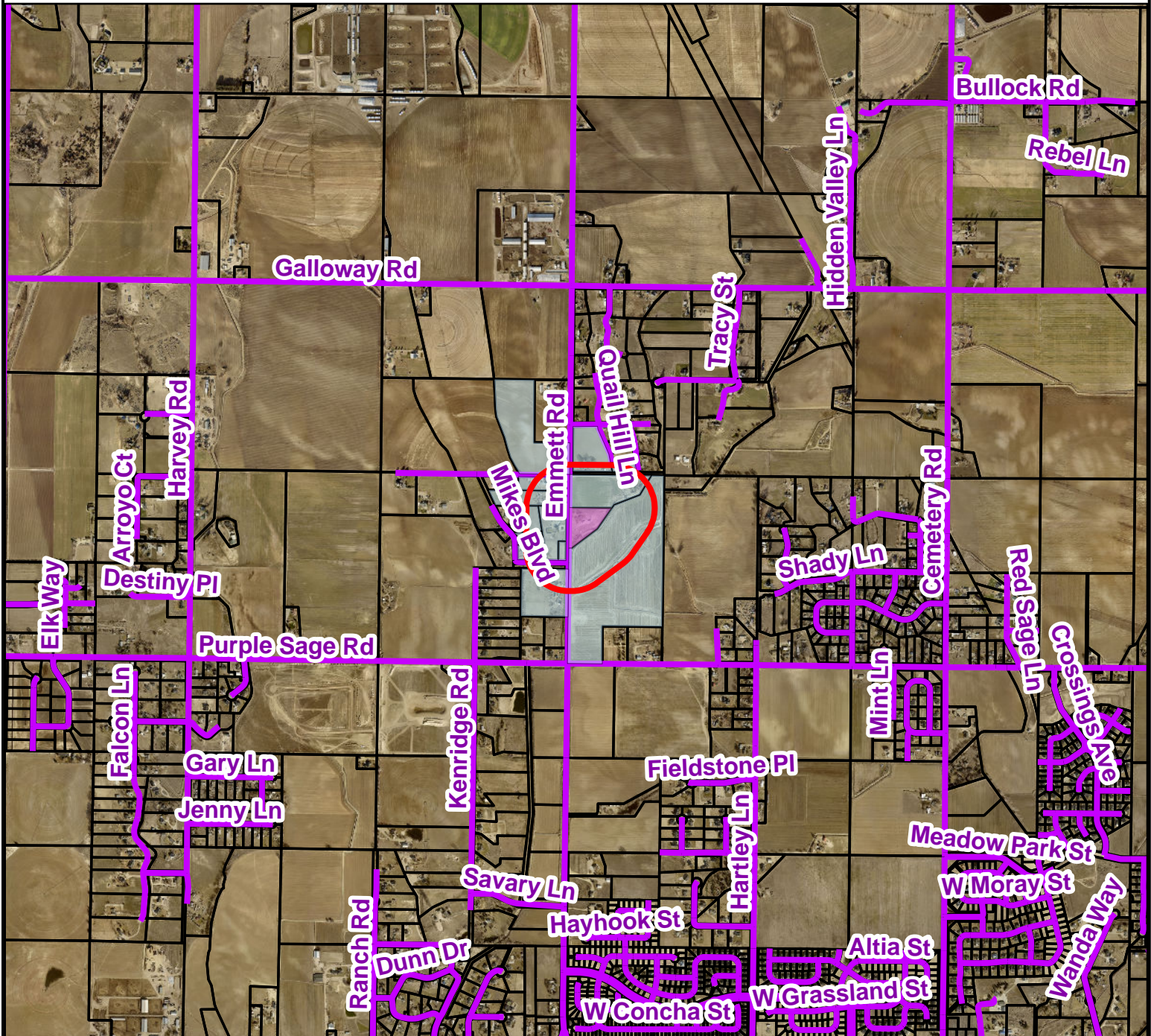
Exhibit B.3

Date: 9/10/2024

By: Talmeida



This map is for informational purposes only and does not suggest approval of the project.



Legend

	NOTIFICATION BUFFER		Highway
	SUBJECT_PROPERTY		Interstate
	NOTIFIED PARCELS		Local Road
	TAX PARCELS		

SCALE

1:24,000

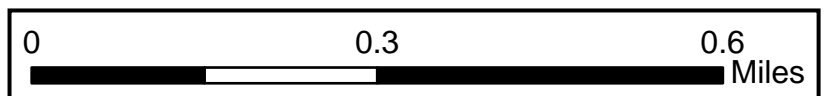
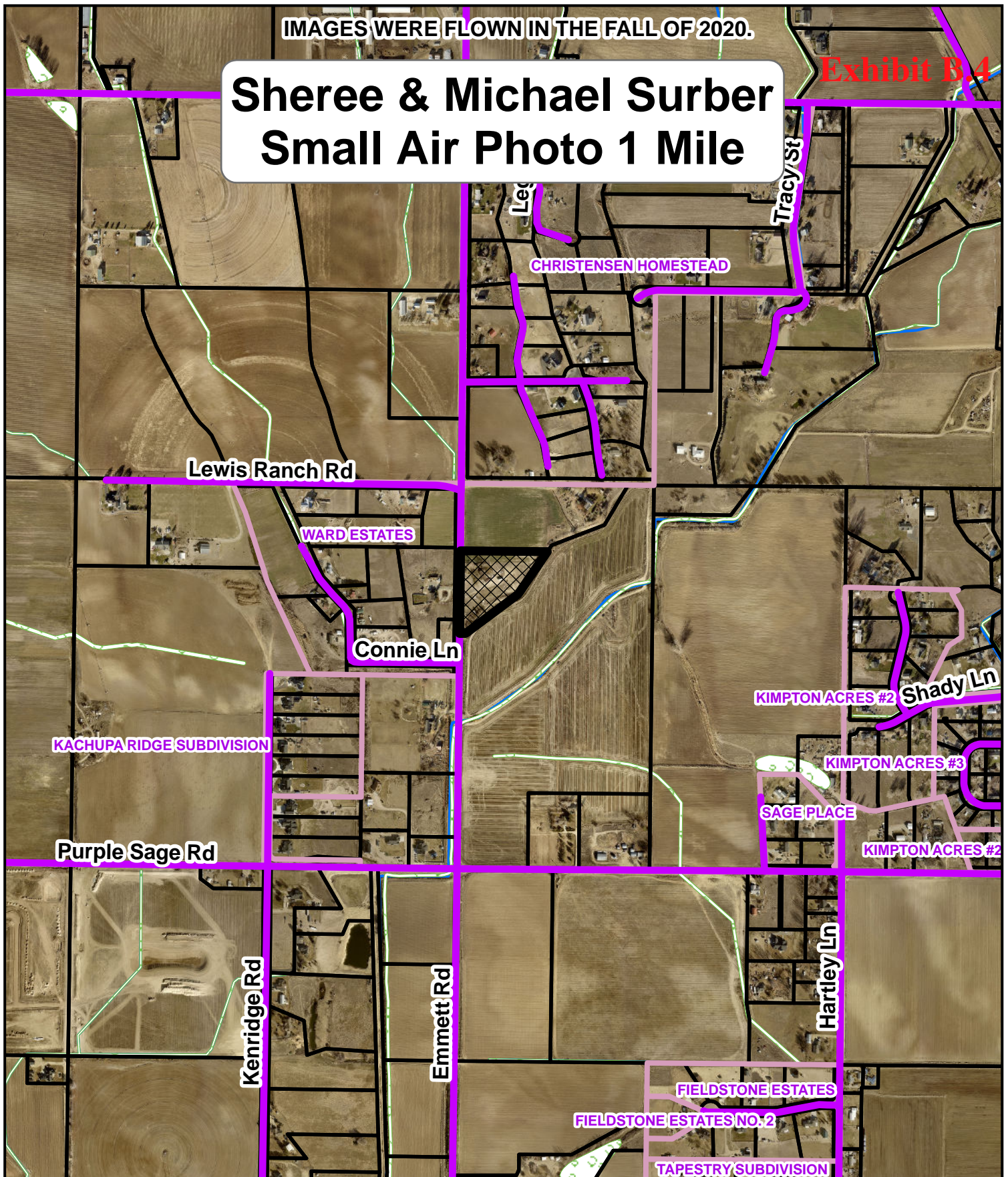
1:24,000

The maps are provided "as-is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the user accessing this information. Canyon County, ID makes no warranties, express or implied, as to the use of the maps. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts all inherent limitations of the maps, including the act that the maps are dynamic and in a constant state of maintenance, correction and revision. The maps do not represent a survey. Neither Canyon County, ID nor its officers and employees assume any liability for the accuracy of the data delineated on any map. In no event shall the Canyon County, ID or its officers or employees be liable for any damages arising in any way out of the use of this information.

IMAGES WERE FLOWN IN THE FALL OF 2020.

Exhibit B.4

Sheree & Michael Surber Small Air Photo 1 Mile



Sheree & Michael Surber Notification Map

Exhibit B.5

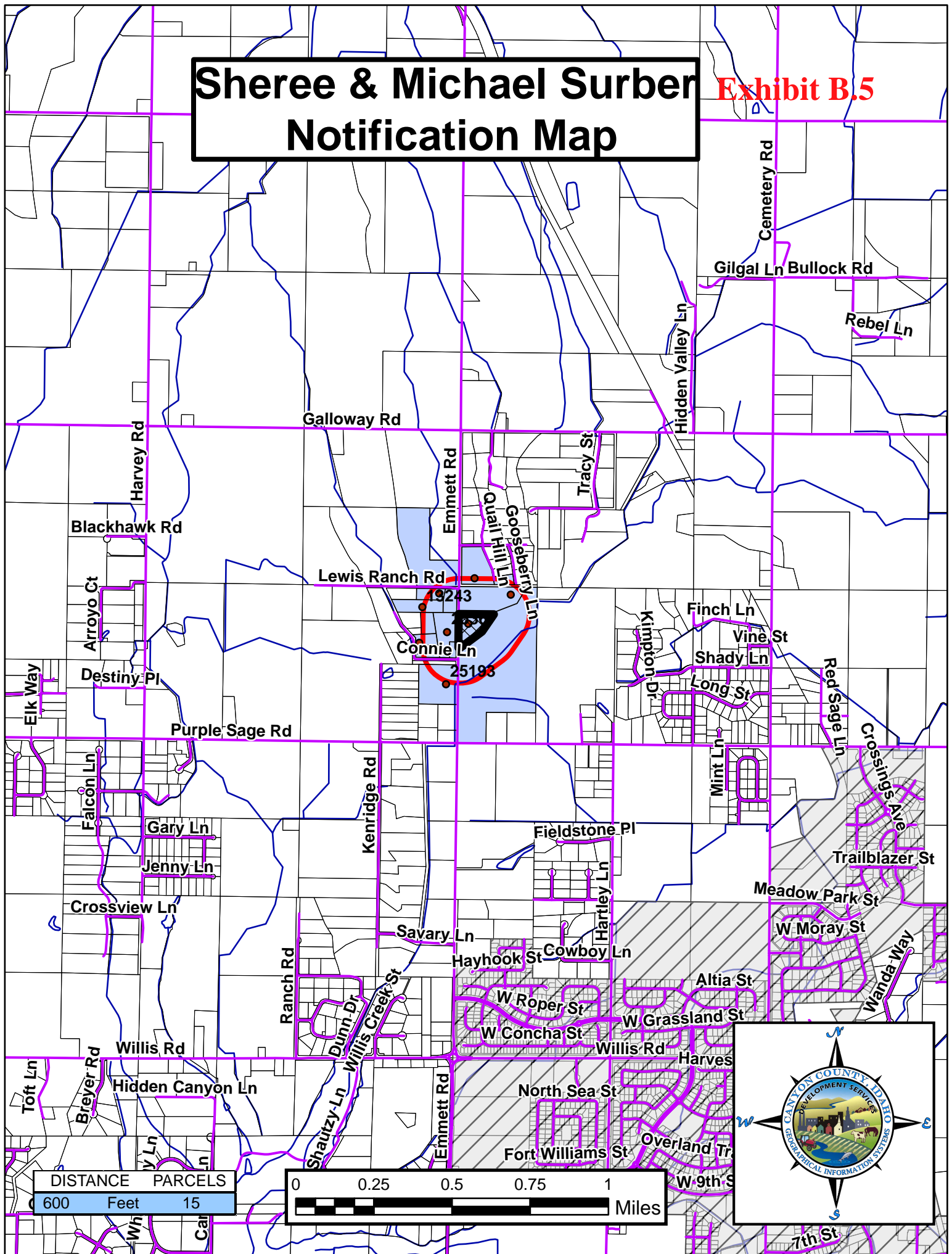


Exhibit B.6

PARCEL_NO	OwnerName	Address	City	State	ZipCode
R20799	MILBURN EDNA	25506 EMMETT RD	CALDWELL	ID	83607
R20800012	HAVEN IDAHO LLC	521 N 10TH AVE NO 4	CALDWELL	ID	83605
R27853012	LIMB DEVIN C	18156 LANTANA AVE	NAMPA	ID	83687
R27851010	LIMB DEVIN	13039 LEWIS RANCH RD	CALDWELL	ID	83607
R27853011	ROBERTSON RANDALL AND DAWN TRUST	13247 LEWIS RANCH RD	CALDWELL	ID	83607
R27848010	GOODING MARTIN L	13194 MIKES BLVD	CALDWELL	ID	83607
R27853	LIMB DEVIN	13039 LEWIS RANCH RD	CALDWELL	ID	83607
R27847	PIERSON EMMY	25367 EMMETT RD	CALDWELL	ID	83607
R27848	BOYER LUCERO A	13172 MIKES BLVD	CALDWELL	ID	83607
R27854	PIERSON EMMY	25367 EMMETT RD	CALDWELL	ID	83607
R38010	SURBER SHEREE J	25366 EMMETT RD	CALDWELL	ID	83607
R38009	BURNETT CHARLES R	25498 EMMETT RD	CALDWELL	ID	83607
R38014010	3V LAND COMPANY LLC	13503 GOODSON RD	CALDWELL	ID	83607
R38017010	WEIKEL ROBERT	25193 EMMETT RD	CALDWELL	ID	83607-7603
R38005	ROWLEY KEVIN L	PO BOX 700	CALDWELL	ID	83606



Director's Decision
Surber – Temporary Use Permit - TP2024-0010

Development Services Department

Applicant:
Michael & Sheree Surber

Staff:
Doug Exton, Associate Planner

Parcel Number:
R38010

Current Zone:
"A" (Agricultural)

Future Land Use:
Rural Residential within the
Intensive Agriculture Overlay

Lot Size:
4.72 acres

**Applicable Zoning Land Use
Regulations:**
§07-15-03
§07-15-05(1)(B)

Notifications:
Property Owners:
07/30/2024

Affected Agencies:
07/30/2024

Exhibits
1. Letter of intent/site plan
2. Email from Nampa
Highway District
3. Email from Southwest
District Health

Request

The applicants, Michael & Sheree Surber, are requesting a Temporary Use Permit to reside in a Recreational Vehicle (RV) while a dwelling is being constructed (BP2024-0237). The subject property, parcel R38010 is located at 25366 Emmett Rd, Caldwell, ID 83607.

Background

The subject parcel, 4.72 acres, is zoned "A" (Agricultural). The parcel was created in 1973 (Tax 6A), and is, therefore, an original parcel as it predates September 6th, 1979.

Findings & Evidence

§07-15-03 Application, Procedure, Approval, Renewal, Revocation:

- (1) **Application:** *"The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee. DSD shall provide notification by mail of the application to the owners of parcels within six hundred feet (600') of the external boundaries of the parcel, as well as any applicable agencies and shall provide such individuals and agencies a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed application."*

Property owners within 600 feet of the property boundary and affected agencies were noticed on July 30, 2024.

- There were no comments were received from property owners within 600 feet of the subject property.
- The following comments were received from affected agencies:
 - Nampa Highway District #1 responded on July 30th, 2024 with no objection to the proposed Temporary Use Permit to reside in an RV while the residence is built.
 - Southwest District Health responded on August 9th, 2024 requesting assurance the RV will be disconnected from the existing septic prior to occupation of the house.

- (2) **Compliance with this Code:** *"Prior to issuance of a director's administrative decision, the subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and with all other articles of this chapter."*

- Finding: There are no know code violations on this property.

- (3) **Compliance with All Applicable Regulations:** *"The property shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property and/or business."*

- Finding: As conditioned, the use shall comply with applicable federal, state, and county laws, ordinances, rules, and regulations.

(4) Compliance with County Ordinances: *"The property shall be in compliance with the Canyon County zoning ordinance, public nuisance ordinance and building ordinance."*

- Finding: The parcel is in compliance with county ordinances and has no known active code violations.

(5) Nontransferable: *"This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the director."*

- Finding: As a condition of approval, this permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Director.

(6) Parking: *"Off-street parking shall be provided in accordance with article 13 of this chapter. No parking space shall be located in any public right of way."*

- Finding: Based on the provided site plan (Exhibit 1) there is enough space for parking.

§07-15-03 (1(B)) Temporary Use Permit Additional Requirements/Standards:

(1) In zones allowing a temporary use, the landowner may apply for a temporary use permit for the following reasons:

B. While a single-family dwelling is being constructed;

- Finding: The RV will be occupied while the single-family dwelling is being constructed (Exhibit 1).

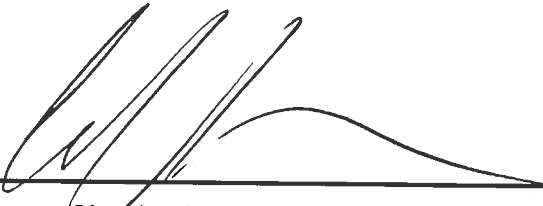
Based on the information provided and the findings required to be made to support a temporary use permit application, Staff finds the request consistent with the applicable regulations (CCZO §07-15-03 & §07-15-03 (1(B))), subject to the conditions of approval below.

Conditions of Approval:

1. The use shall comply with applicable federal, state, and county laws, ordinances, rules, and regulations.
2. Any disposal of wastewater from the RV shall comply with all requirements and secure proper permits from Southwest District Health prior to the occupation of the RV.
3. The RV will need to be disconnected from the existing septic system at time of final inspection.
4. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Director.
5. Off-street parking shall be provided in accordance with Chapter 7, Article 13 of the Canyon County Zoning ordinance. No parking space shall be located in any public right-of-way.
6. This approval is valid until the certificate of occupancy is issued for the residence on the parcel (BP2024-0335). Once the certificate of occupancy is issued, the occupation of the RV shall cease.

Order:

Based upon the Temporary Use application review criteria and standards along with the Findings of Fact contained herein, the Director **approves** Case #TP2024-0010 to allow one recreational Vehicle (RV) to be occupied while a residence is under construction outside of an RV park.



Carl Anderson, Planning Supervisor for Development Services Department

8-19-24

Date

Appeal by Affected Person: Any affected person who is aggrieved by the Director's decision may file a written notice of appeal in accordance with section 07-05-07, "Appeal of Director Administrative Decision", of this chapter.

State of Idaho)
SS
County of Canyon)

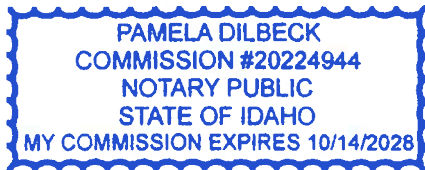
On this 19th day of August in the year of 2024, before me

Pamela Dilbeck, a notary public, personally appeared

Carl Anderson personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that he executed the same.

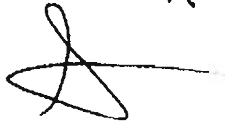
Notary: Pamela Dilbeck

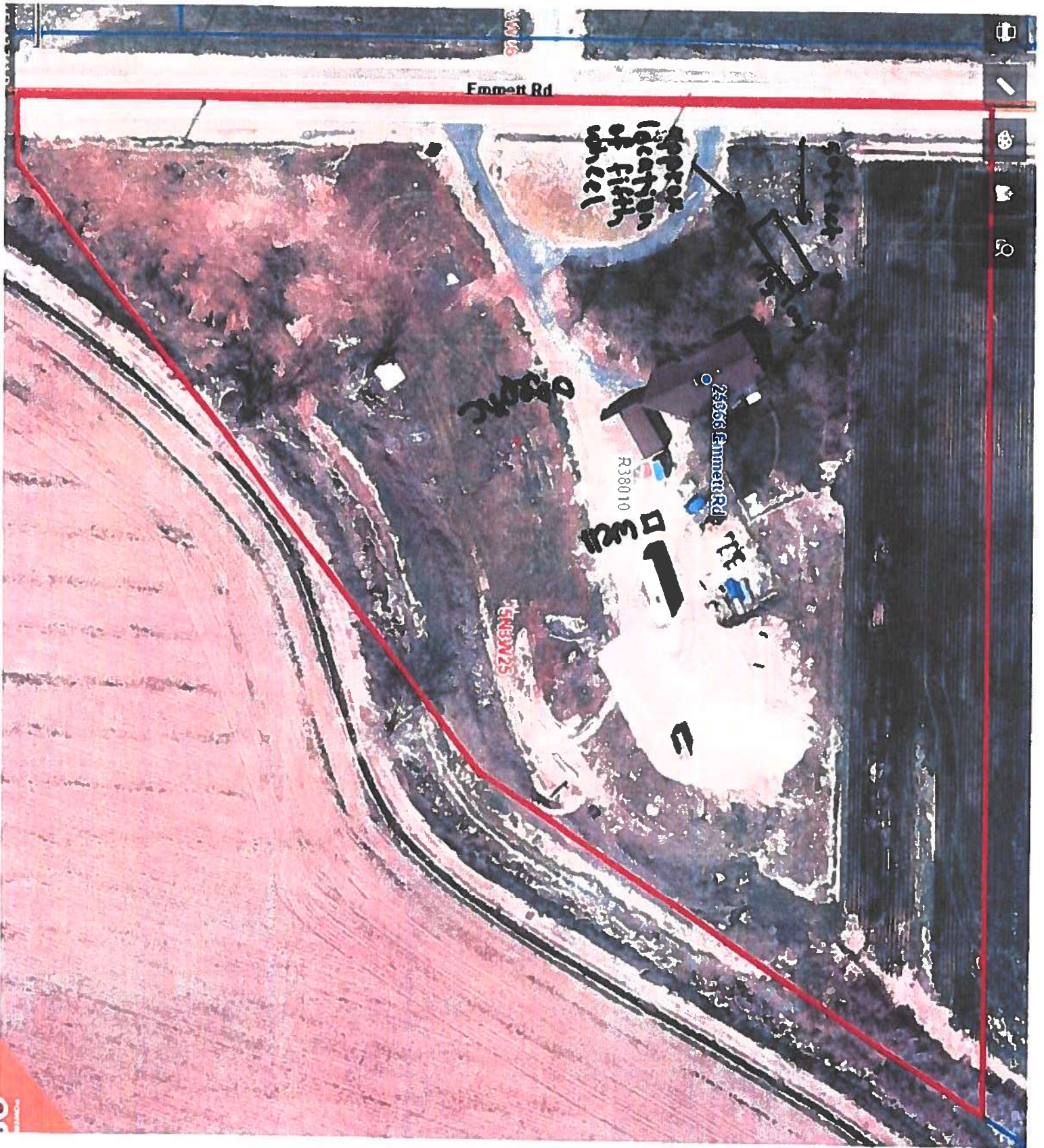
My Commission Expires: 10/14/2028



7-19-24

We are requesting a temp. permit allowing us to reside in our 45' fifth-wheel trailer on the property during construction related to permit #BP2024-0237.


Sherree Surber



Doug Exton

From: Chris Hopper <chopper@hwydistrict4.org>
Sent: Tuesday, July 30, 2024 9:35 AM
To: Doug Exton
Cc: Lenny Riccio
Subject: [External] FW: Agency Notification TP2024-0010 Michael & Sheree Surber
Attachments: TP2024-0010 - Notice to Agencies.docx

HD4 has no comment on the request for temp RV residence at 25366 Emmett Rd.

Respectfully,

Chris Hopper, P.E.
District Engineer



Highway District No. 4
15435 Hwy 44
Caldwell, Idaho 83607
208-454-8135

From: Pam Dilbeck <Pam.Dilbeck@canyoncounty.id.gov>
Sent: Tuesday, July 30, 2024 9:31 AM
To: mitch.kiester@phd3.idaho.gov; Anthony Lee <anthony.lee@phd3.idaho.gov>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; Chris Hopper <chopper@hwydistrict4.org>; Brian Crawford <Brian.Crawford@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>
Subject: Agency Notification TP2024-0010 Michael & Sheree Surber

Hello:

Please see the attached agency notice regarding the Director's Decision case: TP2024-0010 for Michael & Sheree Surber. You are invited to provide written testimony or comments by August 14, 2024. The deadline for testimony is to endure planners can consider the information as they develop their staff report and recommend findings. All items received by the deadline will be taken into account and incorporated into the Staff Report.

Please direct your comments or questions to Planner Doug Exton at Doug.Exton@canyoncounty.id.gov.

Thank you,



Pam Dilbeck

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

Direct Line: 208-455-5964

Email: Pam.Dilbeck@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 **

Doug Exton

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Friday, August 9, 2024 1:20 PM
To: Doug Exton
Subject: RE: [External] RE: Agency Notification TP2024-0010 Michael & Sheree Surber

Hi Doug,

Yes, we have allowed an RV to hook up to a septic system while a residence is being built for temporary use. In this case, the existing septic system is designed for a 3-bedroom house and would be sized appropriately for a 1-bedroom trailer temporarily. We would need reassurance that the RV is disconnected before occupancy of the house.

Let me know if have any additional questions.

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: Doug Exton <Doug.Exton@canyoncounty.id.gov>

Sent: Friday, August 9, 2024 10:38 AM

To: Anthony Lee <Anthony.Lee@swdh.id.gov>

Subject: RE: [External] RE: Agency Notification TP2024-0010 Michael & Sheree Surber

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

Hi Anthony,

Based on the building permit in our system, and the fact that they will be living in the RV if the temporary use is approved, they won't be living in the house. The building permit shows that they are rebuilding the entire first floor of their house. Why couldn't the RV use the 3-bedroom septic if the house is not lived in due to the construction, and

then disconnect at the time of Cert. of Occupancy? I'm not the most knowledgeable on septic systems, so I just want to make sure I understand it all 😊

Thank you for all the help on this!

Doug Exton
Associate Planner,
[Canyon County Development Services](https://www.canyoncounty.id.gov/development-services)
doug.exton@canyoncounty.id.gov | Direct: 208-614-5030



DSD public office hours:

Monday, Tuesday, Thursday and Friday: 8 am – 5 pm
Wednesday: 1 pm – 5 pm

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.

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Friday, August 9, 2024 9:18 AM
To: Doug Exton <Doug.Exton@canyoncounty.id.gov>
Subject: RE: [External] RE: Agency Notification TP2024-0010 Michael & Sheree Surber

Hi Doug,

My understanding was that there is an existing 3-bedroom house connected to an existing septic system. In such case, the 1-bedroom trailer would not be allowed to connect to the existing septic system since the septic system is not large enough. Has the applicant applied for a septic permit for the proposed 3-bedroom house?

Let me know if you have any questions.

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](https://www.swdh.org)
13307 Miami Ln., Caldwell, ID 83607

From: Doug Exton <Doug.Exton@canyoncounty.id.gov>
Sent: Thursday, August 8, 2024 2:20 PM

To: Anthony Lee <Anthony.Lee@swdh.id.gov>

Subject: RE: [External] RE: Agency Notification TP2024-0010 Michael & Sheree Surber

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.

Thank you for the information Anthony!

Just to clarify, would the wastewater of the 1-bedroom trailer overflow the system even though they are residing in the RV while the 3-bedroom house is being built?

Thank you,

Doug Exton

Associate Planner,

Canyon County Development Services

doug.exton@canyoncounty.id.gov | Direct: 208-614-5030



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Wednesday: 1 pm – 5 pm

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From: Anthony Lee <Anthony.Lee@swdh.id.gov>

Sent: Wednesday, August 7, 2024 3:55 PM

To: Doug Exton <Doug.Exton@canyoncounty.id.gov>

Subject: RE: [External] RE: Agency Notification TP2024-0010 Michael & Sheree Surber

Hi Doug,

Sorry for the delay.

Based on the accessory use permit that was issued on 04/09/2024, the existing septic system is sized adequately for a 3-bedroom house **only**. The proposed 1-bedroom trailer will increase wastewater flows that exceeds the capacity of the existing septic system, and the applicant will need to apply for an expansion/new septic permit.

Applicant may reach out to SWDH to discuss this proposal.

Let me know if you have any questions.

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: Doug Exton <Doug.Exton@canyoncounty.id.gov>

Sent: Thursday, August 1, 2024 7:13 AM

To: Anthony Lee <Anthony.Lee@swdh.id.gov>

Subject: RE: [External] RE: Agency Notification TP2024-0010 Michael & Sheree Surber

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.

Sounds good! Thank you 😊

Doug Exton

Associate Planner,

[Canyon County Development Services](#)

doug.exton@canyoncounty.id.gov | Direct: 208-614-5030



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Monday, Tuesday, Thursday and Friday: 8 am – 5 pm

Wednesday: 1 pm – 5 pm

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.

From: Anthony Lee <Anthony.Lee@swdh.id.gov>

Sent: Wednesday, July 31, 2024 3:30 PM

To: Doug Exton <Doug.Exton@canyoncounty.id.gov>

Subject: RE: [External] RE: Agency Notification TP2024-0010 Michael & Sheree Surber

Hi Doug,

I did receive a response from the applicant. I need to determine if the existing septic system is sized appropriately for an additional 1-bedroom trailer.

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: Doug Exton <Doug.Exton@canyoncounty.id.gov>

Sent: Wednesday, July 31, 2024 12:28 PM

To: Anthony Lee <Anthony.Lee@swdh.id.gov>

Subject: RE: [External] RE: Agency Notification TP2024-0010 Michael & Sheree Surber

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

Hi Anthony,

I just spoke with Sheree, and she let me know that she emailed you and me about disposing of the wastewater in the existing septic system, but the email was bounced back from my address. Did you get her email?

Doug Exton

Associate Planner,

[Canyon County Development Services](#)

doug.exton@canyoncounty.id.gov | Direct: 208-614-5030



DSD public office hours:

Monday, Tuesday, Thursday and Friday: 8 am – 5 pm

Wednesday: 1 pm – 5 pm

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.

From: Anthony Lee <Anthony.Lee@swdh.id.gov>

Sent: Tuesday, July 30, 2024 4:12 PM

To: Doug Exton <Doug.Exton@canyoncounty.id.gov>

Subject: [External] RE: Agency Notification TP2024-0010 Michael & Sheree Surber

Hi Doug,

The applicant will need to reach out to SWDH to discuss how they plan to properly dispose of the wastewater generated by the 1-bedroom 5th wheel trailer.

Let me know if you have any questions.

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: Pam Dilbeck <Pam.Dilbeck@canyoncounty.id.gov>

Sent: Tuesday, July 30, 2024 9:34 AM

To: Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee

<Anthony.Lee@swdh.id.gov>; 'permits@starfirerescue.org'

<permits@starfirerescue.org>; 'chopper@hwydistrict4.org'

<chopper@hwydistrict4.org>; Brian Crawford

<Brian.Crawford@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov;

Michael Stowell <mstowell@ccparamedics.com>

Subject: RE: Agency Notification TP2024-0010 Michael & Sheree Surber

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.

I apologize for not attaching the Master application packet for this project. Here it is.

Thank you,



Pam Dilbeck

Sr. Administrative Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-5964

Email: Pam.Dilbeck@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 ****

From: Pam Dilbeck

Sent: Tuesday, July 30, 2024 9:31 AM

To: mitch.kiester@phd3.idaho.gov; Anthony Lee <anthony.lee@phd3.idaho.gov>;
'permits@starfirerescue.org' <permits@starfirerescue.org>; 'chopper@hwydistrict4.org'
<chopper@hwydistrict4.org>; Brian Crawford
<Brian.Crawford@canyoncounty.id.gov>; Christine Wendelsdorf
<Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell
<mstowell@ccparamedics.com>

Subject: Agency Notification TP2024-0010 Michael & Sheree Surber

Hello:

Please see the attached agency notice regarding the Director's Decision case: TP2024-0010 for Michael & Sheree Surber. You are invited to provide written testimony or comments by August 14, 2024. The deadline for testimony is to ensure planners can consider the information as they develop their staff report and recommend findings. All items received by the deadline will be taken into account and incorporated into the Staff Report.

Please direct your comments or questions to Planner Doug Exton at
Doug.Exton@canyoncounty.id.gov.

Thank you,



Pam Dilbeck

Sr. Administrative Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-5964

Email: Pam.Dilbeck@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

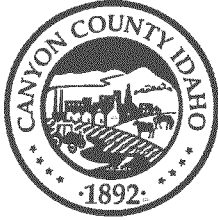
Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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



Canyon County Board of County Commissioners
Weikel – Rezone – RZ2019-0042
Development Services Department

Findings of Fact, Conclusions of Law, and Order
Conditional Rezone - RZ2019-0042

Findings of Fact

1. Robert and Nancy Weikel are requesting a **Conditional Rezone** of Parcel R38017010 from an “A” (Agricultural) zone to an “R-1” (Single Family Residential, one acre average minimum lot size). The request includes a **Development Agreement** to limit future development to six residential lots (as shown below). The 10.18 acre property is located at 25193 Emmett Road, Caldwell; also referenced as a portion of the SE ¼ of Section 26, Township 5N, Range 3W; Canyon County, Idaho.
2. The 10.18 acre property is not an original parcel (created prior to September 6, 1979; CCZO §07-02-03). The parcel was divided from a 20 acre parcel to two 10 acre parcels in 1998 (Case No, LS2004-756). The other 10 acres was subsequently divided into four parcels. If the rezone is approved, platting is required.
3. The subject property is currently zoned “A” (Agricultural).
4. The subject property is designated as “residential” on the 2020 Comprehensive Plan - Future Land Use Map.
5. The subject property is not located within the Middleton area of city impact.
6. The subject property is located within Black Canyon Irrigation District, Middleton School District, Middleton Fire District and Canyon Highway District #4,
7. The neighborhood meeting was held on December 17, 2019 in accordance with CCZO §07-01-15.
8. On June 17, 2020, the Planning and Zoning Commission recommended denial of the request.
9. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on July 6, 2020. Full political noticing was completed on February 18, 2020. Newspaper notice was provided on July 15, 2020. Property owners within 300’ were notified by mail on July 6, 2020. The property was posted on July 21, 2020.
10. The record consists of exhibits provided as part of the public hearing staff report, testimony and any additional evidence submitted during the public hearing via WebEx on June 17, 2020 and all information contained in Case File #RZ2019-0042.

Conclusions of Law

For this request, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Evaluation for a Conditional Rezone (§07-06-07(6)A):

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

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

Finding: The proposed conditional rezone is generally consistent with the following comprehensive plan goals and policies:

- **Property Rights Policy No. 1:** “No person shall be deprived of private property without due process of law.”
 - Notice of the public hearing was provided in accordance with CCZO §07-05-01.
- **Property Rights Policy No. 8:** “Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.”
 - The property is designated as “residential” on the Future Land Use Map. Therefore, the proposed rezone to residential is commensurate with the plan for this area.

- During a site visit of the property, it was observed that the property contained open storage of scrap lumber or wood, junk, debris, discarded furniture, appliances, and mechanical parts and dismantled vehicles which meets the definition of a public nuisance in Canyon County Code §02-01-05. As a condition of the development agreement, all public nuisance will be abated prior to final plat approval.
- Canyon Highway District #4 identifies Emmett Road as a principal arterial. The arterial serves long distances, high speed trips between Canyon and Payette Counties. Current access management policies prohibit public road and driveway access to the arterial. Therefore, future development must obtain access from Connie Lane, a privately maintained local road with a public right-of-way. The access will require crossing of an existing canal that separated the road from the property. As a condition of the development agreement, future development shall take access from Connie Lane and abandon existing access direct to Emmett Road.
- A portion of the subject property is located within a mapped floodplain (A Zone; no base flood elevation data). The applicant will be required during platting to provide a base flood elevation study to FEMA to determine the based flood in the A Zone and meet all floodplain requirements for development of a subdivision in a floodplain (CCZO §07-10A-11(1)O and 07-10A-11(2)K).
- The request was reviewed by all affected agencies. Affected agencies consist of the following: Canyon County Sheriff, Canyon County Ambulance, Southwest District Health, Middleton School District, Black Canyon Irrigation District, Flood District #10 & #11, Canyon Highway District #4, Idaho Transportation Department, Middleton Fire District, Canyon County Assessor's Office, COMPASS, Department of Environmental Quality, Idaho Department of Water Resources (IDWR), IDRW – State NFIP Coordinator, Idaho Fish and Game, Idaho Power and Intermountain Gas Company. None of the affected agencies found the request to create impacts that could not be mitigated by conditions within the development agreement or during the platting process.
- Land Use - Policy No. 2: *"Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate."*
 - The applicant is willing to enter into a development agreement to limit future development to six residential lots as shown in the conceptual site plan (Exhibit 2). As conditioned by the development agreement, residential lot sizes and use will be commensurate with surrounding parcels and subdivision within the vicinity (*See Surrounding Area & Character Analysis below*).
- Land Use – Residential – Policy No. 2: *"Encourage residential development in areas where agricultural uses are not viable."*
 - The property consists of best to moderately suited soils and is considered prime farmland if irrigated. However, the property is and has not been used for farming operations. The property is used for equestrian uses. The rezone and subsequent subdivision will still allow future property owners equestrian uses in accordance with CCZO §07-02-03.

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

Conclusion: The proposed conditional rezone is more appropriate than the current zoning designation.

Finding: The conditional rezone, as conditioned by the development agreement, is compatible to uses existing in the area and will promote farmland preservation.

The applicant is requesting to rezone the parcel to an "R-1" (Single Family Residential) zone. CCZO §07-10-25(3) states that purpose of the "R-1" zone is to *"promote and enhance predominantly single-family living areas at a low density standard."* The average minimum lot size in an "R-1" zone is one (1) acre. The applicable application, submittal requirements and file fee for the zone amendment were filed with DSD on December 31, 2019 in accordance with CCZO §07-06-01(2) with neighborhood meeting completed on December 17, 2019 in accordance with CCZO §07-01-15(1).

On February 21, 2020, the applicant included a development agreement as part of the application. The "R-1" has the potential to allow up to 10 residential lots on the subject parcel. The applicant is willing to restrict the number of residential lots to six as part of the development agreement. One of the lots, over four (4) acres in size, would retain the existing dwelling and accessory structures. The other five lots would have a lot size of 1 to 1.15 acres.

The subject property is currently zoned "A" (Agricultural). Although the surrounding area consists mostly of "A" zoned properties, the following rezones have been approved within the vicinity outside of the area of city impact:

- Parcels R38017011, R38017011A, R38017 and R38017012: Case No. RZ2018-0012; "A" to "R-1" zone (Approved October 21, 2018).
- Parcels R38016: Case No. PH2014-21; "A" to "R-R" zone (Approved August 4, 2014). Kachupa Ridge Subdivision was subsequently approved in 2019.
- Parcel R20798010: Case no. RZ2019-0018; "A" to "R-1" zone (Approved September 2, 2019).

Within the vicinity of the subject property, the following residential subdivisions exist outside of the area of city impact:

- Kachupa Ridge Subdivision (Approved in 2019): Six (6) lot subdivision with a two (2) acre average lot size.
- Ward Estates (Approved in 1971): An eight (8) lot subdivision. Three (3) of the parcels have been subsequently divided making the average lot size approximately 3.5 acres. Two of the smallest lots consist of 0.50 of an acre lot size.
- Sage Place (Approved in 2003): Five (5) lot subdivision with a 1.31 average acre lot size.

The property consists of best to moderately suited soils and is considered prime farmland if irrigated (Exhibit 4g). However, the property is and has not been used for farming operations. The property is used for equestrian uses. The rezone and subsequent subdivision will still allow equestrian uses in accordance with CCZO §07-02-03.

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

Conclusion: The proposed use is compatible with the surrounding land uses.

Finding: The request is consistent with other rezones and residential divisions in the area. Although the surrounding area consists mostly of “A” zoned properties, the following rezones have been approved within the vicinity outside of the area of city impact:

- Parcels R38017011, R38017011A, R38017 and R38017012: Case No. RZ2018-0012; “A” to “R-1” zone (Approved October 21, 2018).
- Parcels R38016: Case No. PH2014-21; “A” to “R-R” zone (Approved August 4, 2014). Kachupa Ridge Subdivision was subsequently approved in 2019.
- Parcel R20798010: Case no. RZ2019-0018; “A” to “R-1” zone (Approved September 2, 2019).

Within the vicinity of the subject property, the following residential subdivisions exist outside of the area of city impact:

- Kachupa Ridge Subdivision (Approved in 2019): Six (6) lot subdivision with a two (2) acre average lot size.
- Ward Estates (Approved in 1971): An eight (8) lot subdivision. Three (3) of the parcels have been subsequently divided making the average lot size approximately 3.5 acres. Two of the smallest lots consist of 0.50 of an acre lot size.
- Sage Place (Approved in 2003): Five (5) lot subdivision with a 1.31 average acre lot size.

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

Conclusion: The proposed conditional rezone will not negatively affect the character of the area.

Finding: As conditioned by the development agreement, the rezone will not negatively impact the character of the area.

The request does not impact the character of the area. Within a one mile radius from the subject property, outside of the Middleton Area of City Impact, there are over 100 parcels that are one acre or less in size and over 50 parcels that are between one to two acres in size (Exhibit 4e). As conditioned by the development agreement, the parcel will be allowed to be divided into a total of six residential lots. The biggest lot will retain the existing dwelling and accessory structures on over four (4) acres. The rest of the lots will have a lot size of 1 to 1.15 acres.

A portion of the subject property is located within a mapped floodplain (A Zone; no base flood elevation data). The applicant will be required during platting to provide a base flood elevation study which would require review by FEMA and meet all floodplain requirements for development of a subdivision in a floodplain (CCZO §07-10A-11(1)O and §07-10A-11(2)K).

During a site visit of the property, it was observed that the property contained open storage of scrap lumber or wood, junk, debris, discarded furniture, appliances, and mechanical parts and dismantled vehicles which meets the definition of a public nuisance in Canyon County Code §02-01-05. As a condition of the development agreement, all public nuisance will be abated prior to approval of any future development.

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

Conclusion: Adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems will be provided to accommodate the proposed use.

Finding: No evidence has been provided that demonstrates adequate services cannot be provided to future development on the parcel. All affect agencies were notified. All responses received do not indicate any issues with providing adequate services.

The subject property is located within a nitrate priority area. Therefore, a pre-application meeting must be completed with Southwest District Health prior platting application submittal.

Black Canyon Irrigation District did not comment regarding the canal and drainage ditches that are located along the property boundaries. However, the applicant has provided evidence that the parcel has 8.80 acres of water rights which can support the subsequent division of the parcel. If approved, platting is required which includes review from the irrigation district.

F. Does the proposed conditional rezone require road 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: The proposed conditional rezone will not require roadway improvements to provide adequate access to and from the subject property.

Finding: The result of the conditional rezone will allow a total of 57.12 average daily trips. Canyon Highway District No. 4 (CHD4) does not anticipate the request to create impacts to existing and future traffic. Future development will required review and approval by CHD4 which will require right-of-way dedication along Emmett Road and all access to shift onto Connie lane, a privately maintained local road.

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

Conclusion: Legal access exists for the existing primary dwelling exists on Emmett Road. Future development will be required to relocate access to Connie Lane, a privately maintained local road.

Finding: The subject property has existing access onto Emmett Road, a principal arterial. The property also has frontage along Connie Lane, a privately maintained local road.

Canyon Highway District No. 4 (CHD4) states Emmett Road serves long distances, high speed trips between Canyon and Payette Counties. Current access management policies prohibit public road and driveway access to the arterial. Therefore, future development must obtain access from Connie Lane, a privately maintained local road with a public right-of-way (Condition No. 2b of the Development Agreement).

H. 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: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: As conditioned by the development agreement, the rezone is not anticipated to impact essential services. All affected agencies were notified of the request. All responses received did not indicate any impacts to essential services. Subsequent platting will require review by affected agency.

Order:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein, the Board of County Commissioners orders Case #RZ2019-0042, a request for a **Conditional Rezone** of Parcel R38017010 from an "A" (Agricultural) zone to an "CR-R-1" (Conditional Rezone - Rural Residential), be **approved** subject to a development agreement subject to the following three conditions (Attachment A)

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 divided in compliance with Chapter 7, Article 17 of the Canyon County Code subject to the following restrictions:
 - a. The parcel shall not exceed six (6) residential lots.
 - b. Direct access to Emmett Road is prohibited. Existing access to Emmett Road shall be abandoned in accordance to Canyon Highway District #4 standards unless a variance is granted.
 - c. Prior to submittal of a preliminary plat, a base flood elevation study shall be prepared in accordance with CCZO §07-10A-11(1)O and approved by FEMA. All future development shall be consistent with all applicable requirements of Chapter 7, Article 10A – Flood Hazard Overlay.
 - d. Written permission shall be obtained from Black Canyon Irrigation District and any identified entity or ownership prior to any encroachments, crossings or modifications to existing ditches, canals or laterals.
 - e. Prior to approval of any future development, all public nuisances on the property, as defined in Section 02-01-05 of the Canyon County Code, shall be abated.
3. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

APPROVED this 30 day of July, 2020.



Commissioner Pamela White

Yes

No

Did Not
Vote

☒

Commissioner Tom Dale



Commissioner Leslie Van Beek

☒

Attest: Chris Yamamoto, Clerk

By: 

Deputy

Date: 7-30-20



Board of County Commissioners
Verhoeks – Rezone – Case No. RZ2021-0019
Development Services Department

Findings of Fact, Conclusions of Law, and Order
Zoning Map Amendment – RZ2021-0019

Findings of Fact

1. The applicant, Tanner Verhoeks, is requesting a zoning map amendment (rezone) of Parcels R20800, R20801 and R20803 from an “A” (Agricultural) zone to an “CR-R-1” (Conditional Rezone - Single Family Residential, one-acre average minimum lot size) zone. The request includes a development agreement limiting future development to not more than 12 residential parcels. The properties are located at 12861, 12866 and 12835 Quail Run Lane, Middleton; also referenced as a portion of the NW¼, Section 25, T5N, R3W; Canyon County, Idaho.
2. The 2020 Canyon County Comprehensive Plan designates the parcel as “Residential” on the Future Land Use map.
3. The subject property is not located within an Area of City Impact.
4. On July 15, 2021, the Planning and Zoning Commission recommended approval of this request without a development agreement.
5. On September 16, 2021, the Board of County Commissioner tabled the hearing of this request to allow the application time to submit a development agreement to limit future development to the configuration and number of lots shown in the conceptual site plan. The conditions include paving of the road and disclosing to future owners that they live in a “Right-to-Farm” state. The applicant amended the application to include the development agreement on September 16, 2021 making the rezone a conditional rezone.
6. On March 20, 2021, a neighborhood meeting was held in accordance with CCZO §07-01-15.
7. Notice of the public hearing was provided as per CCZO §07-05-01. Agencies were notified on September 24, 2021. Property owners within 300 feet of the subject property boundaries were noticed on September 24, 2021. Full political notice was completed June 23, 2021. Newspaper notice was published on September 29, 2021. The subject property was posted with a notice on October 4, 2021.
8. The record consists of exhibits provided as part of the public hearing staff report, testimony and any additional evidence submitted during the public hearing on October 13, 2021 and all information contained in Case File #RZ2021-0019.

Conclusions of Law

For this request, the Board of County Commissioners finds and concludes the following regarding the Standards of Review for a Zoning Amendment (§07-06-07):

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

Conclusion: As conditioned (Attachment A), the proposed zone change is consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The Canyon County Future Land Use Map designates the property as “residential”. The property is located approximately 2,500 feet north of the Middleton area of city impact.

The request is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan including but not limited to:

- Property Rights Policy No. 1: “No person shall be deprived of private property without due process of law.”
- Population Policy No. 3: “Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.”

- Economic Development 5: *"Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County."*
- Land Use Policy No. 1: *"Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas."*
- Land Use Policy #2: *"Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate."*
- Land Use Goal No. 6: *"Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur."*
- Housing Policy 1: *"Encourage a variety of housing choices that meet the needs of families, various age groups and incomes."*
- Community Design Policy 2: *"Encourage development of self-sustaining communities that maintain the rural lifestyle and good quality of life in the county."*

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

Conclusion: As conditioned, the proposed rezone is more appropriate as the current zoning designation.

Finding: The Canyon County Future Land Use Map designates the property as "residential". The property is located approximately 2,500 feet north of the Middleton area of city impact where the city designates as residential.

The subject property is currently zoned "A" (Agricultural). The property and surrounding properties consist of moderate to least-suited soils and are not considered prime farmland. As conditioned by the development agreement (Attachment A), future development is conditioned to limit division of the subject parcels to no more than 12 parcels (1.5-acre average lot size) which is commensurate with previous "R-1" approvals in the surrounding area.

The surrounding area contains agricultural and residential zones and uses. The property is located in close proximity to the following rezone approvals:

- RZ2019-0018: Rezone from "A" to "R-1" (Arnett). The approval is located adjacent to the request.
- RZ2019-0042: Rezone from "A" to "CR-R-1" (Weikel). The development agreement restricts the property to six residential lots (average lot size of 1.7 acres). The approval is located approximately 2,100 feet southwest from the request.
- RZ2018-0012: Rezone from "A" to "CR-R-1" (Eaton). The approval is located approximately 2,700 feet southwest from the request.

Within one (1) mile radius of the subject property are 13 subdivisions with an average lot size of 1.73 acres. The following are recently approved subdivisions:

- Kachupa Ridge (2019): Six lot subdivision with a 2.3-acre average lot size.
- Tapestry Subdivision (2020): 16 lot subdivision with a 1.26-acre average lot size.
- Country Sage Ranches (2021): The preliminary plat shows 30 lot subdivision with a one-acre average lot size.

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

Conclusion: The proposed use is compatible with the surrounding land uses.

Finding: The surrounding area contains agricultural and residential zones and uses. CCZO §07-10-25(3) states the purpose of the "R-1" zone is to *"promote and enhance predominantly single-family living areas at a low density standard."* The average minimum lot size of the "R-1" zone is one (1) acre. As conditioned by the development agreement (Attachment A), future development is

conditioned to limit division of the subject parcels to no more than 12 parcels (1.5-acre average lot size) which is commensurate with previous “R-1” approvals in the surrounding area. The property is located in close proximity to the following rezone approvals:

- RZ2019-0018: Rezone from “A” to “R-1” (Arnett). The approval is located adjacent to the request.
- RZ2019-0042: Rezone from “A” to “CR-R-1” (Weikel). The development agreement restricts the property to six residential lots (average lot size of 1.7 acres). The approval is located approximately 2,100 feet southwest from the request.
- RZ2018-0012: Rezone from “A” to “CR-R-1” (Eaton). The approval is located approximately 2,700 feet southwest from the request.

Within one (1) mile radius of the subject property are 13 subdivisions with an average lot size of 1.73 acres. The following are recently approved subdivisions:

- Kachupa Ridge (2019): Six lot subdivision with a 2.3-acre average lot size.
- Tapestry Subdivision (2020): 16 lot subdivision with a 1.26-acre average lot size. The approval is located approximately 1,940 feet southwest from the request.
- Country Sage Ranches (2021): The preliminary plat shows 30 lot subdivision with a one-acre average lot size. The approval is located approximately 1,940 feet southwest from the request.

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

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

Finding: The surrounding area contains similar uses, lot sizes and subdivision are requested by this proposal (see Conclusion of law Findings B & C, above).

No concerns or oppositions were received from the public or affected agencies. Subsequent land division will require review by affected agencies.

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

Conclusion: Adequate sewer, drainage, and storm water drainage facilities and utility systems will be provided to accommodate the residential uses at the time of development.

Finding: The subject property is located within a nitrate priority area. Future development will require a pre-application meeting with Southwest District Health.

The properties have surface water right from Black Canyon Irrigation District. An irrigation plan will be required at the time of land division.

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

Conclusion: Legal access exists from Fred Lane, an open, unmaintained, public right-of-way.

Finding: The subject property has access via Quail Run Lane (formerly Penny Lane). Canyon Highway District #4 (CHD4) recognizes the road as private within a 56' public right-of-way. At the time of division and subsequent building permits, access and approach permit and improvements will be required. As conditioned by the development agreement (Attachment A), Quail Run Lane and new private roads has been paved.

G. 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: As conditioned (Attachment A), the rezone of the subject property will not cause undue interference with existing or future traffic patterns as proposed.

Finding: Subject to the applicant's conceptual plan (Attachment A), the rezone has the potential to create of total of 171.36 average daily trips (ADT) onto Quail Run Lane and Emmett Road. Canyon Highway District and ITD do not anticipate the request to create traffic impacts to the existing road system. The agencies will be provided additional review at the time of subsequent division.

H. 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: Essential services can accommodate the requested zoning amendment.

Finding: As conditioned (Attachment A), the result of the rezone limits development to 12 parcels. The rezone is not anticipated to create an impact to essential public services. All affected essential public services and agencies were notified. All comments received did not indicate the rezone would impact public services.

Order

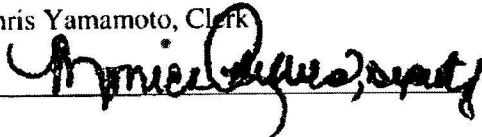
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** Case # RZ2021-0019, a zoning map amendment (rezone) of parcels R20800, R20801 and R20803 from an "A" (Agricultural) zone to an "CR-R-1" (Conditional Rezone - Single Family Residential) zone subject to the conditions of the development agreement (Attachment A).

APPROVED this 13th day of October, 2021.

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Keri Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Pamela White	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Chris Yamamoto, Clerk

By: _____
Deputy



Date: 10/13/21

PROPERTY RIGHTS

PURPOSE

This element discusses provisions for protecting private property rights outlined in Idaho Code Sections 67-6508(a) and 67-8001.

GOALS, POLICIES, AND ACTIONS

The following goals, policies, and actions are incorporated to address citizen property rights throughout the County.

	Goal	Policy	Action
Table 1. Property Rights Goals, Policies, and Actions			
G1.01.00	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.		
A1.01.00a	Require properties to conform to the zoning code before receiving additional zoning approvals.		
A1.01.00b	Canyon County will take appropriate measures to enforce all nuisance ordinances to protect the quality of life and private property rights.		
P1.01.01	No person should be deprived of private property without due process of law.		
A1.01.01a	Canyon County will use the evaluation process developed by the Attorney General to determine whether property rights are protected.		
P1.01.02	Private property should not be taken for public use without just compensation, in accordance with Idaho State Statute.		
A1.01.02a	Evaluate ordinances to ensure that defined uses provide a clear understanding of private property rights.		
P1.01.03	Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.		
G1.02.00	Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance.		

PROPERTY RIGHTS

Property rights are more effectively protected when government and citizens understand those rights. The following discussion of definitions and roles is intended to aid this understanding.

Private Property Rights

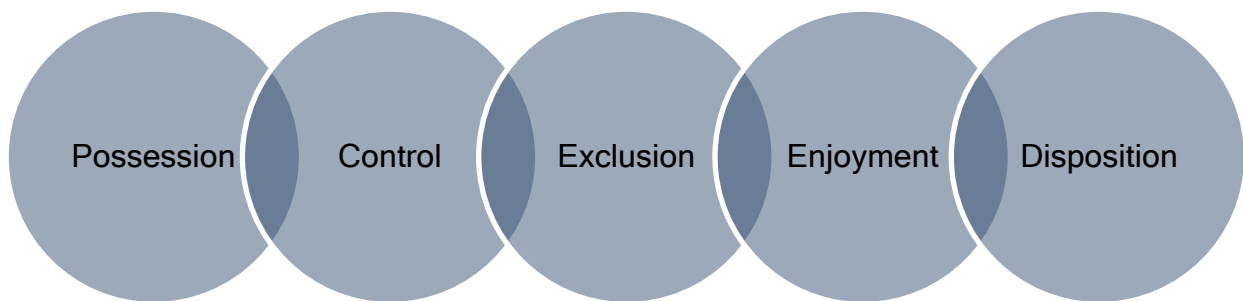
Private property rights are all property that is protected by the Constitution of the United States or the Constitution of the State of Idaho and include land, possessor rights of the land, ditch and water rights, mining claims (lode and placer), and freestanding timber. Fundamental property rights or attributes of ownership include (1) the right to possess, (2) exclude others from or (3) dispose of the property.

Government Regulations

The government may properly regulate or limit the use of private property based upon its authority and responsibility to:

1. Protect public health, safety, and welfare;
2. Establish building codes, safety standards, or sanitary requirements;
3. Establish land use planning and zoning;
4. Abate public nuisances;
5. Terminate illegal activities; and
6. Exercise the right of eminent domain. Private property may be taken for public use, but not until a just compensation to be ascertained in a manner described by law shall be paid.

Property rights are referred to as a bundle of rights and include:



The right of possession. A person or entity has the right to inhabit and own the property physically. Ownership rights may be owned together or separated into the land(surface), water, airspace, minerals, timber, and development rights.

The right of control: Is the right to use the property legally. Site characteristics, zoning regulations, covenants, deeds, restrictions (CC&Rs), and other legal instruments determine how property is used. Specific uses may be further structured to minimize environmental impacts, such as water pollution, erosion, flooding, and other conditions.

The right of exclusion: Is the ability to exclude others from using the property. Creating easements that allow others the right to access your property, get to another property, or maintain irrigation ditches and utilities.

The right to enjoy: The right to enjoy the property for its intended use without creating nuisances. Zoning categorizes land uses based on compatibility, such as agriculture, residential, commercial, and industrial. Each category has characteristics that might not be compatible with other zoning categories. Separating uses minimizes nuisance activities, and property owners expect what types of uses and nuisances to anticipate.

LAND USE AND COMMUNITY DESIGN

PURPOSE

This element explores current and future land use patterns to guide and maintain the County's rural culture with managed smart growth that enhances lifestyles and sense of place. Community design considers the natural, cultural, and historic resources that contribute to the "character" of the County and addresses the need for landscaping, building design, signage, and suggested patterns and standards for design, development, and beautification.

GOALS, POLICIES, AND ACTIONS

The following goals, policies, and actions are incorporated to address citizen needs and expectations for continued land use planning throughout the County.

Goal	Policy	Action
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Table 4. Land Use and Community Design

G4.01.00	Support livability and high quality of life as the community changes over time.
P4.01.01	Maintain a balance between residential growth and agriculture that protects the rural character.
A4.01.01a	Initiate zoning text amendments and update the future land use map to address new land uses through public input and analysis.
A4.01.01b	Coordinate land-use planning with adjoining counties, cities, and other agencies and groups.
A4.01.01c	Create a Rural Smart Growth Advisory Committee.
A4.01.01d	Develop and adopt an Intensive Agriculture Overlay.
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
A4.01.02a	Enact land use ordinances, policies, and fees, and make decisions, including land-use restrictions and conditions of approval that do not violate private property rights.
A4.01.02b	Conduct regular training with the Board of County Commissioners, Planning and Zoning Commission, and County staff to ensure that the Local Land Use Planning Act is correctly applied in processes.
G4.02.00	Ensure that growth maintains and enhances the unique character throughout the County.
P4.02.01	Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.
A4.02.01a	Create subarea plans and maps to guide land use and development to protect the unique character of each area in conjunction with the Comprehensive Plan. The process must include committees for each subarea.

G4.03.00	Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.
A4.03.01a	Develop and adopt design standards and appropriate techniques to mitigate incompatible land uses and hazards.
P4.03.02	Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.
P4.03.03	Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.
G4.04.00	Concentrate future higher density residential growth in appropriate areas in and around existing communities while preserving and enhancing the County's agricultural and rural character.
P4.04.01	Support development in locations where services, utilities, and amenities are or can be provided.
P4.04.02	Align planning efforts in areas of city impact.
A4.04.02a	Evaluate and update area of impact agreements with the cities as the state statute requires. Expand or reduce areas of city impact according to each city's trade area, geographic factors, water and sewer service areas, and areas that can reasonably be expected to be annexed to the city in the future. Idaho Code § 67-6526(b).
A4.04.02b	Coordinate County and city planning through collaborative planning processes, mutual agreements, and updated impact area agreements.
A4.04.02c	Align zoning districts with communities, corridors, and landscapes to achieve consistency in the development pattern while protecting natural resources and farmland.
P4.04.04	Where city services are available, encourage land adjacent to city limits to annex instead of developing inconsistently within the County.
P4.04.05	Encourage buffering and/or transitional uses between residential and more impactful uses to promote the health and well-being of existing and future residents.
A4.04.05a	Develop and adopt standards to buffer incompatible uses.
G4.05.00	Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy.
P4.05.01	Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.

P4.05.02	Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area.
P4.05.03	Encourage uses on agricultural parcels to be planned and placed to limit interference with farming operations, which may include clustering of residences and other structures, placement near existing utilities and infrastructure, and placement to minimize conflicts with allowed agricultural uses on the proposed site and adjacent lands.
G4.06.00	Development design should improve the area's character and be compatible with the community's visual appearance and the natural environment.
P4.06.01	Incorporate community design features that promote public health, safety, and welfare.
P4.06.02	Encourage development design that accommodates topography and promotes conservation of agricultural land.
P4.06.03	Development should sustainably provide roadway and pathway connections, downward lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.
A4.06.03a	Develop design standards for new development that promote safety, address infrastructure concerns, and protect natural resources.
P4.06.04	Support and encourage trail systems with linkages between parks, schools, and residential neighborhoods.
A4.06.04a	Create trail design standards, including paving options, size, and accessibility.
G4.07.00	Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.
P4.07.01	Plan land uses that are compatible with the surrounding community.
P4.07.02	Discourage incompatible development near existing agricultural businesses that would cause the operator undue hardship through complaints, traffic, or other complications.
G4.08.00	Maintain and enhance the aesthetic beauty of the County.
P4.08.01	Protect and enhance the rural landscape as an essential scenic feature of the County.
A4.08.01a	Adopt a Prehistoric and Historic Preservation Overlay.
P4.08.02	Encourage developments to incorporate place-making as part of the design of a site.

LAND USE CURRENT TRENDS

The use of land in the County directly impacts the quality of life. Land uses in the County have changed over time and have cumulative effects on air and water quality, watershed function, waste generation, extent and quality of wildlife habitat, climate, and human health. Therefore, strategic and intelligent land use planning is critical for creating resilient communities that foster environmental, social, and economic benefits. As the County continues to feel the pressures of growth and changes in the climate,

the County may increase the risk of flooding as impervious surfaces cover more land. Map 7 at the end of this chapter shows FEMA Special Flood Hazard Areas (SFHA) in the County.

Earthquakes

Earthquakes are an infrequent hazard. The County is situated in the Western Snake River Plain fault system that consists of numerous northeast and southwest faults. The fault system has a slip rate of less than 0.2 mm per year that does not create significant earthquakes in the County. The majority of events that occur in the County are the result of more significant events in other parts of the state and neighboring states, including Washington, Nevada, Montana, and Wyoming.

Severe Storms

Severe storms often produce one or more of the following: strong winds and large hail, thunderstorms, tornadoes, rain, snow, and other precipitation. These events occur in the County, pose a significant risk to property and disrupt regional systems, including public utilities, telecommunications, and transportation. Canyon County may see an increase in severe storms as temperatures increase.

Landslide

Landslides present a risk in areas of the County with natural and artificial slopes. Water, seismic activity, and rapid slope-toe material erosion often trigger landslides. Although Canyon County has low landslide potential, these events can impact property, infrastructure, and lives.

Wildfire

Wildfire is a risk in the County. As shown on Map 8, the County has varying wildfire risk areas, from low to high. Wildland Urban Interface (WUI) are areas of wildfire risk where unoccupied lands transition to development. A majority of wildfires in Idaho are human-caused. In a report by Headwaters Economics, forty-two percent (42%) of homes in the County are exposed to wildfire from direct sources, such as adjacent flammable vegetation.

Hazardous Materials

Hazardous materials include any chemical that can cause harm to people, plants, or animals when released into the environment. Hazardous materials are used, stored, and transported throughout the County. Typical incidents include gas leaks, waste disposal fires, electrical fires, transportation crashes, and industrial, agricultural, medical, and residential facility incidents.

Nitrate Priority Area

Large portions of the County are within a Nitrate Priority Area. Nitrate is identified as “one of the most widespread ground water contaminants in Idaho”. Nitrate is a compound containing nitrogen, an element that is a vital component of foods and fertilizers. It’s also an essential nutrient for plant growth. Nitrate comes from various sources such as plants and other organic matter that return nitrate to the soil as they decompose. Septic sewer systems, waste from animal feedlots, and nitrogen-based fertilizers release nitrates into the environment. Nitrate that plants do not use can build up in and move through the soil. Precipitation, irrigation, and sandy soils allow nitrate to percolate downward into ground water.” The Nitrate Priority Area is shown on Map 9 at the end of this chapter. ¹

¹ Idaho Department of Environmental Quality

CANYON COUNTY COMPREHENSIVE PLAN 2030

NITRATE PRIORITY MAP

EFFECTIVE 10/27/2022



MALHEUR COUNTY, OREGON

PAYETTE COUNTY

GEM COUNTY

ADA COUNTY

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MINERAL EXTRACTION SITES - A temporary use of land that may have a subsequent use.

MINERAL RESOURCES - Sand, gravel, cinders, oil, natural gas, or other minerals or aggregates may have economic value.

MIXED USE - The development of different land uses such as, but not limited to, multi-family residential, light office, light commercial, light retail, light industrial, public, business services, and entertainment. Mixed Uses must be planned and developed to support ancillary use to the principal residential uses in a rural residential/mixed-use area.

MULTI-MODAL - Refers to the different kinds of transportation services.

NATURAL RESOURCES - Surface water, topography, soils, mineral resources, vegetation, and wildlife.

NITRATE PRIORITY AREA - General locations in Canyon County, as defined by the appropriate state agencies, where groundwater test results show the presence of nitrates in varying amounts.

ON-SITE WASTE DISPOSAL SYSTEMS - Septic systems or engineered package plants.

OPEN SPACE - Land that remains predominantly undeveloped and may include natural resource areas, agricultural land, garden plots, greenways, or recreation areas.

PRIME FARMLAND - Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

PRIVATE PROPERTY - All real and/or personal property protected by the Fifth Amendment and the Fourteenth Amendment of the federal Constitution and/or article I, section 13 of the Idaho Constitution

PUBLIC SERVICES - Includes but is not limited to water and sewage, drainage, and facilities irrigation, schools, fire stations, and solid waste disposal. The facilities are owned and operated by governmental entities.

PUBLIC USE - Uses owned by and operated for the public by school districts or by city, county, state, or federal governments.



Building Permit

Development Services Department
111 North 11th Ave., Suite 310, Caldwell, ID 83605
For Inspections Call: (208) 454-7460
Fax: (208) 454-6633

Issued Date:
5/7/2024

Permit Number: BP2024-0237

Parcel Number: 38010000 0

Secondary
Address:

Parcel Address: 25366 EMMETT RD
Caldwell ID

Owner: SURBER SHEREE J
25366 EMMETT RD
CALDWELL ID 83607

Sec: Twn: Range: Qtr: Zoning:
25 5N 3W SW A

Applicant: PALMBACH CONSTRUCTION
665 TOWER LN
CALDWELL ID 83607

Sub:
Lot(s): Bldg:
Item Num: Single Family Residence

Contractor: PALMBACH CONSTRUCTION
665 TOWER LN
CALDWELL ID 83607
Registration No.: RCT-46832

Proj. Type: New
OCC Group: R-3 /U
OCCType: Basement /Garage Attached
/Patio /Residential

Project Notes: 1st Floor: Porches/Patios: 853
2nd Floor: Det Acc 2nd Flr:
Bonus Room: Det Acc:
Basement: 1421 Mfg Home:
Garage: 892 2nd Floor Add:
Carport: 1st Floor Add: 2417
Decks: All Other Res:

CNST Type: VB
Proj. Value: \$271,980.52
Code Edition: 2018 IRC
Description: REBUILDING HOME -- moved
previous 1st floor off, using
existing foundation + basement
& adding some additional living
space + garage
Auto Sprinkler: No

Fees

Date	Fee Item	Amount
04/08/2024	Certificate of Zoning Compliance (Over the Counter) - ZCB	\$80.00
04/09/2024	Deposit for Plan Check	\$180.00
04/25/2024	Residential Plan Check - Varies	\$368.00
04/25/2024	Residential Permit Fee - Varies	\$3,425.00
		<u>\$4,053.00</u>

Standard Zoning / Building Condition(s)

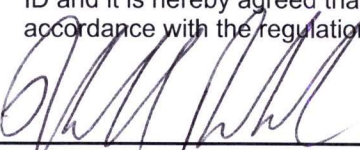
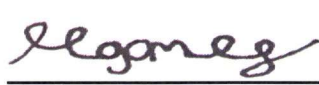
- ✓ By signing this certificate the applicant understands that Fire Districts may require water supply for inhabited structures over 3600 sq ft including attached garage.
- ✓ Address numbers must be illuminated or reflective and displayed on the residence, at the driveway entrance and at the approach to the public road.
- ✓ Approved set of plans must be on-site for inspector or inspection will fail and a possible \$50 fee will be charged for a re-inspection.
- ✓ Driveway to be constructed prior to final inspection.

- ✓ Final SWDH Permit required in office or verified by inspector before final.
- ✓ Property owner is responsible for identification of all property boundaries to measure setbacks from. Property owners shall not build any structure on/in an easement and it shall be the owner's responsibility to locate those easements. Structures must be at least seventy (70) feet from a section line or quarter-section line, unless approved otherwise by the highway district having jurisdiction. Front Setbacks shall be measured from either the front property line, road right of way line, or road easement line, whichever is greatest.

Important Information: Inspection Request: It is the duty of the contractor or owner to notify this office when a work project is ready for required inspections. Persons making the request must provide the following information. **1) Permit Number; 2) Project Address; 3) Date and Time when the inspection is needed; 4) Type of inspection.** Separate Permits are required for electrical, mechanical and plumbing from DOPLP.

Permit Suspension/Expiration: The Building Official reserves the right to revoke any permit issued in error or on the basis of incorrect information. Per 105.5 IBC and R105.5 IRC every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

This permit is issued subject to the regulation contained in the building code and zoning regulations of Canyon County, ID and it is hereby agreed that work to be done as shown in the plans and specifications will be completed in accordance with the regulations pertaining and applicable there to.

	5-7-24		May 7, 2024
Signature of Contractor or Authorized Agent	Date	Building Official/Staff	Date

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF AN APPEAL BY:)	CASE NO. CR2007-6
)	
)	
ZVL Investments, LLC)	FINDINGS OF FACT, CONCLUSIONS OF
)	LAW AND ORDER
A request by ZVL Investments, LLC for a)	
Conditional Rezone rezone of 3 parcels)	
totaling approximately 70.06 acres from an "A")	
(Agricultural) Zone to an "R-R" (Rural)	
Residential) Zone, and approval of a)	
Development Agreement.)	
)	
The Canyon County Planning and Zoning)	
Commission recommended approval with)	
conditions of this request.)	
)	
ZVL Investments, LLC now seeks hearing)	
before the Board of Commissioners.)	
)	
)	

A hearing was scheduled before the Board of County Commissioners ("Board") on May 22, 2008, for the purpose of considering ZVL Investments, LLC's ("Applicant") request for a conditional rezone of 3 parcels totaling approximately 70.06 acres from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, and approval of a Development Agreement.

The following persons were in attendance at the hearing: Canyon County Commissioners David J. Ferdinand II, Matt Beebe and Steven J. Rule; Deputy Clerk, Monica Reeves; Jarom Wagoner, Canyon County Development Services Department (hereinafter "DSD"); and Carlton

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER; ZVL Investments, LLC; CR2007-6**

N:\DEPT-BOCC\FCOS\ZVL_CR_FCO.wpd

R. Ericson, Deputy Prosecuting Attorney. Applicant's representative Anne Marie Skinner, testified in favor of the application. Charles Burnett testified in opposition to the application.

SUMMARY OF THE RECORD

The record in this appeal is comprised of:

1. County Exhibits No. 1-5 .
2. Opposition Exhibit No. 1.

PROCEDURAL ITEMS

1. A public hearing on the Applicant's initial request for a conditional rezone was held before the Canyon County Planning and Zoning Commission ("Commission"), who recommended approval with conditions of the application.
2. On March 6, 2008, the Commission issued Findings of Facts, Conclusions of Law and Decision recommending approval with conditions of the application.
3. Following the Commission's recommended approval with conditions of the application, the matter was set for hearing before the Board.
4. On or about April 30, 2008, persons owning property within $\frac{3}{4}$ mile of the site and selected agencies were notified of the hearing by mail. On or about May 9, 2008, a hearing notice was posted on the site.
5. Legal notice of the Board's hearing was published in the Idaho-Press Tribune on or about May 4-5, 2008.

PROCEDURAL ITEMS

1. **Jarom Wagoner**, DSD, testified at the hearing before the Board. Such verbal testimony and/or the written Canyon County Department of Development Services STAFF

REPORT reflects that:

- a. The subject property is located at the northwest corner of the intersection of Emmett Road and Cindy Drive, Caldwell, Idaho, in a portion of the NE ¼ of Section 26, T5N, R3W, BM.
- b. Applicant seeks a conditional rezone of 3 parcels totaling approximately 70.06 acres from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, and approval of a Development Agreement.
- c. The property is located .5 miles north of the City of Middleton Area of City Impact.
- d. The property is located approximately 1.5 miles north of the City of Middleton city limits.
- e. The property is located within the Urban Growth Area.
- f. There are no existing structures located on the subject property.
- g. The existing vegetation on the subject property is pasture and plowed ground.
- h. The property is irrigated by surface and sprinkler irrigation, with the slope and/or drainage flowing in various directions.

- i. The primary road frontage to the subject property is Emmett Road, which is severely restricted for access due to regulations of the Canyon Highway District No. 4.
- j. The soils consist of 79% Class III moderately-suited, 12% Class IV moderately-suited, 7% Class II best-suited, and 2% Class VI least-suited soils. The property is 60% non-prime farmland and 40% prime farmland if irrigated.
- k. The property is not located within a nitrate priority area.
- l. There are 4 dairies and no gravel pits within 1 mile of the subject property. There is 1 feedlot within 2 miles of the subject property.
- m. Approximately 122 of the 211 parcels, or 58% of the parcels, within $\frac{3}{4}$ mile of the subject property have existing residences. The average lot size of such parcels is 4.75 acres, with a range of 0.46 to 63.68 acres, and a median of 2.4 acres.
- n. There are 15 platted subdivisions within 1 mile of the subject property for a total of 231 lots, with an average lot size of 1.56 acres. There are 3 subdivisions in the platting stages within 1 mile of the subject property. Such subdivisions consist of 55 lots total with an average lot size of 3 acres.

Testimony in Support of Appeal/Application

- 1. **Applicant's representative Anne Marie Skinner** spoke in favor of the application and testified, in summary, that:

- a. The proposed conditional rezone and development agreement are harmonious with the Comprehensive Plan because the subject property is in the Urban Growth Area which is designated for development by the Plan.
- b. The Urban Growth Area extends to Galloway Road to the north of the subject property.
- c. The conditional rezone and development agreement will not be injurious to or negatively impact the area. The area has already changed to a rural residential area.
- d. At the neighborhood meeting with 13 neighbors in attendance, some of the neighbors spoke about conditions that they would want with the development. In response, the application was changed to a request for a conditional rezone with development agreement to address those requests of the neighbors.
- e. The requests of the neighbors included a request for a pressurized irrigation system, extension of City of Middleton sewer services, a community water system for domestic water and fire suppression, storm water retention on-site, dark lighting and a 6 foot privacy fence surrounding the subject property. These items were included in the application and development agreement and they have been adopted by the Commission as conditions of approval.
- f. The area surrounding the subject property is transitioning into a rural residential environment.

- g. Explanation of County Exhibit 2.D.1 showing the development/subdivisions in the area and average lot sizes of the subdivisions.
- h. Property owners to the north, south and west have not expressed any opposition to the application.
- i. The Roeder Dairy property has been rezoned to rural residential.
- j. The proposed conditions will mitigate any impacts on the area.
- k. Sewer will be obtained from the City of Middleton and it has agreed to this.
- l. The community water system will go through DEQ approval.
- m. Although the subject property is not in a nitrate priority zone, Applicant feels it is best to have the community water system and to hook up to city sewer.
- n. Storm water drainage will be retained on site and the plan will be submitted with the preliminary plat.
- o. The pressurized irrigation system will be supplied by present surface water rights for the subject property and will be built to standards of the Black Canyon Irrigation District.
- p. Access to the subject property will be subject to the requirements of the highway district and ITD standards. See County Exhibits No. 2.C.3 and 2.C.5.
- q. The internal roads will be public and built to the standards of the highway district and ITD and will be dedicated to the highway district.
- r. A traffic impact study will be required prior to the preliminary plat.

- s. Applicant is in agreement with the conditions of the highway district for the approach.
- t. Middleton School District did not have any issues with the application.
- u. Infrastructure costs will be paid for by Applicant.
- v. There are no Class I soils. Most soils on the subject property are Class III down to Class IV. The majority of the farm land is not prime farm land.
- w. The Van Ness dairies that are in the area have been put up for sale. They have told her that they will be submitting applications to the County for development.
- x. The subject property is best suited for conditional rezone because of the surrounding development and the transitioning that is already taking place. It is beneficial because it provides a gradual buffer to the smaller city lots that are within 1.5 miles. The area will maintain a rural feel.
- y. The city sewer will run up Emmett Road to the subject property.
- z. The subject property will be annexed into the City of Middleton when it becomes contiguous.
- aa. Applicant is comfortable with the proposed conditions.
- bb. It would not be a huge deal for the development to hook into city water in the future. The City of Middleton may be able to take over the community well.
- cc. Lot sizes would range from 18,000 square feet to 1 acre, with the larger lots around the perimeter.

- dd. Applicant does not have a present intent to develop the subject property, but just wanted to get the rezone done now to be prepared for when sewer is closer.
- ee. Applicant is neutral about Middleton's request to require curb, gutters and sidewalks. The costs for those improvements can be recouped through increased lot prices.

Neutral Testimony

- 1. There was no neutral testimony offered at the hearing.

Testimony in Opposition to the Appeal/Application

- 1. **Charles Burnett** spoke in opposition to the proposed conditional rezone and testified, in summary, that:
 - a. He lives on Emmett Road southeast of the subject property.
 - b. He has lived there for 17 years and wants to be able to continue with his profitable agricultural business.
 - c. He is concerned with the density and not the rezone itself.
 - d. He agrees this is a transitional area, but believes that 3 to 10 acre lots are more appropriate.
 - e. Traffic on Emmett Road is a concern. He wants to be able to get in and out of his property and keep doing what he is doing.
 - f. He has 7 acres on which he farms ½ acre a year in a clover/alfalfa seed production.

- g. He does not believe the development of the subject property will affect his seed business or put it out of business.
- h. He does not like the proposed privacy fences because he likes to see the openness in the area.
- i. There is wildlife in the area and fences would keep them out.
- j. He will feel more comfortable if there is a right to farm statement on the plat.

Rebuttal Testimony in Support of the Appeal/Application

- 1. Anne Marie Skinner spoke in rebuttal and testified, in summary, that:
 - a. Applicant will still farm the subject property after the rezone for at least several years.
 - b. Applicant understands the concerns about mixing farming and residential uses in an area.
 - c. The development will have open space as required by ordinances. The bulk of the open space could be put on the east boundary to provide more buffer for the Burnett home.
 - d. Neighbors who requested fencing wanted to keep kids and animals from wandering to their properties.
 - e. Applicant will agree to place the right to farm statement on the plat.

BOARD ACTION

Upon the conclusion of public testimony, after deliberating on the evidence presented, the **Board** voted to affirm the Commission's recommendation and to approve Applicant ZVL Investments, LLC's request for a conditional rezone with conditions of approval of 3 parcels totaling approximately 70.06 acres from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, and for approval of a Development Agreement. On June 20, 2008, the **Board** will adopt Findings of Fact and Conclusions of Law and Order, and consider and approve a Development Agreement and a Rezone Ordinance.

ISSUE OF APPLICABLE LAW

1. Whether the proposed zoning amendment is permitted pursuant to the Canyon County Zoning Ordinances.
2. Whether the proposed zoning amendment will be injurious to other property in the immediate vicinity and whether the proposed zoning amendment will change the essential character of the area.
3. Whether adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use.
4. Whether legal access to the subject property for the development exists or will exist at the time of final plat.
5. Whether there will be undue interference with existing or future traffic patterns.

6. Whether essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and whether or not services will be negatively impacted by such use or will require additional public funding in order to meet the needs created by the requested use.
7. Whether the Applicant has met the burden of persuasion that the proposed zoning amendment should be approved.

FINDINGS OF FACT

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

1. The **Board** finds the testimony of the witnesses to be credible and ascribes all appropriate weight to such testimony.
2. The **Board** finds the exhibits presented by the Canyon County Development Services Department and the witnesses to be credible and ascribes all appropriate weight to such.
3. The proposed zoning amendment is permitted pursuant to the Canyon County Zoning Ordinances.
4. The **Board** finds that the statement of the nature of the request is for a Conditional Rezone of 3 parcels totaling approximately 70.06 acres from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, and approval of a Development Agreement.

5. The **Board** finds that the subject property is located at the northwest corner of the intersection of Emmett Road and Cindy Drive, Caldwell, Idaho, in a portion of the NE ¼ of Section 26, T5N, R3W, BM.
6. The **Board** finds that the property is located .5 miles north of the City of Middleton Area of City Impact and is located approximately 1.5 miles north of the city limits of the City of Middleton.
7. The **Board** finds that the property is located within the Urban Growth Area.
8. The **Board** finds that there are no existing structures on the subject property and that the existing vegetation on the subject property is pasture and plowed ground.
9. The **Board** finds that the property is irrigated by surface and sprinkler irrigation, with the slope and/or drainage flowing in various directions.
10. The **Board** finds that the primary road frontage to the subject property is through Emmett Road, which is severely restricted for access due to regulations of the Canyon Highway District No. 4.
11. The **Board** finds that the soils consist of 79% Class III moderately-suited, 12% Class IV moderately-suited, 7% Class II best-suited, and 2% Class VI least-suited soils. The property is 60% non-prime farmland and 40% prime farmland if irrigated. The property is not located within a nitrate priority area.
12. The **Board** finds that there are 4 dairies and no gravel pits within 1 mile of the subject property. There is 1 feedlot within 2 miles of the subject property.

13. The **Board** finds that approximately 122 of the 211 parcels, or 58% of the parcels, within $\frac{3}{4}$ mile of the subject property have existing residences. The average lot size of such parcels is 4.75 acres, with a range of 0.46 to 63.68 acres and a median of 2.4 acres.
14. The **Board** finds that there are 15 platted subdivisions within 1 mile of the subject property for a total of 231 lots, with an average lot size of 1.56 acres. There are 3 subdivisions in the platting stages within 1 mile of the subject property. Such subdivisions consist of 55 lots total with an average lot size of 3 acres.
15. The **Board** finds that the proposed zoning amendment will not be injurious to other property in the immediate vicinity and the proposed zoning amendment will not change the essential character of the area.
16. The **Board** finds that adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use.
17. The **Board** finds that legal access to the subject property for the development exists at the time of final plat.
18. The **Board** finds that there will not be undue interference with existing or future traffic patterns.
19. The **Board** finds that essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and services will not be negatively impacted by such use and will not require additional public funding in order to meet the needs created by the requested use.

20. The **Board** finds that the proposed zoning amendment will not be injurious to other property in the immediate vicinity and/or will not change the essential character of the area.
21. The **Board** finds that the proposed zoning amendment is consistent with the pertinent factors for consideration under the Canyon County 2010 Comprehensive Plan. The subject property is located in the Urban Growth Area that is designated by the Plan for development.
22. The Applicant has met the burden of persuasion and the proposed zoning amendment should therefore be approved.
23. The **Board** finds that the Commission's recommendation for approval of the application with conditions should be upheld and that the proposed zoning amendment should be approved.

CONCLUSIONS OF LAW

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

1. The **Board** concludes that the proposed zoning amendment is permitted pursuant to the Canyon County Zoning Ordinances.
2. The **Board** concludes that a statement of the nature of the request is for a Conditional Rezone of 3 parcels totaling approximately 70.06 acres from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, and approval of a Development Agreement.

3. The **Board** concludes that the proposed zoning amendment is consistent with the Canyon County 2010 Comprehensive Plan as it is located in the Urban Growth Area which is designated for development.
4. The **Board** concludes that the proposed zoning amendment will not be injurious to other property in the immediate vicinity and will not change the essential character of the area.
5. The **Board** concludes that adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use.
6. The **Board** concludes that there will not be undue interference with existing or future traffic patterns.
7. The **Board** concludes that legal access to the subject property for the development exists at the time of final plat.
8. The **Board** concludes that essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use.
9. The **Board** concludes that Applicant has met the burden of persuasion that the proposed zoning amendment should be approved.
10. The **Board** concludes that the Planning and Zoning Commission's recommendation for approval of the application should be upheld and that the Applicant's request for a conditional rezone with conditions of approval of 3 parcels totaling approximately 70.06


acres from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, and approval of a Development Agreement should be granted.


ORDER

Based upon the Findings of Fact and Conclusions of Law, reviewed above, the Board hereby **affirms** the recommendation of the Canyon County Planning and Zoning Commission and hereby **APPROVES** ZVL Investments, LLC's request for a conditional rezone with conditions of approval, which are set forth on the attached Exhibit "A," of 3 parcels totaling approximately 70.06 acres from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, and for approval of a Development Agreement.

IT IS SO ORDERED this 20 day of June, 2008.

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


Commissioner David J. Ferdinand, II, Chairman


Commissioner Matt Beebe


Commissioner Steven J. Rule

ATTEST: William H. Hurst, CLERK

By: 
Deputy

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER; ZVL Investments, LLC; CR2007-6
NADEPT-BOCCVPCOSZVL_CR_PCO.wpd

EXHIBIT C

Site Visit Photos

Planning & Zoning Commission

Case# CU2023-0025

Hearing date: November 7, 2024

Exhibit C



1. From Emmett Rd. facing north from the north approach



2. From Emmett Rd. facing northeast from the south approach



2a. From Emmett Rd. facing northeast from the north approach



3. From Emmett Rd. facing east from the south approach



3a. From Emmett Rd. facing east from the north approach



4. From Emmett Rd. facing southeast



4a. From Emmett Rd. facing southeast from the north approach



5. From Emmett Rd. Facing South from the south approach



5a. From Emmett Rd. facing south from the north approach



6. From Emmett Rd. facing southwest



7. from Emmet Rd. facing west



8. From Emmett Rd. facing northwest

EXHIBIT D

Agency Comments

Planning & Zoning Commission

Case# CU2023-0025

Hearing date: November 7, 2024

**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Ave., Ste. 310, Caldwell, ID 83605 | Office: 208-454-7458www.canyoncounty.id.gov/elected-officials/commissioners/dsd**AGENCY NOTIFICATION – RESPONSE REQUESTED****Case No.:** CU2023-0025**Transmission Date:** August 7, 2024**Address:** 25366 Emmet Rd**Hearing Body:** P&Z Commission**Applicant:** Sheree & Michael Surber**Property Owner:** Sheree Surber**RESPONSE DEADLINE: 09/09/2024**

Your agency is hereby notified that Canyon County Development Services has accepted an application:

Case No. CU2023-0025: The applicant is requesting a conditional use permit to allow a dog kennel use on parcels R38010. The dog kennel will house a maximum of ten (10) adult dogs for breeding purposes. The subject property, approximately 4.72 acres is zoned Agricultural, it's located at 25366 Emmet Rd, Caldwell referenced as a portion of the SW ¼ of Section 25, Township 5N, Range 3W; BM, Canyon County, Idaho.

The property is not located within a Floodplain and/or Floodway.

Flood Hazard Zone: N/A

Your agency response is critical to the evaluation of this proposal. A copy of the letter of intent and other applicable documents are enclosed for your review. The application packet can also be found on the County website under "Land Hearings". To provide comments, please respond by September 9, 2024. *Comments received by the due date will be added to the Staff Report and the hearing body's packet. Your agency's comments are an important part of our decision-making process.* Contact Arbay Mberwa at 208-455-6039 with any questions, concerns, or if you need additional information.

Please reference the Case No. listed above in responses and/or correspondence regarding this case. You may respond in the following formats:

- Mail: 111 North 11th Ave., Ste. 310, Caldwell, ID 83605
- Email: arbay.mberwa@canyoncounty.id.gov

At a minimum, please address the following questions specific to your agency listed below and any additional concerns regarding the requested use. Information submitted will be a part of the record as evidence for the Findings of this case:

SOUTHWEST DISTRICT HEALTH DEPARTMENT

- ✓ Will a Nutrient Pathogen Study be required?
- ✓ Will adequate sanitary systems be provided to accommodate the use?
- ✓ Any concerns about the use or request for rezoning? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city?

HIGHWAY DISTRICTS/ITD

- ✓ Does legal access to the property exist for the requested use?
- ✓ Will there be any undue interference with existing or future traffic patterns created by the requested use? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city?
- ✓ Is a TIS required?
- ✓ What are the cumulative impacts of the use or request rezone to the road network and area?

IRRIGATION DISTRICTS

- ✓ Will adequate irrigation be provided to accommodate said use?
- ✓ Will any of the services provided by the irrigation district be negatively impacted by the requested use or require additional public funding to meet the needs created by the requested use? Are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city?

IDAHO DEPARTMENT OF WATER RESOURCES

- ✓ Will adequate water be provided to accommodate requested use?
- ✓ Any concerns about the use or request for rezoning? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city?

SCHOOL FACILITIES

- ✓ Will essential services be provided to accommodate the requested use?
- ✓ Will any school services be negatively impacted by the requested use or require additional public funding to meet the needs created by the requested use? Are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city?

POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES

- ✓ Will essential services be provided to accommodate requested use?
- ✓ Will services be negatively impacted by such use or require additional public funding to meet the needs created by the requested use? Are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city?
- ✓ What is the estimated response time to the subject property? Is this response time adequate for life safety concerns?

DEPARTMENT OF ENVIRONMENTAL QUALITY

- ✓ Will the use have a negative impact on air quality?
- ✓ Will essential services accommodate said use?
- ✓ Will the use impact any nearby surface water sources?
- ✓ Will the use negatively impact groundwater?
- ✓ Is there a hazardous waste concern?
- ✓ Any concerns about the use or request for rezoning? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city?

Idaho Code 37-6509(a) requires notice of a public hearing to be sent to political subdivisions of the state that provided services within the planning jurisdiction at least fifteen (15) days before the public hearing.

**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 N. 11TH Ave. Ste 310 ♦ Caldwell, Idaho 83605

Phone (208) 454-7458 ♦ ZoningInfo@canyoncounty.id.gov

Exhibit D.2**LEGAL NOTICE TRANSMITTAL**Case #: CU2023-0025 Transmittal Date: October 4, 2024 Planner: Arbay MberwaApplicant: Sheree & Michael Surber Applicant's Representative: _____☒ P&Z ☐ Hearing Examiner ☐ BOCCJEPA: _____ ☐ FULL POLITICAL

City <input type="checkbox"/> Caldwell <input type="checkbox"/> Greenleaf <input type="checkbox"/> Homedale <input type="checkbox"/> Marsing <input type="checkbox"/> Melba <input checked="" type="checkbox"/> Middleton <input type="checkbox"/> Nampa <input type="checkbox"/> Notus <input type="checkbox"/> Parma <input type="checkbox"/> Star <input type="checkbox"/> Wilder School District <input type="checkbox"/> Caldwell <input type="checkbox"/> CWI <input type="checkbox"/> Homedale <input type="checkbox"/> Kuna <input type="checkbox"/> Liberty Charter <input type="checkbox"/> Marsing <input type="checkbox"/> Melba <input type="checkbox"/> Meridian/West Ada <input checked="" type="checkbox"/> Middleton <input type="checkbox"/> Nampa <input type="checkbox"/> Notus <input type="checkbox"/> Parma <input type="checkbox"/> Vallivue <input type="checkbox"/> Wilder <input checked="" type="checkbox"/> Southwest District Health	Fire District <input type="checkbox"/> Caldwell <input type="checkbox"/> Homedale <input type="checkbox"/> Kuna <input type="checkbox"/> Marsing <input type="checkbox"/> Melba <input checked="" type="checkbox"/> Middleton <input type="checkbox"/> Nampa <input type="checkbox"/> Parma <input type="checkbox"/> Star <input type="checkbox"/> Upper Deer Flat <input type="checkbox"/> Wilder <input checked="" type="checkbox"/> State Fire Marshal Highway District <input checked="" type="checkbox"/> Hwy District 4 <input type="checkbox"/> Golden Gate <input type="checkbox"/> Nampa <input type="checkbox"/> Notus-Parma Library District <input type="checkbox"/> Kuna <input type="checkbox"/> Lizard Butte <input type="checkbox"/> Wilder Utilities <input checked="" type="checkbox"/> CenturyLink <input checked="" type="checkbox"/> Intermountain Gas <input type="checkbox"/> Idaho Power <input type="checkbox"/> Ziply	Irrigation, Drain & Flood Districts <input checked="" type="checkbox"/> Black Canyon Irrigation Dist. <input type="checkbox"/> Boise-Kuna Irrigation Dist. <input type="checkbox"/> Boise Project Board of Control <input type="checkbox"/> Caldwell Water & Sewer <input type="checkbox"/> Canyon County Water Co. <input type="checkbox"/> Canyon Ditch Co. <input type="checkbox"/> Eureka Irrigation District <input type="checkbox"/> Farmer Cooperative Ditch Co. <input type="checkbox"/> Farmers Union Ditch Co. <input type="checkbox"/> Franklin Ditch Co. <input type="checkbox"/> Lower Center Point <input type="checkbox"/> Mason Creek Ditch Co. <input type="checkbox"/> Middleton Mill Ditch/Irrigation <input type="checkbox"/> Nampa – Meridian <input type="checkbox"/> New York <input type="checkbox"/> Newman Ditch <input type="checkbox"/> Pioneer <input type="checkbox"/> Pioneer Dixie Ditch <input type="checkbox"/> Poor Boy Ditch <input type="checkbox"/> Riverside Irrigation District <input type="checkbox"/> Riverside Ditch <input type="checkbox"/> Wilder Irrigation <input type="checkbox"/> Settlers Irrigation <input type="checkbox"/> Siebenberg Co-op Ditch <input type="checkbox"/> Star Sewer & Water <input type="checkbox"/> Drainage Ditch 2 <input type="checkbox"/> Drainage Ditch 3 <input type="checkbox"/> Drainage Ditch 4 <input type="checkbox"/> Drainage Ditch 6 <input type="checkbox"/> Flood District 10 <input type="checkbox"/> Flood District 11	Transportation <input type="checkbox"/> ACHD <input type="checkbox"/> Brown Bus Company <input type="checkbox"/> Caldwell Transportation <input checked="" type="checkbox"/> COMPASS <input checked="" type="checkbox"/> Idaho Transportation Dept <input type="checkbox"/> Valley Regional Transit Emergency Services <input checked="" type="checkbox"/> Canyon County Sheriff <input checked="" type="checkbox"/> Emergency Mgmt. Coordinator <input checked="" type="checkbox"/> CC Paramedics / EMT <input type="checkbox"/> Homedale City Ambulance <input type="checkbox"/> Marsing Ambulance <input type="checkbox"/> Melba Quick Response <input type="checkbox"/> Nampa Police Department Other <input type="checkbox"/> Army Corp of Engineers <input type="checkbox"/> Deer Flat Natl Wildlife Refuge <input type="checkbox"/> Farm Service Agency <input type="checkbox"/> Greater Middleton Area Rec <input type="checkbox"/> Melba Gopher District <input type="checkbox"/> Mosquito Abatement <input type="checkbox"/> Natural Resource Conservation Dist. <input type="checkbox"/> Ten-Davis Recreation <input type="checkbox"/> Destination Caldwell <input type="checkbox"/> Owyhee County, Dir of Planning <input type="checkbox"/> Media <input type="checkbox"/> Cemetery <input type="checkbox"/> _____ <input type="checkbox"/> _____
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Canyon County

- ☒ CC Animal Control
☐ CC Assessor's Office
☐ CC Elections
☐ CC Farm Bureau
☐ CC Historical Society
☐ CC Parks & Recreation
☐ CC Weed & Gopher Control
☐ CC Soil Conservation District
☐ CC Floodplain

Canyon County

- ☒ CC DSD Building Dept.
☐ CC DSD Code Enforcement
☐ CC Engineering Dept.
Government
☐ Bureau of Land Management
☐ Bureau of Reclamation
☒ Dept of Environmental Quality
☐ Environmental Protection Agency
☐ Farm Service Agency

Government

- ☐ FEMA
☐ US Department of Agriculture
☒ ID Dept of Water Resources/water rights
☐ Idaho Fish & Game
☐ Idaho State Dept of Agriculture
☐ Dept of Lands/ SW Area Mgr.
☐ ID Agricultural Aviation Association
☐ Energy and Mineral Resources (OEMR)
☐ US Postal Service

From: Chris Hopper <chopper@hwydistrict4.org>
Sent: Wednesday, August 7, 2024 5:12 PM
To: Arbay Mberwa
Subject: [External] FW: Initial Notification CU2023-0025 Surber
Attachments: CU2023-0025.pdf

Based on review of the applicant's description of site activities relating to this CUP, HD4 has no comments or concerns regarding the request.

Respectfully,

Chris Hopper, P.E.
District Engineer



Highway District No. 4
15435 Hwy 44
Caldwell, Idaho 83607
208-454-8135

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, August 7, 2024 3:07 PM
To: 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; Chris Hopper <chopper@hwydistrict4.org>; Lenny Riccio <lrccio@hwydistrict4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; '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>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Diana Little <Diana.Little@canyoncounty.id.gov>; Loretta Tweedy <Loretta.Tweedy@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>
Subject: Initial Notification CU2023-0025 Surber

Please see the attached agency notice. You are invited to provide written testimony or comments by **September 09, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider

the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Arbay Mberwa** at arbay.mberwa@canyoncounty.id.gov.

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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.

Arbay Mberwa

From: Amber Lewter
Sent: Tuesday, August 13, 2024 1:18 PM
To: Arbay Mberwa
Subject: FW: [External] RE: Initial Notification CU2023-0025 Surber

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Tuesday, August 13, 2024 1:15 PM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Subject: [External] RE: Initial Notification CU2023-0025 Surber

Hello,

After careful review of the transmittal submitted to ITD on August 7, 2024 regarding CU2023-0025 Surber, the Department has no comments or concerns to make at this time.

Thank you

Mila Kinakh

D3 Planning and Development
Administrative Assistant



YOUR Safety •••▶ **YOUR Mobility** •••▶ **YOUR Economic Opportunity**

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, August 7, 2024 3:07 PM
To: 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'Iriccio@hwydistrict4.org' <Iriccio@hwydistrict4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'gis@compassidaho.org' <gis@compassidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Cawforth <Brian.Cawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Diana Little <Diana.Little@canyoncounty.id.gov>; Loretta Tweedy <Loretta.Tweedy@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>
Subject: Initial Notification CU2023-0025 Surber

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

Please see the attached agency notice. You are invited to provide written testimony or comments by **September 09, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Arbay Mberwa** at arbay.mberwa@canyoncounty.id.gov.

Thank you,



Amber Lewter

Hearing Specialist

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

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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Arbay Mberwa

From: Arbay Mberwa
Sent: Wednesday, August 21, 2024 1:22 PM
To: 'Amy Thompson'
Subject: RE: [External] DEQ Comment Requests - CU2023-0027, CU2023-0025

Dear Amy Thompson,

Thank you for the agency comments.



Arbay Mberwa

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

Direct Line: 208-455-6039

Email: Arbay.Mberwa@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

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Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

From: Amy Thompson <Amy.Thompson@deq.idaho.gov>
Sent: Wednesday, August 21, 2024 8:33 AM
To: Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>
Subject: [External] DEQ Comment Requests - CU2023-0027, CU2023-0025

Dear Arbay Mberwa,

Please see the attached for DEQ comments on these applications.

Sincerely,

Administration

Idaho Department of Environmental Quality
1445 N Orchard Street
Tel: (208) 373-0550

<http://www.deq.idaho.gov/>

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

 Please consider the environment before printing this email.



August 20, 2024

Arbay Mberwa, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
arbay.mberwa@canyoncounty.id.gov

Subject: Case No. CU2023-0025 Surber

Dear Arbay Mberwa:

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

Arbay Mberwa

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Friday, August 30, 2024 4:17 PM
To: Arbay Mberwa
Subject: [External] RE: Initial Notification CU2023-0025 Surber

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Arbay,

Per request for comments:

Will a Nutrient Pathogen Study be required? The project is NOT in a designated Nitrate Priority Area and a Nutrient Pathogen Study is not required.

Will adequate sanitary systems be provided to accommodate the use? A pre-development meeting was conducted on 08/14/2023 and was recommended installing a new septic system for the dog kennel facility.

We may want to revisit the proposal with the applicant.

Let me know if you have any questions.

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: Wednesday, August 7, 2024 3:07 PM
To: 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'lriccio@hwydistrict4.org' <lriccio@hwydistrict4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; '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>; Brian Crawford
<Brian.Crawford@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov; Michael Stowell
<mstowell@ccparamedics.com>; Diana Little <Diana.Little@canyoncounty.id.gov>; Loretta Tweedy
<Loretta.Tweedy@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb
<Cassie.Lamb@canyoncounty.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>;
'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>

Subject: Initial Notification CU2023-0025 Surber

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

Please see the attached agency notice. You are invited to provide written testimony or comments by **September 09, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Arbay Mberwa** at arbay.mberwa@canyoncounty.id.gov.

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

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Arbay Mberwa

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Wednesday, October 23, 2024 1:33 PM
To: Arbay Mberwa
Subject: [External] RE: CU2023-0025 Surber

Hi Arbay,

Since proposal is not a commercial business and no longer a kennel facility, neither an NP study or a separate septic tank is necessary at this time.

Let me know if you have any questions.

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: Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>
Sent: Tuesday, October 22, 2024 4:34 PM
To: Anthony Lee <Anthony.Lee@swdh.id.gov>
Subject: CU2023-0025 Surber

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Hello,

Thank you for submitting comments regarding the proposed conditional use permit for a dog kennel (CU2023-0025) on parcel R38010 on August 30, 2024.

I do see that the subject parcel is in the NE Canyon County Nitrate Priority Area. I do want to clarify if a Nutrient Pathogen Study will be required. See photo attached.

Since the pre-development meeting conducted on August 14, 2023, the applicant, Sheree Surber has modified the plan and will no longer have a kennel facility. Is a second septic tank still required?

Thanks,



Arbay Mberwa

Associate Planner

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

Direct Line: 208-455-6039

Email: Arbay.Mberwa@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

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EXHIBIT E

DRAFT- Findings of Fact, Conclusions of Law & order

Planning & Zoning Commission

Case# CU2023-0025

Hearing date: November 7, 2024



PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Surber – Case # CU2023-0025

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Use Permit for a dog kennel on parcel R38010, approximately 4.72 acres, in an “A” (Agricultural) zone. The proposed kennel will allow a maximum of 10 dogs on the property.
- 2) The subject property is located at 25366 Emmett Rd. Caldwell, Idaho (Parcel Number R38010) also referenced as a portion of the SW quarter of Section 25, T5N R3W BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following: Staff Report, exhibits, and documents in Case File CU2023-0025.
 - A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2023-0025.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code §03-05-09 (Kennel Licensing).
 - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance, or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.

3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4. The burden of persuasion is upon the applicant to prove that all criteria 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.
6. 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 CU2023-0025 was presented at a public hearing before the Canyon County Planning and Zoning Commission on November 7, 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 Canyon County Planning and Zoning Commission decide as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The proposed use is permitted in the “A” (Agricultural) zone by Conditional Use Permit (CUP).

Findings: (1) The subject property, parcel R38010, containing approximately 4.72 acres is zoned “A” (Agricultural). **See Exhibit B.1 of the staff report.**

(2) Kennels are defined as “Any portion of land, or any building, structure, enclosure or premises on the same or adjacent parcel, in which canines are housed, groomed, bred, boarded, trained or sold, in which a total of six (6) or more dogs, three (30 months of age or over are kept or maintained in conformance with section 03-05-09 of this code.” (CCCO §07-02-03)

(3) CCCO §07-10-27 Land Use Regulation (Matrix) provides for kennels by a conditional use permit in the agricultural zone.

(4) Applicant submitted the conditional use permit application on December 13, 2023. An amended application was submitted on August 1, 2024. **See Exhibit A.1 of the staff report.**

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0025.

2. What is the nature of the request?

Conclusion: The applicants, Sheree and Michael Surber, are requesting a conditional use permit for a kennel on parcel R38010 zoned “A” (Agricultural). The request is for a kennel for a maximum of 10 dogs. The purpose of the request is for breed preservation and the development and improvement of the dog line.

Findings: (1) A conditional use permit was submitted on December 13, 2023. The amended application was submitted on August 1, 2024. Additional information was received on October 22, 2024. **See Exhibit A of the staff report.**

(2) The applicant is requesting to use parcel R38010 for a kennel to breed, preserve, develop and improve the dog line of 10 dogs. **See Exhibit A.2 of the staff report.**

(3) The applicant has scheduled appointments for pick-up Monday-Sunday 9 a.m. to 5 p.m., it's anticipated that the number of people visiting the site by appointment per year will be minimal. **See Exhibit A.6 of the staff report.**

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0025.

3. Is the proposed use consistent with the comprehensive plan?

Conclusion: The proposed use is consistent with the 2030 Comprehensive Plan.

Findings: (1) The 2030 Comprehensive Plan designates the future land use of the parcel as “RR” (Rural Residential) **Exhibit B.1 of the staff report.**

- (2) a conditional use permit is required to operate a kennel in the “A” (Agricultural) and “RR” (Rural Residential) zone.
- (3) The proposed use aligns with the following goals, action plans, and policies of the comprehensive plan:

Property Rights Policies and Goals

- G1.01.00: *Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.*
- A1.01.00a: *Require properties to conform to the zoning code before receiving additional zoning approvals.*
- A1.01.00b: *Canyon County will take appropriate measures to enforce all nuisance ordinances to protect the quality of life and private property rights.*

Land Use and Community Design

- G4.02.00: *Ensure that growth maintains and enhances the unique character throughout the county.*
 - P4.02.01: *Consider site capability and characteristics when determining the appropriate location and intensities of various land uses.*
 - P4.03.03: *Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.*
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0025.

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: The proposed use will not be injurious to other properties in the immediate vicinity and/or will not negatively change the essential characteristics of the surrounding area.

Findings: (1) The property is located in an “A” (Agricultural) zone. The character of the area is primarily agricultural parcels used for residential purposes. The adjacent primary zone and use is Agricultural. **See Exhibit B.3-5 of the staff report.**

- (2) A conditional rezone was approved in 2008 to the northwest of the subject property to rezone from “A” (Agricultural) to “CR-R-R” (conditional rezone rural residential). To the southwest of the property there was a conditional rezone application submitted in 2019, to conditionally rezone approximately a 10-acre parcel (R38017010) from “A” (Agricultural) to “CR-R-1” (Conditional Rezone-Single Family Residential). The request was approved in 2021, with a development agreement restricting the property to 6 residential lots (RZ2019-0042). A conditional rezone application was submitted in 2021, to conditionally rezone parcels R20800, R20801 and R20803 from “A” (Agricultural) to “CR-R-1” (Conditional Rezone-Single Family

Residential). The request was approved in 2021, with a development agreement restricting the property to 12 residential lots (RZ2021-0019). **See Exhibit B.8 and B.9 of the staff report.**

- (3) The subject parcel is located more than 150 feet away from the nearest residential property. There is fifteen (15) parcels of which, eight (8) have residences in a 600-foot radius of the subject property.
- (4) The property will be fenced in with poly split rail. The applicant will keep the dogs from running at large by fencing the perimeter of the property.
- (5) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 7, 2024. Newspaper notice was published on October 8, 2024. Property owners within 600' were notified by mail on October 4, 2024. Full political notice was provided on October 4, 2024. The property was posted on October 8, 2024.
 - a. Agency comments can be found in **Exhibit D** of the Staff Report.
 - b. No public comments were received by the comment period deadline of October 28, 2024.
- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0025.

5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: Adequate facilities and systems exist and can accommodate to the proposed use.

- Findings:**
- (1) The application for the kennel proposes an individual septic that will service the home and the kennel use. **See Exhibit A.3 of the staff report.**
 - (2) There is an existing well on site used for domestic water. Irrigation water is provided via surface water. **See Exhibit A.3 of the staff report.**
 - (3) The parcel is not in a drain district, and accommodations or improvements are not required. **See Exhibit B.1 of the staff report.**
 - (4) It's not anticipated that stormwater drainage facilities will need to be accommodated or improved for the proposed use. Stormwater will be drained via the ditch on the outside of the east property line, if needed.
 - (5) There are adequate utility systems to service the home and the proposed dog kennel. An agency notice was sent out to Century Link and Intermountain Gas, on August 7, 2024. No comments were received. Correspondence
 - (6) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 7, 2024. Newspaper notice was published on October 8, 2024. Property owners within 600' were notified by mail on October 4, 2024. Full political notice was provided on October 4, 2024. The property was posted on October 8, 2024. **See Exhibit D of the staff report.**
 - a. Southwest District Health (SWDH) states that the applicant had a pre-development meeting with SWDH on August 14, 2023, based on the proposal at the time a second septic tank was required to be installed. Agency notice was sent out on August 7, 2024, and on August 30, 2024, Southwest District Health commented that the kennel would not require a Nutrient Pathogen Study. A follow up email was sent on October 22, 2024, to gain clarification for the septic tank as the amended application no longer included the kennel facility. SWDH states that due to the kennel facility being removed from the plan, one septic tank will be adequate for the home and the kennel use. **See Exhibit A.5 and D.6 of the staff report.**

- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0025.

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

Conclusion: The subject property does have legal access to the property and will exist at the time of approval.

- Findings:**
- (1) The property has frontage along Emmett Road a public road with an approach as a half circular driveway.
 - (2) In a Pre-Development meeting Highway District No. 4 (HD4) commented the half circular driveway needs to be improved to meet SD-106 commercial approach standards and an approach permit is required.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 7, 2024. Newspaper notice was published on October 8, 2024. Property owners within 600' were notified by mail on October 4, 2024. Full political notice was provided on October 4, 2024. The property was posted on October 8, 2024.
 - a. Highway District No. 4 commented on August 7, 2024, that HD4 does not have comments or concerns regarding the request. **See Exhibit D.3 of the staff report.**
 - b. Idaho Transportation Department (ITD) reviewed the application proposal and had no comments or concern. **See Exhibit D.4 of the staff report.**
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0025.

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: The request will not interfere with existing or future traffic patterns.

- Findings:**
- (1) There will be minimal client contact on site as it's anticipated that the number of people visiting the site by appointment per year will be minimal. Appointments are scheduled between the hours of 9 a.m. and 5 p.m. daily. **See Exhibit A.6 of the staff report.**
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 7, 2024. Newspaper notice was published on October 8, 2024. Property owners within 600' were notified by mail on October 4, 2024. Full political notice was provided on October 4, 2024. The property was posted on October 8, 2024.
 - a. Highway District No. 4 (HD4) reviewed the application proposal and on August 7, 2024 had no comments or concern. **See Exhibit D.3 of the staff report.**
 - b. Idaho Transportation Department (ITD) reviewed the application proposal and on August 13, 2024, had no comments or concern. **See Exhibit D.4 of the staff report.**
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0025.

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: Essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and the services will not

be negatively impacted by the proposed use or require additional public funding in order to meet the needs created by the requested use.

- Findings:**
- (1) The proposed kennel is not anticipated to impact schools, emergency medical services, irrigation facilities, or fire districts as there isn't anticipated to be an increased need for additional police, fire, or ambulance response.
 - (2) The parcel is under Middleton Rural Fire District. Middleton Rural Fire District will be required to provide services to the parcel. All development shall comply with the 2018 International Fire Code and codes set forth by Canyon County. According to Middleton Rural Fire District on October 26, 2023, fire response time is eight (8) minutes under ideal conditions. With the completion of a new fire district station the response time will be three (3) minutes under ideal driving conditions. Fire suppression will be supplied by a private well. Any additions or future building will require commercial plan review/permits for access and water supply by the fire district prior to building permit issuance. Accessibility of roadway access, traffic and radio coverage can be viewed in **Exhibit A.5**.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 7, 2024. Newspaper notice was published on October 8, 2024. Property owners within 600' were notified by mail on October 4, 2024. Full political notice was provided on October 4, 2024. The property was posted on October 8, 2024.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0025

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2023-0025, a conditional use permit of a kennel subject to the following conditions as enumerated:

Conditions of Approval:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Compliance with Canyon County Public Safety Ordinance; Article 5, Animal Control Regulations, other than obtaining a kennel license.
3. This conditional use permit shall adhere to the land use time limitation as stated in CCCO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
4. The conditional use permit shall be limited to parcel R38010. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission. The permit shall expire upon change of ownership to any other person.
5. The proposed development shall be in general conformance with the applicant's site plan and Letter of Intent (**Exhibit A.2 and A.4**).
6. The hours of pick-up shall be between 9 a.m. to 5 p.m. daily.
7. The number of canines on the premise shall not exceed ten (10) dogs.
8. The area shall have a minimum four-foot split-rail poly fencing with wire fencing on the perimeter of the property. Fencing compliance shall be submitted to DSD no later than 90 days after moving into the home and prior to commencement of the use.
9. The area site and fencing shall be maintained and kept in good repair. The area and surrounding fence line shall be kept weed-free and/or maintained with weeds being 6" in height or less.

10. All structures shall comply with Canyon County Code of Ordinance setback requirements (§07-10-21) and shall be clear of all right of ways and easements pursuant to Black Canyon Irrigation District.
11. The dog kennel and property shall be maintained in a clean and sanitary condition.
12. The operator shall dispose of solid waste in a manner that does not contribute to potential environmental and water contamination in and around the subject property. Canine waste shall be disposed of at a regular frequency at the Landfill per disposal requirements.
13. The half circular approach shall be improved to meet commercial approach standards pursuant to Canyon Highway District No. 4 (**Exhibit A.5**). Evidence shall be the approach permit provided by Canyon Highway District No.4. Evidence shall be submitted to DSD no later than 90 days after moving into the home.

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 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: _____