



BOARD OF COUNTY COMMISSIONERS

STAFF REPORT ADDENDUM

CR2021-0012/SD2021-0057

HEARING DATE: October 22, 2024

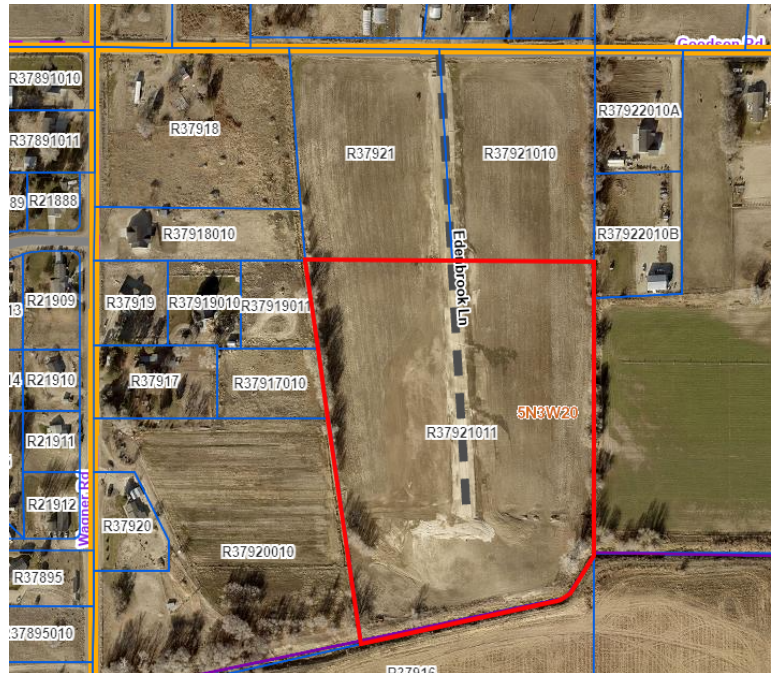
OWNER: Ryan & Heidi Walker

APPLICANT/REP: Darin Taylor

PLANNER: Michelle Barron,
Principal Planner

CASE NUMBER: CR2021-0057

LOCATION: R37921011 0
Goodson Road
Caldwell, ID
(+/- 14.91 acres)



EXECUTIVE SUMMARY:

- The applicant Subdivision Maker, LLC representing the property owners, Ryan and Heidi Walker, are requesting a Conditional Rezone and Development Agreement for approximately 14.906-acres, to change the zoning district from “A” (Agricultural) to “CR-RR” (Conditional Rezone – Rural Residential). The request includes a Short Plat for Edenbrook Estates Subdivision. The proposed plat contains three five-acre single-family lots and one private road lot. The subject property, parcel no. R37921011 is located approximately 600-feet south of Goodson Road and approximately 1,000-feet east of the Goodson Road/Wagner Road intersection, Caldwell; also referenced as a portion of the NW ¼ of Section 20, T5N, R3W, BM, Canyon County, Idaho.
- The Planning and Zoning Commission heard and recommended approval of the Conditional Rezone with a Development Agreement and the Short Plat and signed the FCO’s on September 1, 2022 (Exhibit F).
- After the recommended approval, the application was put on hold until the required improvements were built out.
- The Private Road, Edenbrook Lane was approved by Director’s Decision on November 15, 2022 (RD2022-0030).
- The developer is requesting the private road lot end at the beginning of Block 1, Lot 2 with an easement on the parcel recorded after the plat is approved for the modified turn around that was approved through the Middleton Fire District (Exhibit D1).
- The engineering department made a site visit on March 7, 2024 to measure the Private Road and verify road sign placement. The road was measured in 3 different spots for driving surface width. There was a minimum 24’ width in all three spots.

APPROVALS

Review and approval of the Preliminary Plat (dated March 1, 2022) were provided by Keller Associates, acting as County Engineer, dated April 18, 2022. Review and approval of the Final plat (dated March 1, 2022) by Keller Associates, acting as County Engineer, dated April 6, 2022. The County Surveyor (Keller Associates) signed the final plat on May 9, 2023.

There appear to be newer Preliminary and Final Plats that are dated May 9, 2024 that have not been reviewed by the County Engineer or the DSD Planning Department. It seems as though the County Surveyor (David Kinzer, Keller Associates) may have seen the updated Final Plat, as the dates match on the image that I have seen of the signature page of the Final Plat.

Construction Drawings were approved by Keller Associates (acting as County Engineer) on June 26, 2023 (Exhibit D5) with requirements of approval that have been met, with the exception of the recorded easement for the irrigation district, see Exhibit D3.

Engineering certification of the Private Road, dated January 14, 2024 was received (Exhibit C2).

Middleton Fire District approved a modified turn around at the end of the Private Road and approved the 24 foot all weather drivable surface on December 4, 2023.

Black Canyon Irrigation approved the irrigation for Edenbrook Estates, but is requiring an easement be recorded and added to the plat. (Exhibit D3)

Southwest District Health signed the final plat on May 20, 2023.

Notus-Parma Highway District signed the final plat on January 9, 2024.

DECISION OPTIONS:

- The Board of County Commissioners may **approve** the conditional rezone as conditioned and/or amended;
- The Board of County Commissioners may **deny** the conditional rezone and direct staff to return with findings that support the decision; or
- The Board of County Commissioners may **continue the discussion** and request additional information on specific items.

ATTACHMENTS/EXHIBITS:

Exhibit A: Draft BOCC FCO's

Exhibit B: Draft Development Agreement

Exhibit C: Additional Applicant Documentation

1. Turn around easement request
2. Certification of Private Road from Applicant's Engineer
3. Updated Preliminary Plat (Concept Plan) for Edenbrook Estates, dated 2/21/23
4. Updated Final Plat for Edenbrook Estates, dated 2/21/23
5. Construction Drawings for Edenbrook Estates dated 6/16/23

Exhibit D: Agency Comments for BOCC hearing

1. Middleton Fire
2. DSD Engineering
3. Black Canyon Irrigation District
4. Idaho Transportation Department
5. Keller Associates (acting as County Engineer) Construction Drawing approval

Exhibit E: Planning & Zoning Commission Minutes for September 1, 2022

Exhibit F: Planning & Zoning Commission signed FCO's for CR2021-0012/SD2021-0057

Exhibit G: Planning & Zoning Commission Staff Report

1. Draft FCO's (CR2021-0012)
2. Draft FCO's (SD2021-0057) with Attachment A Short Plat, Attachment B Keller Approval
3. Application Documents
4. Agency Letters
 - a. BCID
 - b. Notus-Parma Highway District No. 2
5. Maps
 - a. Small Air Photo
 - b. Vicinity
 - c. Zoning
 - d. Subdivision and Lot Report
 - e. Case Map and Report
 - f. Soils and Farmland Report
 - g. Dairy, Feedlot, & Gravel Pit Map
 - h. Lot Classification
 - i. Nitrate Priority & Well Map
 - j. Future Land Use
 - k. TAZ
 - l. Contour Map

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

In the matter of the application of:

Ryan and Heidi Walker – Case CR2021-0012

The Canyon County Board of County Commissioners considers the following:

- Conditional Rezone of the subject parcel, approximately 14.906 acres, from A (Agricultural) zone to CR-RR (Conditional Rezone - Rural Residential) zone, and
- Development Agreement with conditions that restricts the development to 3 residential lots.

0 Goodson Rd., (Parcel Number: R37921011), a portion of the NW¹/₄ of Section 32, T4N, R3W, BM, Canyon County, Idaho

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2021-0012.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-06-07.
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6511.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 67-6511.
4. The Board can sustain, modify or reject the Planning and Zoning Commission's recommendations. *See* CCZO §07-05-03

5. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. 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).
7. Notice of the public hearing was provided per CCZO 07-05-01:
 - Affected agencies were noticed on August 30, 2024.
 - Newspaper notice was published on September 17, 2024.
 - Property owners within 600' were notified by mail on August 30, 2024.
 - Full political notice was provided on May 26, 2022.
 - The property was posted on September 16, 2024.

The application CR2021-0012 was presented at a public hearing before the Canyon County Board of Commissioners on October 22, 2024. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

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

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

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

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

(2) The proposed conditional rezone is consistent with the six (6) policies and five (5) goals:

Chapter 1. Property Rights:

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

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

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

Chapter 2. Population:

Goal 1. Consider population growth trends when making land use decisions.

Chapter 5. Land Use:

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

Goal 3. Use appropriate techniques to mitigate incompatible land uses.

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

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

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

Chapter 8. Public Services, Facilities and Utilities Component:

Policy 3. Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

Chapter 11. Housing:

Goal 1. Encourage opportunities for a diversity of housing choices in Canyon County.

The applicant is being given due process of law through the hearing process. The conditions of the Development Agreement (Exhibit A) will limit the number of residential lots to 3.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2021-0012.

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

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

- Findings:** (1) Per the 2020 Comprehensive plan the proposed project aligns with the future land use designation of the area. (Exhibit G5j)
- (2) As conditioned, development would be limited to the three residential lots with an average minimum lot size of 4.72-acres.
- (3) There are 10 platted subdivisions within the vicinity with the average lot size 4.84-acre, see Exhibit G5d.
- (4) This property is transitional in nature from the prime agricultural area to that of a rural residential neighborhood that runs along Goodson Road.
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2021-0012.

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

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

- Findings:** (1) Per the 2020 Comprehensive plan the proposed project aligns with the future designation of the area (Exhibit G5j).
- (2) There is rural residential development adjacent to the east, as well as further to the northwest, and north. The surrounding area consists of residential and agricultural uses. As conditioned, development of the site is limited to three residential lots with an average minimum lots size of 4.72 acres. To remain compatible with the surrounding land use, each residential lot will be entitled to one single family dwelling. (Attachment A, condition 6)
- (3) There are 10 platted subdivisions within the vicinity with the average lot size 4.84-acre, see Exhibit G5d.
- (4) The parcels adjacent to the West of this parcel has been rezoned to CR-RR. (Exhibit G5c)
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2021-0012.

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

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

- Findings:** (1) The proposed zoning has a minimum average lot size of two acres. Uses surrounding the site include agricultural and residential uses (Exhibit D Attachment 6c)

- (2) As conditioned, the development of the site will be restricted to three (3) residential lots and one (1) private road lot. No secondary dwelling units shall be permitted and no additional splits will be available. (Attachment A, Conditions 4 and 6)
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2021-0012.

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

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

- Findings:**
- (1) Individual domestic wells and individual septic systems are proposed for the development of the parcel. Development will adhere to Southwest District Health and Idaho Department of Environmental Quality regulations and standards for new wells and septic systems.
 - (2) The property has water rights from Black Canyon Irrigation District. As conditioned, historic irrigation laterals, drain and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company. Black Canyon Irrigation District provided requirements for the development. The requirements are all met with the exception of the newly created easement for the Conway Gulch, which will be recorded and added to the face of the Final Plat. (Exhibit D3)
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2021-0012.

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

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

- Findings:**
- (1) The subject property has an existing 60' ingress/egress easement off of Goodson Rd and a private road is proposed to serve the lots. Access shall be developed in accordance with Notus-Parma Highway District requirements in Exhibit G4b.
 - (2) No concerns were stated by Idaho Transportation Department (Exhibit D4).
 - (3) Canyon County Development Services Engineering Department provided approval of the width of the private road and the street sign placement at a site visit on March 4, 2024. (Exhibit D2)
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2021-0012.

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

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

- Findings:**
- (1) The subject property has an existing 60' ingress/egress easement off of Goodson Rd and a private road is proposed to serve the lots. Access shall be developed in accordance with Notus-Parma Highway District requirements in Exhibit G4b. No concerns were stated by Idaho Transportation Department (Exhibit D4).

- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2021-0012.

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

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

- Findings:** (1) All affected agencies were notified per CCZO §07-05-01, and only the Middleton Fire District responded. The proposed development will be serviced by Middleton School District, Canyon County Sheriff, Middleton Fire and Canyon Ambulance District.
- (2) Middleton Fire has accepted a modified turn around and a 24 foot all weather drivable surface. (Exhibit D1)
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2021-0012.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners recommends **approves** Case #CR2021-0012, a conditional rezone of R37921011 subject to conditions of the development agreement (Attachment A).

CANYON COUNTY BOARD OF COMMISSIONERS

_____ Motion Carried Unanimously
 _____ Motion Carried/Split Vote Below
 _____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Rick Hogaboam, Clerk

By: _____
 Deputy

Date: _____

ATTACHMENT A
CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel shall be in subjection to the Canyon County Zoning Ordinance Chapter 7, Article 17 for platting with a maximum of 3 buildable lots with an average lot size of 4.71 acres.
3. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property, including but not limited to:
 - a. Notus Parma Highway District No. 2
 - b. Idaho Department of Environmental Quality (DEQ)
 - c. Southwest District Health
 - d. Middleton Rural Fire District
 - e. Black Canyon Irrigation District.
4. The subject property, R37921011, containing approximately 14.91 acres shall be developed into no more than three lots, as depicted in Attachment B. No additional splits are available. Development of more than three (3) residential lots are prohibited unless approved by subsequent comprehensive plan amendment, rezone, and platting applications.
5. Historic irrigation lateral, drain and ditch flow pattern shall be maintained and protected.
6. The new residential lots shall be entitled to one single-family dwelling per lot and all other uses provided for in the Rural Residential zone per CCZO 07-10-27 with the exception that there shall be no secondary dwelling units allowed.
7. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board." Commencement is the submission of a Preliminary Plat.



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

www.canyoncounty.id.gov

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: _____

THIS AGREEMENT, made and entered into this _____ day of _____, 2024, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and Ryan Walker, hereinafter referred to as "Applicant."

RECITALS

WHEREAS, The Applicant has applied to the County for a conditional rezone from an "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone – Rural Residential) Zone (CR2021-0012), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcel R37921011, approximately 14.91 acres, is owned by the Applicant; and

WHEREAS, on the _____ day of _____, 2024, the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-R" Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B"; and

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance, or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Properties which is located in the unincorporated area of Canyon County, Idaho, more particularly described in EXHIBIT "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Property from "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone – Rural Residential) Zone, which conditions are attached hereto as EXHIBIT "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see EXHIBIT "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-R-R" (Conditional Rezone – Rural Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in EXHIBIT "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number CR2021-0012 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to

the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Property to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A" are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Property conditionally rezoned from "A" (Agricultural) Zone designation to "CR-R-R" (Conditional Rezone – Rural Residential) Zone designation shall revert back to the "A" (Agricultural) Zone designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #310
Caldwell, Idaho 83605

Notices and communications required to be given to the Applicant shall be addressed to, and delivered at, the following addresses:

Name: Ryan Walker
Street Address: 10629 Valley Hi Road
City, State, Zip: Middleton, ID 83644

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicant(s), a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20. TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

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

APPLICANT

Commissioner Leslie Van Beek

Ryan Walker, Property Owner

Commissioner Brad Holton

Commissioner Zach Brooks

ATTEST: Rick Hogaboam, Clerk

BY: _____
Deputy

DATE: _____

(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of _____, 20____, before me, a notary public, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTION

The part of the West half of the Northwest quarter of Section 20, Township 5 North, Range 3 West of the Boise Meridian in Canyon County, Idaho;

Commencing at the Northeast corner of the West half of the Northwest quarter of Section 20, Township 5 North, Range 3 West of the Boise Meridian, the Initial Point; thence

South 0°00'00" West 1330.94 feet along the East boundary of the said West half of the Northwest quarter, to a point in the centerline of Conway Drain, as now located and constructed; thence meandering along the said centerline South 32°39'24" West 115.64 feet to the point of curve of a 60.00 foot radius curve right; thence

South 58°30'42" West 39.34 feet along the long chord of the said 60.00 foot radius curve right, to the point of tangent of the said 60.00 foot radius curve right; thence

South 77°14'40" West 529.46 feet to a point in the centerline of a certain natural drain; thence leaving the said centerline of said Conway Drain and meandering along the said centerline of a certain natural drain North 8°33'50" West 1016.11 feet; thence

North 4°35'00" West 563.24 feet to a point in the North boundary of the said West half of the Northwest quarter; thence leaving the said centerline of a certain natural drain

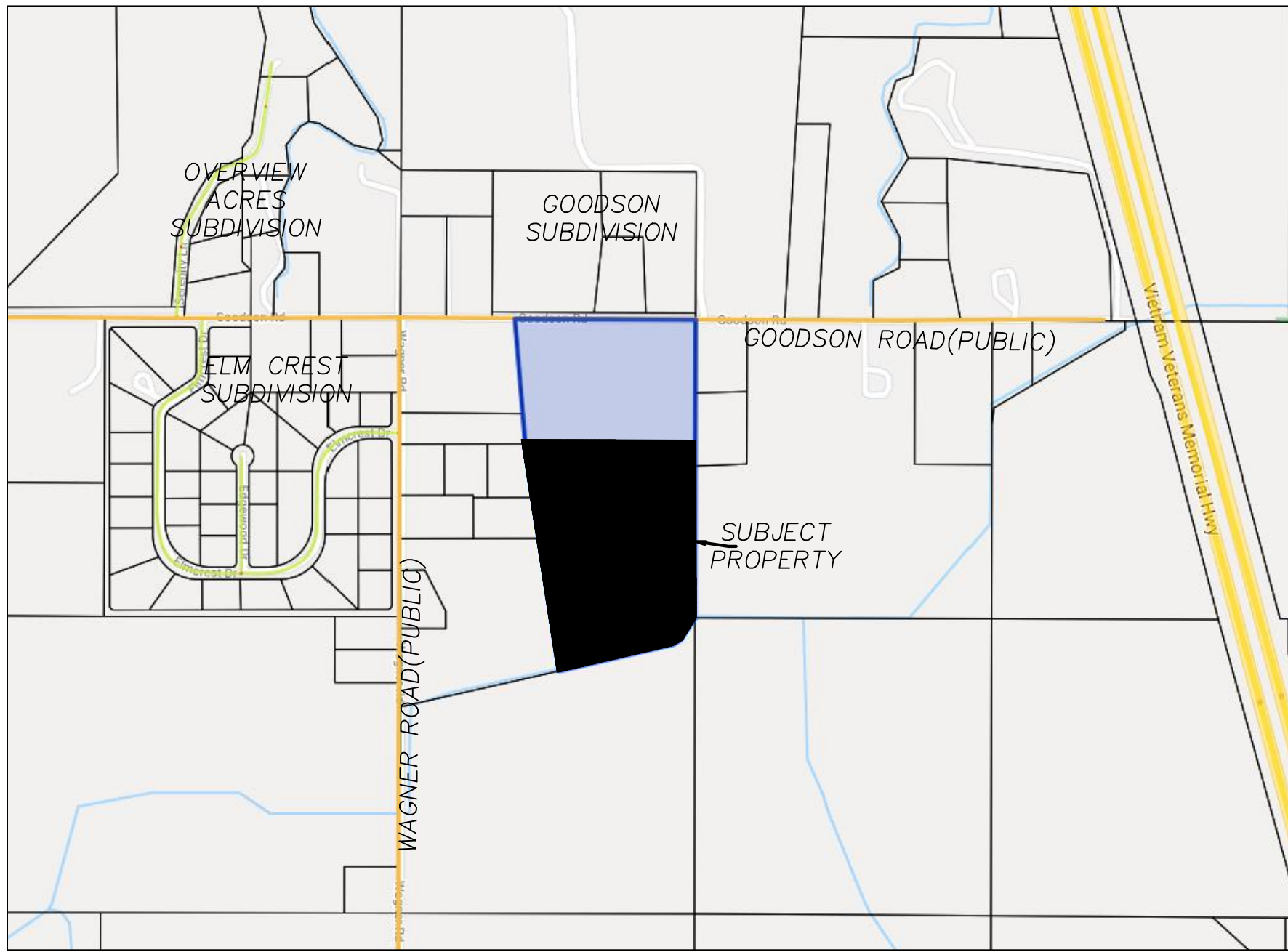
South 89°58'00" East 808.66 feet along the said North boundary to the Initial Point.

EXHIBIT "B"

CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel shall be in subjection to the Canyon County Zoning Ordinance Chapter 7, Article 17 for platting with a maximum of 3 buildable lots with an average lot size of 4.71 acres.
3. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property, including but not limited to:
 - a. Notus Parma Highway District No. 2
 - b. Idaho Department of Environmental Quality (DEQ)
 - c. Southwest District Health
 - d. Middleton Rural Fire District
 - e. Black Canyon Irrigation District.
4. The subject property, R37921011, containing approximately 14.91 acres shall be developed into no more than three lots, as described in Exhibit "A" and depicted in Exhibit "C". No additional splits are available. Development of more than three (3) residential lots are prohibited unless approved by subsequent comprehensive plan amendment, rezone, and platting applications.
5. Historic irrigation lateral, drain and ditch flow pattern shall be maintained and protected.
6. The new residential lots shall be entitled to one single-family dwelling per lot and all other uses provided for in the Rural Residential zone per CCZO 07-10-27 with the exception that there shall be no secondary dwelling units allowed.
7. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board." Commencement is the submission of a Preliminary Plat.

VICINITY MAP
Scale: 1" = 600'



NOTES:

1. This development recognizes Section 22-4503, Idaho Code, Right to Farm, which states: "No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof."
2. Water for domestic purposes shall be supplied by single party wells. Sanitary restrictions designating areas reserved for well installation shall be subject to the approval of Southwest District Health.
3. Sewage disposal shall be by individual septic systems. Sanitary restrictions designating areas reserved for the construction of drain fields shall be subject to the approval of Southwest District Health.
4. This development recognizes and is in compliance with Idaho Code 31-3805(1)(b). Lots will be provided with gravity surface irrigation water and are subject to assessments from the Black Canyon Irrigation District.
5. The subject property is zoned AG (Agricultural).
6. The development is 14.906 acres.
7. This development consists of 3 residential lots and 1 private road lot..
8. Post development storm water run-off from each lot is to be managed by landscaping measures, swales, ditches and similar retention methods, wholly on the lot generating the run-off. The design, construction and maintenance of these facilities is to be the responsibility of each lot owner.
9. Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on subdivision property unless otherwise approved.
10. No permanent structure shall be located closer than seventy feet (70') to any section or quarter line preserved for a future road unless the highway district having jurisdiction waives the seventy foot (70') setback requirement.
11. UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
10 FEET ALONG SUBDIVISION BOUNDARY
5 FEET ON EACH SIDE OF INTERIOR LOT LINES
IF A LOT LINE IS MOVED, THE EASEMENT(S) SHALL MOVE WITH THE LOT LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S)

IRRIGATION SUMMARY AND PLAN:

1. Surface irrigation water is delivered by Black Canyon Irrigation District at Lateral Conway Gulch 1.1-4.3w Tap 3. The water is delivered via an existing 6" pipe to the north boundary of the property. Then there is a pipe that runs parallel with the North boundary with existing risers for hand lines.
2. A valve exists north of the property that can divert water into the over flow pond with has a overflow drain ditch which runs along the West boundary and empties into the Conway Drain.
3. A "T" fitting will be installed into the existing main line to extend a 6" pipe parallel with the private road to the southernmost lot. At each lot corner a riser will be installed with an orchard style valve. The new lot owners will be able to obtain their water and can install individual pumps to water each lot.

PRELIMINARY PLAT
EDENBROOK ESTATES SUBDIVISION

A PORTION OF THE W 1/2 NW 1/4 OF SECTION 20,
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2022

NW Section Corner
Section 20
CP&FR Inst. No.
2010017877

WAGNER ROAD(PUBLIC)

BRIAN T KELLEY
PO BOX 3281
NAMPA, ID 83653

SIMPSON BRADLEY K TRUST
26895 WAGNER RD
CALDWELL, ID 83607

HOME CASTLE LLC
26862 WAGNER RD
CALDWELL, ID 83607

CASIMIRO BECERRA
14821 LOS ANGELES ST
BALDWIN PARK, CA 91706

DOW MICHAELA FAMILY TRUST
17657 CAN ADA ROAD
NAMPA, ID 83687

ERIC RAY TEICHERT
1584 IRON STALLION DR
MIDDLETON, ID 83644

REESE EELLS
16960 GOODSON RD
CALDWELL, ID 83607

MIRANDA JANE DURHAM
16816 GOODSON RD
CALDWELL, ID 83607

CASEY KASUM
16744 GOODSON RD
CALDWELL, ID 83607

CARMEN NICOLE HOUSE
16768 GOODSON RD
CALDWELL, ID 83607

PAVEL KRUT
1806 EMERALD DRIVE
NAMPA, ID 83686

BRYAN JOHNSON
1215 E OAK STREET
CALDWELL, ID 83605

WAGNER JUNE O TRUST
27362 EL PASO ROAD
CALDWELL, ID 83607

LAMMEY PROPERTIES LLC
15575 SAND HOLLOW RD
CALDWELL, ID 83607

W 1/4 Corner
Section 20
CP&FR Inst. No.
2003041996

LINE TABLE		
NO	BEARING	LENGTH
L1	N3°46'14"W	5.96'
L2	S0°48'19"W	9.26'
L3	S33°28'23"W	114.68'
L4	S53°39'41"E	50.06'
L5	S07°26'07"E	50.15'

CURVE TABLE					
NO	RADIUS	CENTRAL ANGLE	LENGTH	CHD BEARING	CHORD
C1	60.00'	38°16'29"	40.08'	S59°19'41"W	39.34'

DETAIL NOT
TO SCALE

UNPLATTED

UNPLATTED

POINT OF DELIVERY
Lateral C.G. 1.1-4.3w Tap 3
Approx. 2,200 ft North of
Property.

Existing 6" PVC

BASIS OF BEARING

S89°09'04"E 1320.16'

S89°09'04"E 398.95'

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DEVELOPMENT DATA:
TOTAL ACRES..... 14.906 ACRES
TOTAL LOTS..... 4
SINGLE FAMILY LOTS..... 3
SINGLE FAMILY AVERAGE LOT SIZE.... 4.97 ACRES
EXISTING ZONING..... AG
PROPOSED ZONING..... RR(RURAL RESIDENTIAL)

SETBACKS RURAL RESIDENTIAL

FRONT 20'
REAR 20'
SIDE 10'
CORNER 20'

Reference Surveys:

Inst. No. 1998039074
Inst. No. 1999014006
Inst. No. 2003043211
Inst. No. 2006033750
Inst. No. 1984028959
Inst. No. 1989020239
Inst. No. 2020025773
Inst. No. 2020043857
Inst. No. 2020074010

1937 GLO Dependent Resurvey
and Subdivision of Sections

Reference Deed:

Inst. No. 2019061380

0' 100' 200'
Scale: 1" = 100'

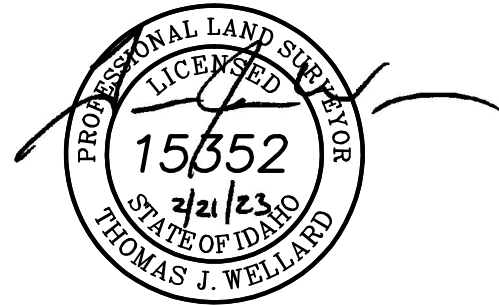
LEGEND

- BRASS CAP MONUMENT - FOUND
- 5/8" REBAR - FOUND
- 5/8" x 24" REBAR - SET
- 1/2" REBAR - FOUND
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION/ALIQUOT PART LINE
- EASEMENT LINE
- ORIGINAL PROPERTY LINE
- FENCE LINE
- W.C. WITNESS CORNER
(xxx.xx) DATA OF RECORD
- IRRIGATION RISER
- LOT LINE
- EDGE OF PAVEMENT
- TOP OF BANK
- CENTERLINE DITCH
- INGRESS/EGRESS, UTILITY, IRRIGATION
& DRAINAGE EASEMENT LINE

UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
10 FEET ALONG SUBDIVISION BOUNDARY
5 FEET ON EACH SIDE OF INTERIOR LOT LINES
IF A LOT LINE IS MOVED, THE EASEMENT(S) SHALL MOVE WITH THE LOT
LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE
EASEMENT(S)

Surveyor's Narrative:

This survey was performed at the request of Ryan Walker to subdivide the parcel described in the referenced deed. Section control corners and existing property corners were located and held as control. The basis of bearing for this survey was established by GNSS observations, projected to the Idaho State Plane Coordinate system, West Zone, NAD83 and NAVD88(Geoid 18) datum. All bearings shown are on grid azimuth and all distances are ground at project elevation.



REVISIONS	
2	Revise Lots test holes 2/21/23 Conway Drain Easement (1/9/23)
1	Add private road lot (3/1/22)

INDEX No. 434-04-1-4-0-00-00
INDEX No. 434-04-1-3-0-00-00

SURVEY FOR:

RYAN WALKER

Drawn By: ZCL

Date: Sept. 1, 2021

Surveyed By: ZCL/KPL

Job No. JY2521

Skinner
Land Survey

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

DEVELOPER:

Ryan & Heidi Walker
10629 Valley Hi Road
Middleton, Idaho 83644
208-936-0646

Michelle Barron

From: Walker Ryan L USNM <ryan.l.walker@syngenta.com>
Sent: Tuesday, May 21, 2024 2:17 PM
To: Michelle Barron; 'Darin Taylor'; Carl Anderson
Cc: heidijo97@yahoo.com; TJ Wellard; Sabrina Minshall
Subject: RE: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

Michelle,

We appreciate your work on this project. Thank you!

Best regards,
Ryan

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Tuesday, May 21, 2024 1:33 PM
To: 'Darin Taylor' <darin.taylor@subdivisionmaker.com>; Walker Ryan L USNM <ryan.l.walker@syngenta.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Cc: heidijo97@yahoo.com; TJ Wellard <tj@skinnerlandsurvey.com>; Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>
Subject: RE: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

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Darin,

I am going to go ahead and proceed with writing my Staff Report for this application and work on getting it scheduled. We will let the hearing body make the decision given the evidence that you have provided and the evidence that I will provide.

Thank you,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Darin Taylor <darin.taylor@subdivisionmaker.com>
Sent: Monday, May 13, 2024 8:12 AM
To: Walker Ryan L USNM <ryan.l.walker@syngenta.com>; Michelle Barron <Michelle.Barron@canyoncounty.id.gov>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>

Cc: heidijo97@yahoo.com; TJ Wellard <tj@skinnerlandsurvey.com>; Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>

Subject: RE: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

Good morning Michelle,

I'm following-up to see if we can proceed with the fire-district required turnaround for a building permit on Lot 2 as a separate easement, rather than showing it on the plat since the easement is for EMS service to Lot 2 only, and get a hearing date for the board to consider the preliminary plat and, if approved, sign the final plat?

Darin Taylor, J.D., AICP

Subdivision Maker LLC 208-899-9556

darin.taylor@subdivisionmaker.com



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From: Darin Taylor

Sent: Tuesday, May 7, 2024 11:13 AM

To: Walker Ryan L USNM <ryan.l.walker@syngenta.com>; Michelle Barron <Michelle.Barron@canyoncounty.id.gov>;

Carl Anderson <Carl.Anderson@canyoncounty.id.gov>

Cc: heidijo97@yahoo.com; TJ Wellard <tj@skinnerlandsurvey.com>

Subject: RE: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

Michelle,

Good morning. I see our correspondence about the turnaround started about three weeks ago. I don't see a turnaround required in county code, it is a fire district requirement associated with apply for a building permit. This is consistent with the notion that the public is excluded from private roads, hence the only turnarounds needed are on individual lots if the furthest portion of an inhabited structure is further than the fire hose can reach from the improved private road. A driveway's intersection with a private road is the turnaround complying with Appendix D in the 2018 International Fire Code. We would prefer to declare the turnaround easement separate from the final plat as is customary, rather than show in on the final plat. If that is ok with the county, may we please get a hearing date for the board to consider the preliminary plat and, if approved, sign the final plat?

Darin Taylor, J.D., AICP

Subdivision Maker LLC 208-899-9556

darin.taylor@subdivisionmaker.com



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From: Walker Ryan L USNM <ryan.l.walker@syngenta.com>
Sent: Monday, May 6, 2024 8:04 AM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>; Darin Taylor <darin.taylor@subdivisionmaker.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Cc: heidijo97@yahoo.com; TJ Wellard <tj@skinnerlandsurvey.com>
Subject: FW: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

Hi Michelle,

I realized over the weekend that I neglected to address in my previous email your question as to why we changed the turnaround design. In my face to face meeting with Victor he told me that the one we'd planned to use was only accepted by the fire district if the road continued beyond it. Since the road was planned to terminate at the turnaround an alternative was necessary. It was for this reason that we changed to the current Y design, and as explained in my previous email he accepted the modification of connecting the ends of the Y together and stated that this is commonly done. Please let me know if you have any further questions.

Thanks,
Ryan

From: Walker Ryan L USNM <ryan.l.walker@syngenta.com>
Sent: Monday, April 29, 2024 7:25 AM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>; 'Darin Taylor' <darin.taylor@subdivisionmaker.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Cc: heidijo97@yahoo.com; TJ Wellard <tj@skinnerlandsurvey.com>
Subject: RE: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

Michelle,

Thank you for your work on our project. Attached is the response from Victor Islas on the turnaround. His response doesn't include the attachments so I will also attach the message I sent to him which included them. Please look at the original email on July 7 for my original summary of our initial conversation (face to face) on the topic as it contains the relevant details (along with the attachments). Please let me know if you have any further questions.

Thanks,
Ryan

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Friday, April 26, 2024 6:18 PM
To: 'Darin Taylor' <darin.taylor@subdivisionmaker.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Cc: heidijo97@yahoo.com; Walker Ryan L USNM <ryan.l.walker@syngenta.com>; TJ Wellard <tj@skinnerlandsurvey.com>
Subject: RE: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

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Mr. Taylor,

We have received your email. Thanks for your continued patience. I have been researching the code to assure that it is appropriate and allowable per Canyon County's Zoning Ordinance to allow the turn around on a private road within a subdivision as an easement on the plat as opposed to part of the Private Road lot. I am still working on that, but in the meantime, could you please provide the documentation from the Fire District that a "modified Y shaped turnaround" will be acceptable to them. It seems that it would be different than what is depicted on the construction drawings that were provided. I just want to make sure we are all on the same page.

Have a nice weekend,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Darin Taylor <darin.taylor@subdivisionmaker.com>
Sent: Friday, April 26, 2024 3:07 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Cc: heidijo97@yahoo.com; Walker Ryan L USNM <ryan.l.walker@syngenta.com>; TJ Wellard <tj@skinnerlandsurvey.com>
Subject: RE: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

Mr. Anderson:

I'm resending this because I do not know if it was received. Can you please confirm receipt and provide a response. We would like a hearing date with the Board. The landowner/developer is not ok with making that fire-district turn-around part of the common lot since it serves only Lot 2. The easement will be for emergency service vehicles only ... per the International fire code ... and can either be shown on the plat or recorded consecutively after the plat. Either way is fine, just let me know.

Darin Taylor, J.D., AICP
Subdivision Maker LLC 208-899-9556
darin.taylor@subdivisionmaker.com



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From: Darin Taylor
Sent: Wednesday, April 24, 2024 9:55 AM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Cc: heidijo97@yahoo.com; Walker Ryan L USNM <ryan.l.walker@syngenta.com>; TJ Wellard <tj@skinnerlandsurvey.com>
Subject: RE: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

Michelle,

I discussed this with the landowner/developer, who has been coordinating with the fire district, and the project surveyor. The turnaround is required by the fire district to provide service to Lot 2, and is not intended to be part of the Private Road Lot, or to indicate/invite other Lot drivers to turnaround on Lot 2. Each of the five-acre lots will have its own turnaround for the fire district if needed per the fire code. On Lot 2, because the landowner intends to build and raise their young family on Lot 2, landowner/developer and fire district discussed and agreed-to a modified "Y" shaped turnaround that meets fire district standards. The project surveyor said we can show that easement on the plat if the county would like?

Darin Taylor, J.D., AICP
Subdivision Maker LLC 208-899-9556
darin.taylor@subdivisionmaker.com



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From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Monday, April 22, 2024 4:32 PM
To: Darin Taylor <darin.taylor@subdivisionmaker.com>
Cc: heidijo97@yahoo.com; Walker Ryan L USNM <ryan.l.walker@syngenta.com>
Subject: RE: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

Darin,

The turn around would be a part of the Private Road; therefore, it should be shown as part of the Private Road lot rather than an easement. I have spoken to our Engineering Department as well as the Planning Supervisor and they agree with it being a part of the Private Road lot. It wouldn't encumber the parcel if the subdivision is not approved since it would be part of the Plat.

Let me know if you have any questions.

Thanks,

Michelle Barron
Principal Planner

Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Darin Taylor <darin.taylor@subdivisionmaker.com>
Sent: Tuesday, April 16, 2024 2:43 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Subject: Re: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

Thank you so much. Yes, the turnaround is constructed at the end of the road and partly on Lot 2. The ball is in my court to prepare an easement document to record consecutively after the final plat. I can provide a copy of it to you. We do not want the turnaround to burden the property independent of the final plat, which is why I intend to record it consecutively after the final plat.



Darin Taylor J.D., AICP
Subdivision Maker, LLC
[208-899-9556](tel:208-899-9556)
www.subdivisionmaker.com

This message may contain confidential information. If you are not the designated recipient, please notify me immediately and delete the original and any copies. Any use of the message by anyone other than the intended recipient is prohibited. Thank you.

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Tuesday, April 16, 2024 12:50 PM
To: Darin Taylor <darin.taylor@subdivisionmaker.com>
Subject: RE: [External] RE: CR2021-0012 Walker and SD2021-0057 Edenbrook Estates

Hello Darin,

I have been doing my due diligence to make sure this is ready to go and able to gain approval for the final plat when we have a date scheduled. I have been digging into the file and I see that there is no documented turn around for the private road. Is that how it is built out? The only place that I see a turn around shown is on the construction drawings. I don't see a version of the plat that shows that turn around. Just want to make sure that we have all our bases covered.

Thanks,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458



January 14, 2024

Mr. Devan Krasowski, PE
County Engineer
Canyon County Development Services
111 N 11th Avenue
Caldwell, Idaho 83605
Phone: (208) 455-5958

RE: Edenbrook Estates Subdivision – Private Road Inspection & Certification

Mr. Krasowski,

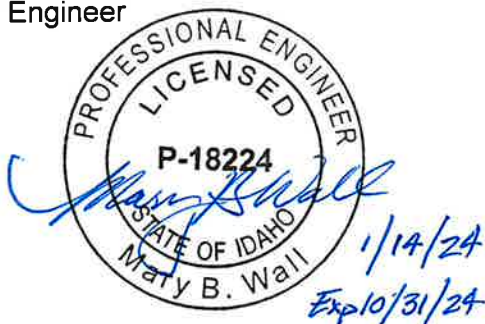
The construction of the private road for the Edenbrook Estates Subdivision has been inspected and is in substantial conformance with the requirements of Section 07-10-03 of the Canyon County Code. Photos and documentation can be provided, as needed.

The irrigation improvements have been installed to provide the required irrigation service to each parcel in the subdivision.

If you have any further questions or comments, please contact me at 208-376-5153 or via email at jbreckon@breckonld.com.

Sincerely,
Breckon Land Design, Inc.

Mary B. Wall
Senior Civil Engineer



NW Section Corner
Section 20
CP&FR Inst. No.
2010017877

GOODSON ROAD(PUBLIC)
511.82'

S89°09'04"E 1320.16'
398.95'

GOODSON SUBDIVISION
Book 23, Page 45

W1/16N Corner
Section 20
CP&FR Inst. No.
2006045564

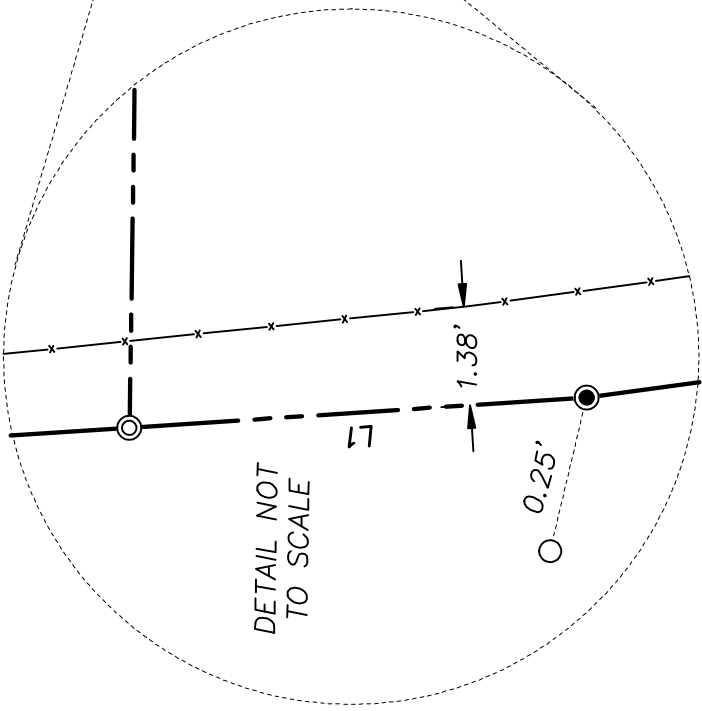
LINE TABLE

NO	BEARING	LENGTH
L1	N3°46'14"W	5.96'
L2	S0°48'19"W	9.26'
L3	S33°28'23"W	114.68'
L4	S53°39'41"E	50.06'
L5	S07°26'07"E	50.15'

CURVE TABLE

NO	RADIUS	CENTRAL ANGLE	LENGTH	CHD BEARING	CHORD
C1	60.00'	38°16'29"	40.08'	S59°19'41"W	39.34'

UNPLATTED



NOTES:

- This development recognizes Section 22–4503, Idaho Code, Right to Farm, which states: "No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof."
- Water for domestic purposes shall be supplied by single party wells. Sanitary restrictions designating areas reserved for well installation shall be subject to the approval of Southwest District Health.
- Sewage disposal shall be by individual septic systems. Sanitary restrictions designating areas reserved for the construction of drain fields shall be subject to the approval of Southwest District Health.
- This development recognizes and is in compliance with Idaho Code 31–3805(1)(b). Lots will be provided with pressurized irrigation and are subject to assessments from the Black Canyon Irrigation District.
- The subject property is zoned RR (Rural Residential).
- The development is 14.906 acres.
- This development consists of 3 residential lots and 1 private road lot.
- Post development storm water run-off from each lot is to be managed by landscaping measures, swales, ditches and similar retention methods, wholly on the lot generating the run-off. The design, construction and maintenance of these facilities is to be the responsibility of each lot owner.
- Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on subdivision property unless otherwise approved.
- No permanent structure shall be located closer than seventy feet (70') to any section or quarter line preserved for a future road unless the highway district having jurisdiction waives the seventy foot (70') setback requirement.
- UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
10 FEET ALONG SUBDIVISION BOUNDARY
5 FEET ON EACH SIDE OF INTERIOR LOT LINES
IF A LOT LINE IS MOVED, THE EASEMENT(S) SHALL MOVE WITH THE LOT LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S)

EDENBROOK ESTATES SUBDIVISION

A PORTION OF THE W 1/2 NW 1/4 OF SECTION 20,
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2023

Reference Surveys:
Inst. No. 1998039074
Inst. No. 1999014006
Inst. No. 2003043211
Inst. No. 2006033750
Inst. No. 1984028959
Inst. No. 1989020239
Inst. No. 2020025773
Inst. No. 2020043857
Inst. No. 2020074010

1937 GLO Dependent Resurvey
and Subdivision of Sections

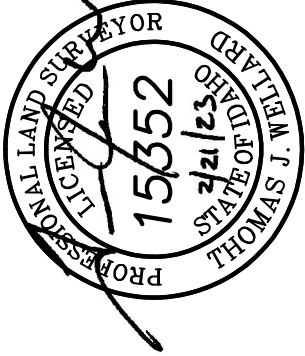
Reference Deed:
Inst. No. 2019061380

- BRASS CAP MONUMENT – FOUND
- ◎ 5/8" REBAR – FOUND
- 5/8" x 24" REBAR – SET
- 1/2" REBAR – FOUND
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- - - SECTION/ALIQUOT PART LINE
- - - EASEMENT LINE
- - - ORIGINAL PROPERTY LINE
- W.C. WITNESS CORNER
- (xxx.xx) DATA OF RECORD
- - - INGRESS/EGRESS, UTILITY, IRRIGATION & DRAINAGE EASEMENT LINE

UNPLATTED

UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
10 FEET ALONG SUBDIVISION BOUNDARY
5 FEET ON EACH SIDE OF INTERIOR LOT LINES
IF A LOT LINE IS MOVED, THE EASEMENT(S) SHALL MOVE WITH THE LOT LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S)

Surveyor's Narrative:
This survey was performed at the request of Ryan Walker to subdivide the parcel described in the referenced deed. Section control corners and existing property corners were located and held as control. The basis of bearing for this survey was established by GNSS observations, projected to the Idaho State Plane Coordinate system, West Zone, NAD83 datum. All bearings shown are on grid azimuth and all distances are ground at project elevation.



REVISIONS

	2	1
Revise Lots Test holes	2/21/23	
Conway Drain Easement	1/19/23	
Add private road lot	3/1/22	

Sheet 1 of 2

Drawn By: ZCL

Date: May 12, 2020

Surveyed By: ZCL

Job No. JY2521

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

OWNERS’ CERTIFICATE

We, Ryan Walker and Heidi Walker, husband and wife, being first duly sworn depose and say we are the owners of this property, being more particularly described in the legal description below, state that it is our intention to include said property in the subdivision plat. The easements shown on the plat are not dedicated to the public but intended only for the right and purpose set forth on the plat and no structures other than those for Utility and Drainage purposes are to be erected within limits of the easements.

This parcel is a portion of the W ½ NW ¼ of Section 20 in Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said W ½ NW ¼, (W1/16N Corner, Section 27), a found 5/8 inch diameter rebar;

thence South 00°49’33” West along the East boundary of the W ½ NW ¼ a distance of 555.48 feet to the TRUE POINT OF BEGINNING, a found 5/8 inch diameter rebar;

thence continuing South 00°49’33” West along the East boundary of the W ½ NW ¼ a distance of 767.03 feet to the Southeast corner of the NW ¼ NW ¼, a point witnessed by found 5/8 inch diameter rebar bearing North 00°49’33” East a distance of 25.00 feet;

thence South 00°48’19” West along the East boundary of the SE ¼ NW ¼ a distance of 9.26 feet to a point on the centerline of Conway Drain;

thence traversing said centerline as follows:

South 33°28’23” West a distance of 114.68 feet;

Southwesterly 40.08 feet along the arc of a curve to the right having a radius of 60.00 feet and a central angle of 38° 16’ 29” and a long chord which bears South 59°19’41” West a distance of 39.34 feet;

South 78°03’39” West a distance of 529.46 feet to a point witnessed by a found 5/8 inch diameter rebar bearing North 7°44’51” West a distance of 30.00 feet;

thence leaving said drain, bearing North 7°44’51” West a distance of 1016.11 feet to a found ½ inch diameter rebar;

thence North 3°46’14” West a distance of 5.96 feet to a found 5/8 inch diameter rebar;

thence South 89°09’04” East, parallel with the North boundary of the W ½ NW ¼, a distance of 763.73 feet to the TRUE POINT OF BEGINNING, said parcel being 14.906 acres more or less, and being subject to any and all easements and rights of way of record or implied.

Ryan Walker

Heidi Walker

ACKNOWLEDGEMENT

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

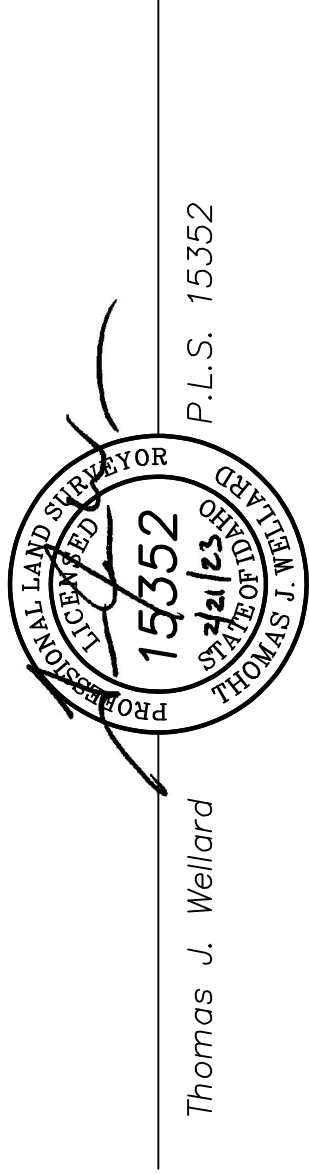
On this ----- day of -----, in the year of 20--, before me, the undersigned, a notary public, personally appeared Ryan Walker and Heidi Walker, husband and wife, proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument, and acknowledged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

EDENBROOK ESTATES SUBDIVISION

A PORTION OF THE W 1/2 NW 1/4 OF SECTION 20,
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2023

SURVEYOR’S CERTIFICATE

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



Thomas J. Wellard P.L.S. 15352

APPROVAL OF NOTUS–PARMA HIGHWAY DISTRICT

Notus–Parma Highway District No. 2 does hereby accept this plat in accordance with the provisions of I.C. 50–1312. Private streets depicted on this plat are not maintained by or under the jurisdiction of the Highway District. There is no legal obligation or assurances that the private streets will be accepted as public streets in the future.

Chairman

Date

CERTIFICATION AND APPROVAL OF
SOUTHWEST DISTRICT HEALTH DEPARTMENT

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

Southwest District Health Department

Date

CERTIFICATION AND APPROVAL OF COUNTY SURVEYOR

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

County Surveyor

Date

CERTIFICATE OF COUNTY TREASURER

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

County Treasurer

Date

APPROVAL OF BOARD OF COUNTY
COMMISSIONERS OF CANYON COUNTY

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

Chairman

Clerk

COUNTY RECORDER’S CERTIFICATE

INSTRUMENT NUMBER: ----- FEE -----

STATE OF IDAHO }
COUNTY OF CANYON } S.S.

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS
FILED AT THE REQUEST OF SKINNER LAND
SURVEY Co. AT ----- MINUTES PAST ----- O’CLOCK
----- M. THIS ----- DAY OF ----- 20--,
IN BOOK ----- OF SURVEYS, AT PAGE-----.

EX–OFFICIO RECORDER

DEPUTY

Skinner
Land Survey

17842 Sand Hollow Road
Caldwell, Idaho 83607
(208)–454–0933
WWW.SKINNERLANDSURVEY.COM

EDENBROOK ESTATES SUBDIVISION

A PORTION OF THE W 1/2 NW 1/4 SECTION 20,
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO
2023

CONTACTS

PLANNING AND ZONING:
CANYON COUNTY
PHONE: [208-455-3021](tel:208-455-3021)

POWER:
IDAHO POWER
PHONE: [208-388-6320](tel:208-388-6320)

GAS
INTERMOUNTAIN GAS COMPANY
PHONE: [208-377-6863](tel:208-377-6863)

PHONE:
CENTURY LINK
PHONE: [208-385-2144](tel:208-385-2144)

CABLE:
CABLEONE
PHONE: [208-472-8409](tel:208-472-8409)

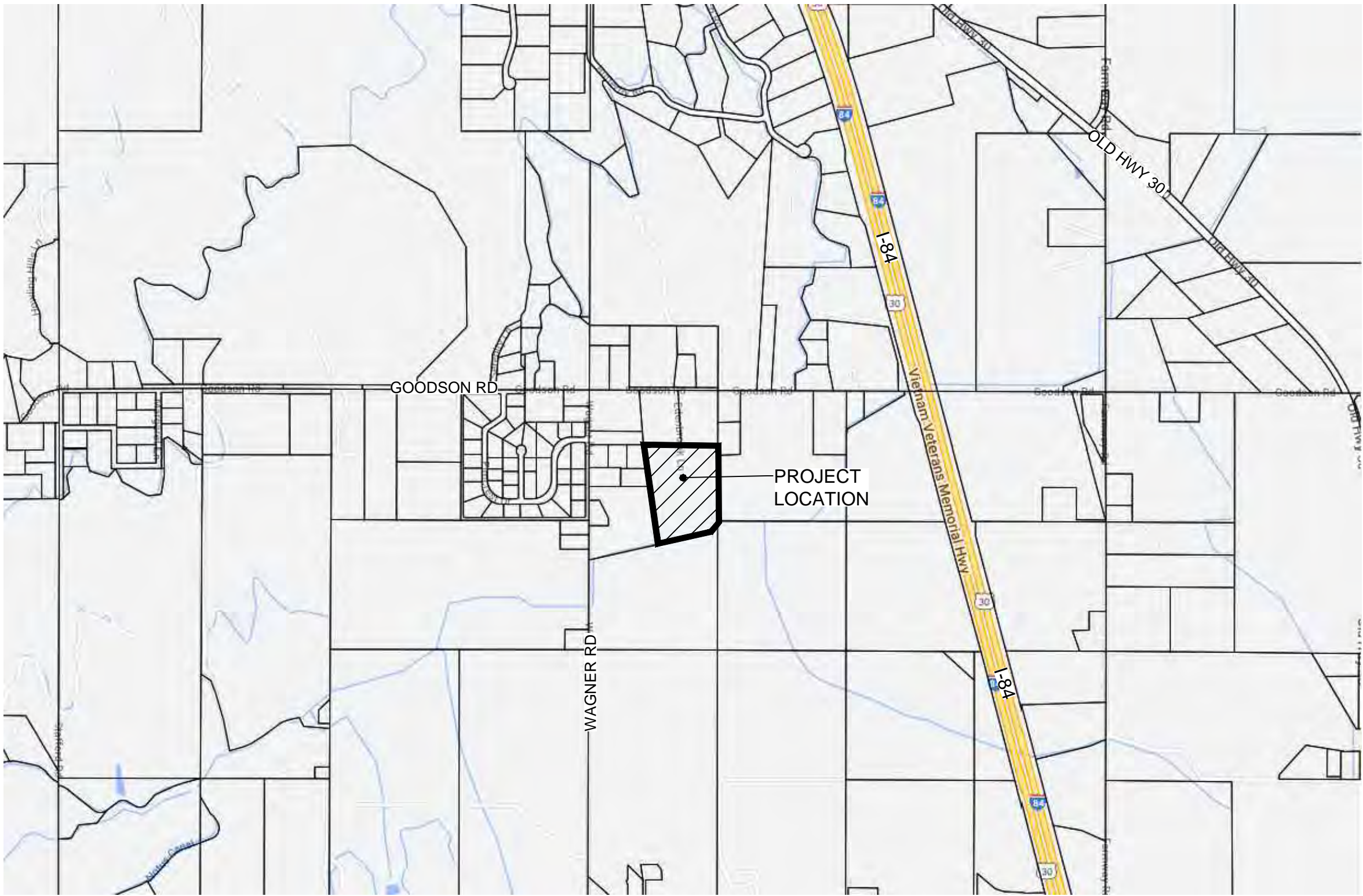
HEALTH AUTHORITY:
SOUTHWEST DISTRICT HEALTH PHONE:
[208-375-5211](tel:208-375-5211)

SURVEYOR:
SKINNER LAND SURVEY
CONTACT: THOMAS WELLARD
PHONE: [208-454-0933](tel:208-454-0933)

CIVIL ENGINEER:
BRECKON LAND DESIGN
CONTACT: MARY WALL
PHONE: [208-376-5153](tel:208-376-5153)
EMAIL: MWALL@BRECKONLD.COM

OWNER:
RYAN AND HEIDI WALKER
10629 VALLEY HI ROAD
MIDDLETON, IDAHO 83644
PHONE: [208-936-0646](tel:208-936-0646)

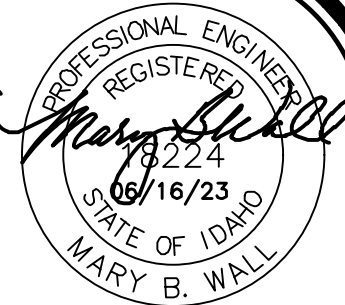
PLANNER:
SUBDIVISION MAKER, LLC
CONTACT: DARIN TAYLOR
PHONE: [208-899-9556](tel:208-899-9556)
EMAIL:
DARIN.TAYLOR@SUBDIVISIONMAKER.COM



 VICINITY MAP
NOT TO SCALE

SHEET INDEX

- C10 COVER
- C11 ROADWAY IMPROVEMENTS - EDENBROOOK LANE



Civil Engineering
Professional Engineer
License & Seal Control
BRECKON LAND DESIGN
www.breckonlanddesign.com
Phone: 208-376-5153
Fax: 208-376-5153
6641 North Glenwood Street
Garden City, Idaho 83714



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EDENBROOK ESTATES SUBDIVISION
CANYON COUNTY, IDAHO
ROADWAY IMPROVEMENTS
COVER

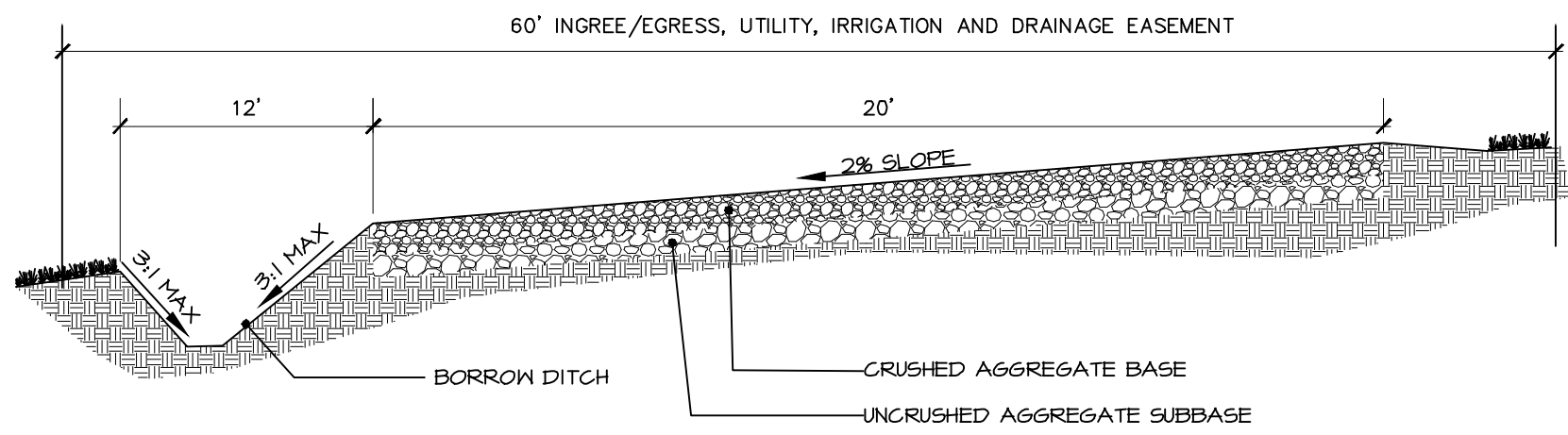


REVISIONS

No.	Date	Description
1	06/16/23	COUNTY COMMENTS

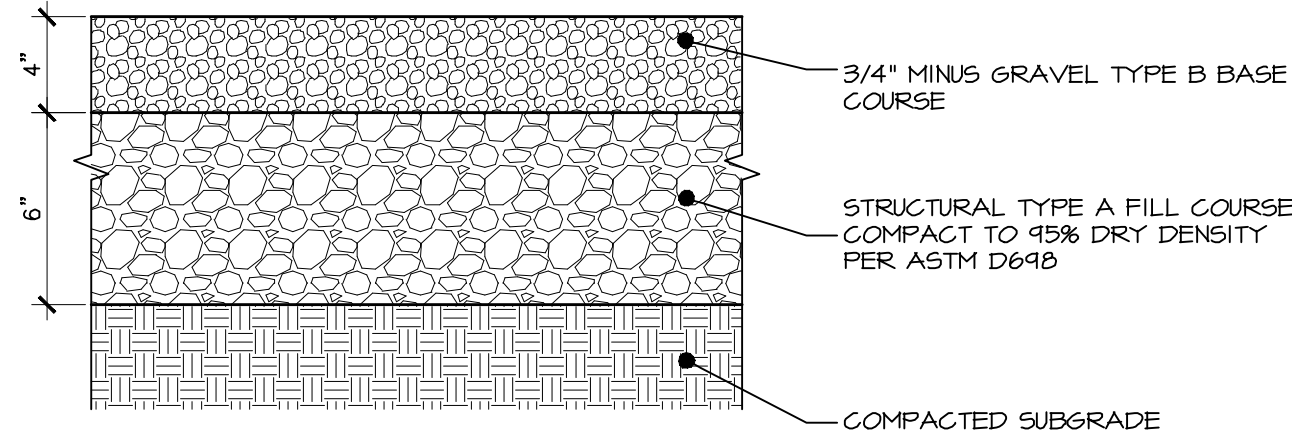
PROJECT NO.:
22096
DRAWN BY:
CS
CHECKED BY:
MW
DATE:
04/13/23

SHEET NUMBER
C10



1 ROAD SECTION
EDENBROOK LANE

Scale: NTS



2 GRAVEL ROAD SECTION

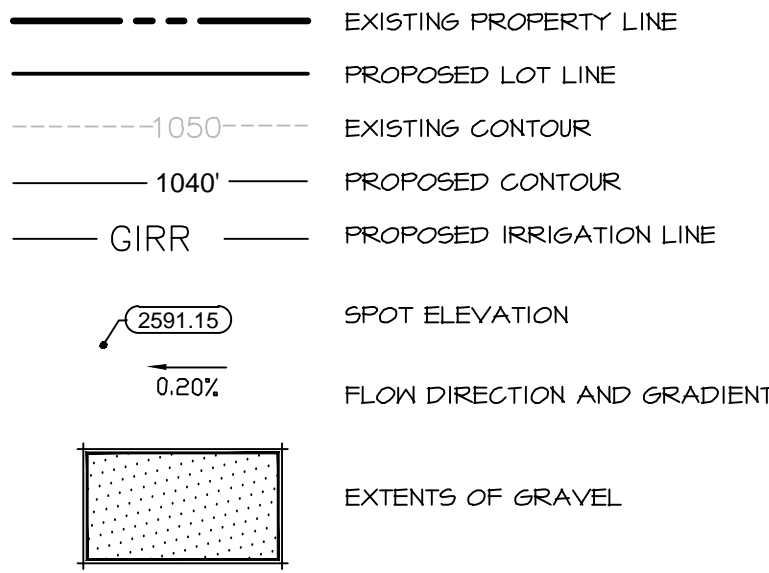
SCALE: 1"=1'

SINGLE PILE PLANT MIX GRADATIONS (CL-III & IV)			
PERCENTAGES BY WEIGHT PASSING SQUARE MESH SIEVES			
SIEVE SIZE	NOMINAL MAXIMUM SIZE	NOMINAL MAXIMUM SIZE	
3/4 IN.	1/2 IN.	3/8 IN.	
1 IN.	100	100	
3/4 IN.	95-100	95-100	100
1/2 IN.	75-90	95-100	90-100
3/8 IN.	60-85	75-90	90-100
NO. 4	40-65	50-75	60-85
NO. 8	25-50	35-60	40-65
NO. 30	14-30	15-35	20-40
NO. 50	4-21	10-25	12-28
NO. 200	3-8	4-8	6-10

CRUSHED AGGREGATE BASE GRADATIONS			
PERCENTAGES BY WEIGHT PASSING SQUARE MESH SIEVES			
SIEVE SIZE	NOMINAL MAXIMUM SIZE	NOMINAL MAXIMUM SIZE	
2 IN. (TYPE II)	3/4 IN. (TYPE I)	NOMINAL MAXIMUM SIZE	
2-1/2 IN.	100		
2 IN.	90-100		
1-1/2 IN.	55-83	100	
3/4 IN.		90-100	
3/8 IN.		40-65	
NO. 4	30-60	30-50	
NO. 8	10-25	0-8	
NO. 30			
NO. 200			

UNCRUNCHED AGGREGATE GRADATIONS						
PERCENTAGES BY WEIGHT PASSING SQUARE MESH SIEVES						
SIEVE SIZE	8 IN.	6 IN.	3 IN.	DRAN ROCK 3 IN.	1 IN.	SAND
8 IN.	100					
6 IN.		100				
3 IN.			100			
1 IN.				25-60	100	
3/8 IN.				0-4		100
NO. 4	15-65	15-60	25-60		25-60	85-100
NO. 16						45-60
NO. 50						10-30
NO. 100						2-10
NO. 200	0-12	0-12	0-12	0-2	0-12	2-10

ROADWAY LEGEND

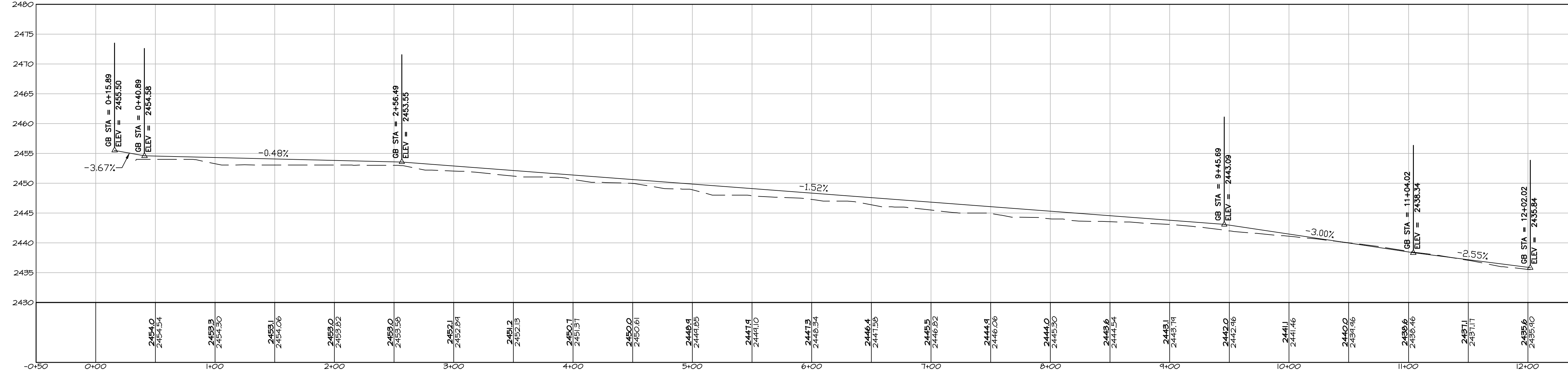
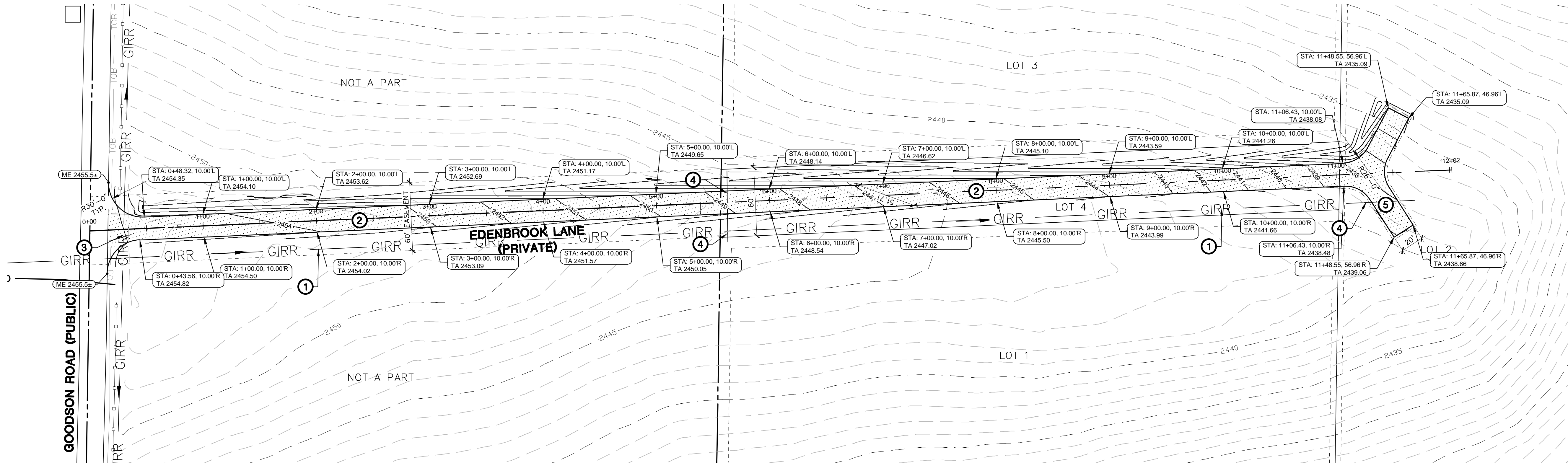


ACRONYM LEGEND

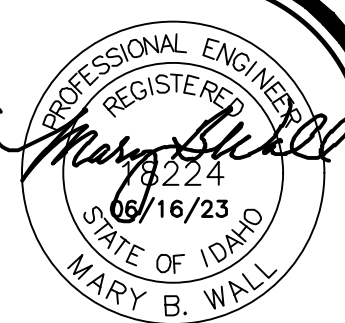
- ME MATCH EXISTING ELEVATION
FG FINISH GRADE ELEVATION
TA TOP OF ASPHALT ELEVATION

CALLOUT LEGEND

- 1 INSTALL 1100± LF 6" PVC IRRIGATION LINE
2 CONSTRUCT GRAVEL ROAD SECTION PER DETAIL 1 AND 2
3 INSTALL 50± LF 12" CMP CULVERT UNDER PROPOSED GRAVEL ROAD, INVERTS TO MATCH BOTTOM OF DITCH.
4 INSTALL 4" IRRIGATION SERVICE
5 FIRE APPARATUS TURNAROUND



ROADWAY PLAN - EDENBROOK LANE



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EDENBROOK ESTATES SUBDIVISION
CANYON COUNTY, IDAHO
ROADWAY IMPROVEMENTS
EDENBROOK LANE



No.	Date	Description
1	06/16/23	COUNTY COMMENTS

PROJECT NO.: 22096
DRAWN BY: CS
CHECKED BY: MW
DATE: 04/13/23

SHEET NUMBER
C11

100% CONSTRUCTION DRAWINGS

Michelle Barron

From: Victor Islas <vislas@midstarfire.org>
Sent: Monday, December 4, 2023 8:59 AM
To: Walker Ryan L USNM
Cc: darin.taylor@subdivisionmaker.com; heidijo97@yahoo.com
Subject: RE: Request for exception to fire regulations for Edenbrook Lane

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ryan,

Based on the information provided the Fire District will accept the road as submitted with following comments:

- This approval is for the road only this does not approve any future building permits.
- 24 ft of all weather drivable surface will be accepted.
- The modification to the turnaround is approved as submitted.

If you have any questions, please let me know.

DC Islas



Victor Islas

Deputy Chief | **Middleton Star Fire Districts**

A: 11665 W. State St., Suite B, Star, ID 83669

P: (208) 286-7772 **M:** (208) 860-1078

E: vislas@midstarfire.org **W:** www.midstarfire.org



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**** New Email Address ** Please update contact to vislas@midstarfire.org**

From: Walker Ryan L USNM <ryan.l.walker@syngenta.com>
Sent: Tuesday, November 28, 2023 11:42 AM
To: Victor Islas <vislas@midstarfire.org>
Cc: darin.taylor@subdivisionmaker.com; heidijo97@yahoo.com
Subject: RE: Request for exception to fire regulations for Edenbrook Lane

Hi Victor,

Yes, this is a private road.

Thanks,
Ryan

From: Victor Islas <vislas@midstarfire.org>
Sent: Tuesday, November 28, 2023 9:22 AM
To: Walker Ryan L USNM <ryan.l.walker@syngenta.com>
Subject: RE: Request for exception to fire regulations for Edenbrook Lane

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ryan,

Is this a private road?

Victor



Victor Islas

Deputy Chief | **Middleton Star Fire Districts**

A: 11665 W. State St., Suite B, Star, ID 83669

P: (208) 286-7772 **M:** (208) 860-1078

E: vislas@midstarfire.org **W:** www.midstarfire.org



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**** New Email Address ** Please update contact to vislas@midstarfire.org**

From: Walker Ryan L USNM <ryan.l.walker@syngenta.com>
Sent: Monday, November 27, 2023 10:48 AM
To: Victor Islas <vislas@midstarfire.org>
Cc: darin.taylor@subdivisionmaker.com; heidijo97@yahoo.com
Subject: RE: Request for exception to fire regulations for Edenbrook Lane

Hi Victor,

Could you send me an email approving the 24' road exemption for Edenbrook Lane serving the Edenbrook Subdivision off of Goodson as discussed? I'm attaching again the relevant documents.

Thanks,
Ryan

From: Walker Ryan L USNM
Sent: Tuesday, November 7, 2023 8:28 AM
To: vislas@starfirerescue.org
Cc: darin.taylor@subdivisionmaker.com; heidijo97@yahoo.com
Subject: FW: Request for exception to fire regulations for Edenbrook Lane

Hi Victor,

I confirmed with Darin and Heidi and none of us have received any emails from you.

Thanks,
Ryan

From: Walker Ryan L USNM
Sent: Tuesday, November 7, 2023 8:00 AM
To: 'vislas@starfirerescue.org' <vislas@starfirerescue.org>

Cc: darin.taylor@subdivisionmaker.com; heidijo97@yahoo.com

Subject: RE: Request for exception to fire regulations for Edenbrook Lane

Hi Victor,

We've had a couple of phone calls since this email but I haven't yet received your written approval. L Could you approve the 24' width for Edenbrook as per our verbal conversation?

Thanks,
Ryan

From: Walker Ryan L USNM

Sent: Wednesday, September 27, 2023 10:33 AM

To: vislas@starfirerescue.org

Cc: darin.taylor@subdivisionmaker.com; heidijo97@yahoo.com

Subject: FW: Request for exception to fire regulations for Edenbrook Lane

Hi Victor,

Just a quick follow up to our call last month. Can you respond with an approval for the requested exceptions in my email below? You had suggested in our March meeting that I get your approval in writing before proceeding with the construction, even though you had verbally agreed to these exceptions.

Thanks,
Ryan

From: Walker Ryan L USNM

Sent: Monday, August 21, 2023 1:04 PM

To: vislas@starfirerescue.org

Cc: darin.taylor@subdivisionmaker.com; heidijo97@yahoo.com

Subject: FW: Request for exception to fire regulations for Edenbrook Lane

Hi Victor,

Just following up again. Could you provide an estimated timeframe for when we might expect a response?

Thanks,
Ryan

From: Walker Ryan L USNM

Sent: Friday, July 28, 2023 12:03 PM

To: vislas@starfirerescue.org

Cc: heidijo97@yahoo.com; darin.taylor@subdivisionmaker.com

Subject: FW: Request for exception to fire regulations for Edenbrook Lane

Hi Victor,

I just wanted to check in again with you on this request. Could you let me know if you need any additional information, or would like to have a call or meeting to discuss this further?

Thanks,

Ryan

From: Walker Ryan L USNM
Sent: Friday, July 7, 2023 1:50 PM
To: vislas@starfirerescue.org
Cc: heidijo97@yahoo.com; darin.taylor@subdivisionmaker.com
Subject: Request for exception to fire regulations for Edenbrook Lane

Hello Victor,

We discussed this topic back in March during our visit at the station regarding the Edenbrook Estates property on Goodson (see attached documents). At that time you indicated that this exception would likely be acceptable since we'd already built the first half of the road and are currently preparing the second half, but requested that I send an email on the topic to formally request the exception. I thought I had already sent an email, but after searching my sent messages found that I had not done so. This email is to request that the road shown in the attached drawings be allowed to be 24' instead of 26' wide. Additionally, as previously discussed and verbally accepted, I would also like to request permission to construct the 60' Y turnaround but to modify it in the following way- to fill the end of the Y as indicated in the dotted line in the turnaround document. Please let me know if you have any questions or need additional information.

Thanks,
Ryan

This message may contain confidential information. If you are not the designated recipient, please notify the sender immediately, and delete the original and any copies. Any use of the message by you is prohibited. Syngenta seeks to preserve and promote competition and deter anticompetitive conduct. All our employees and partners are required to act in accordance with laws and Syngenta ["Code of Conduct"](#)

NW Section Corner 18 17
Section 20
C&G Plat No.
201007817

GOODSON ROAD(PUBLIC)
S11.82°

BASIS OF BEARING
S89°09'04"E 1320.16'

GOODSON SUBDIVISION
Book 23, Page 45

W1/4N Corner
Section 20
C&G Plat No.
200004584

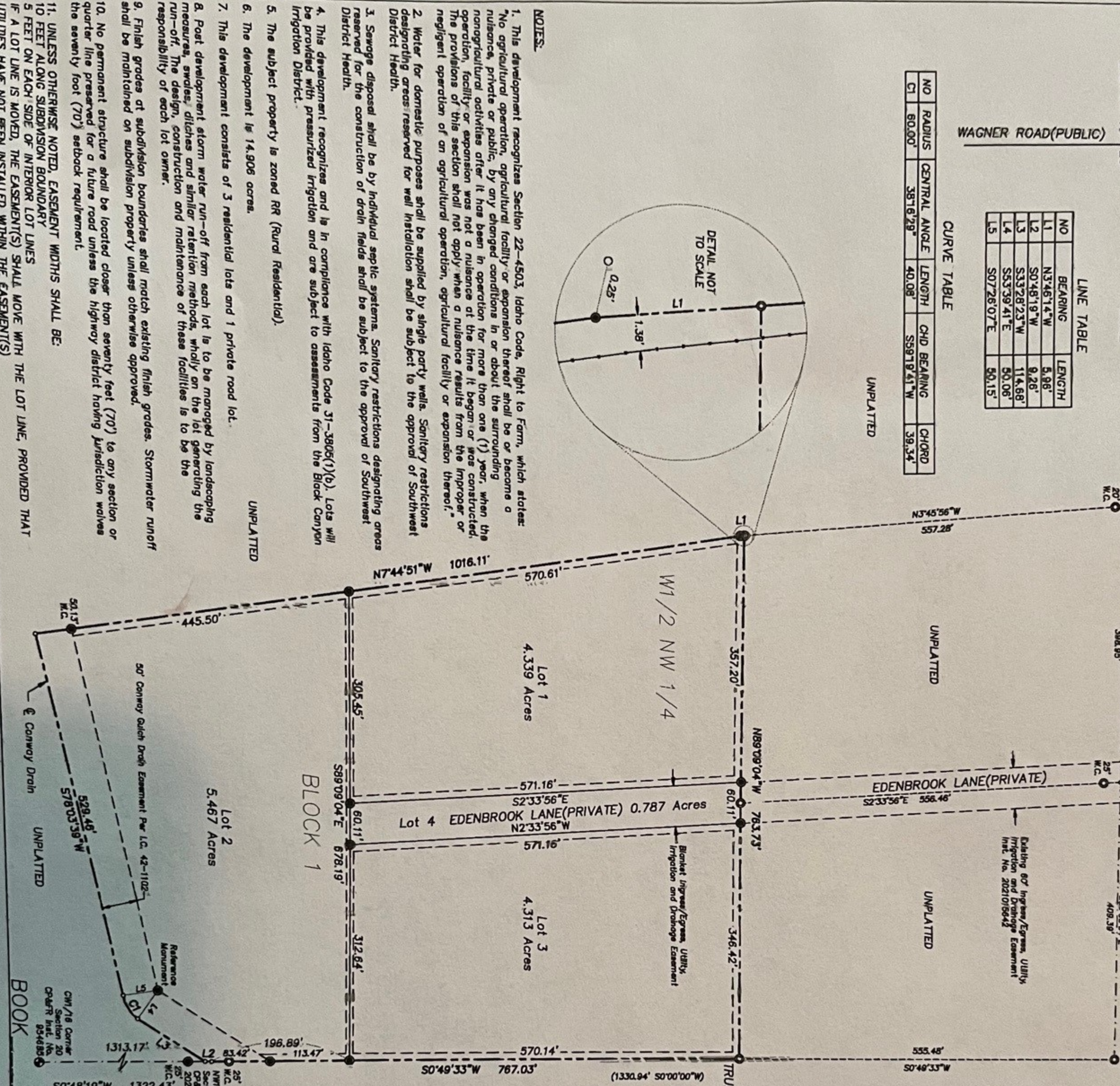
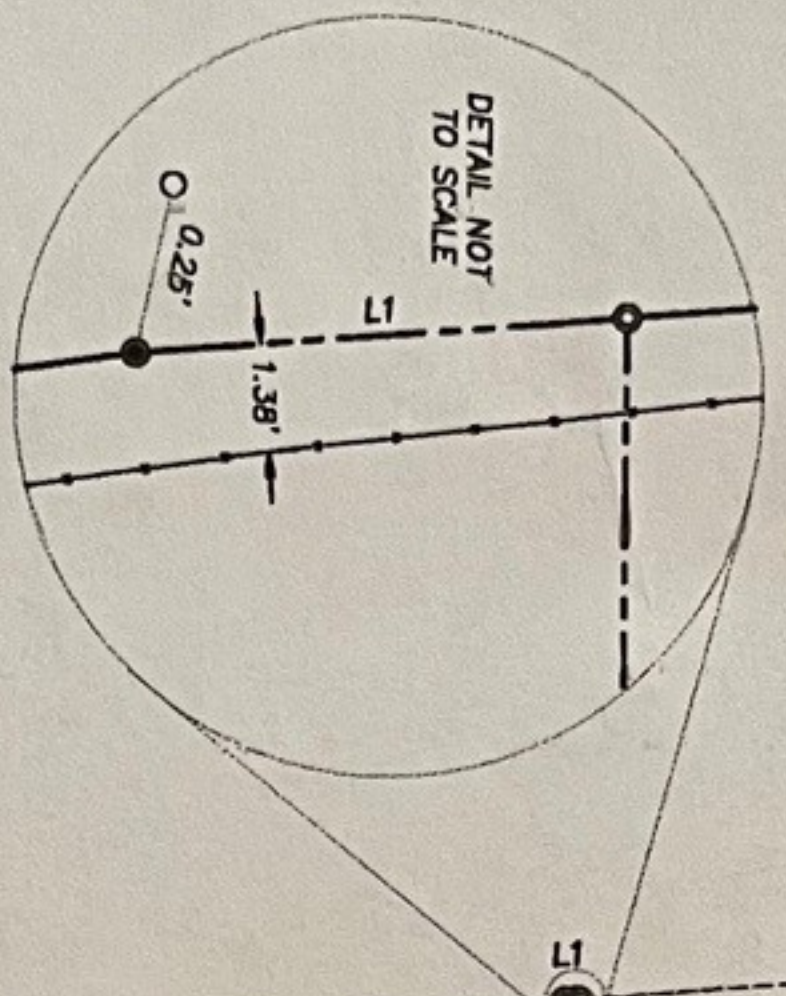
EDENBROOK ESTATES SUBDIVISION
A PORTION OF THE W 1/2 NW 1/4 OF SECTION 20,
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2023

LINE TABLE

NO	BEARING	LENGTH
1	N34°51'4"W	5.88'
2	S04°18'1"W	9.26'
3	S33°28'23"W	114.68'
4	S53°39'41"E	50.06'
5	S07°26'07"E	50.15'

CURVE TABLE

NO	RADIUS	CENTRAL ANGLE	LENGTH	CHD BEARING	CHORD
C1	60.00'	38°16'29"	40.08'	S59°19'41"W	39.34'



Reference Survey:
Inst. No. 1998039074
Inst. No. 1999014006
Inst. No. 2003043211
Inst. No. 2006033750
Inst. No. 1984028959
Inst. No. 1989020239
Inst. No. 2020025773
Inst. No. 2020043857
Inst. No. 2020074010

1937 GLO Dependent Resurvey
and Subdivision of Sections

Reference Deed:
Inst. No. 2019061380

TRUE POINT OF BEGINNING

LEGEND

- BRASS CAP MONUMENT - FOUND
- 5/8" REBAR - FOUND
- 5/8" x 24" REBAR - SET
- 1/2" REBAR - FOUND
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION/ALLOT PART LINE
- EASEMENT LINE
- ORIGINAL PROPERTY LINE
- WITNESS CORNER
- DATA OF RECORD
- W.C. (xxx)
- INGRESS/EGRESS, UTILITY, IRRIGATION & DRAINAGE EASEMENT LINE

UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
5 FEET ALONG SUBDIVISION BOUNDARY
5 FEET ON EACH SIDE OF INTERIOR LOT LINES
IF A LOT LINE IS MOVED, THE EASEMENT(S) SHALL MOVE WITH THE LOT LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S)

Surveyor's Narrative:
This survey was performed at the request of Ryan Walker to subdivide the parcel described in the referenced deed. Section control corners and existing property corners were located and held as control. The basis of bearing for this survey was established by GNSS observations, projected to the Idaho State Plane Coordinate system, West Zone, NAD83 datum. All bearings shown are on grid azimuth and all distances are ground at project elevation.

REVISIONS

NO	REVISIONS	DATE
1 <td>Initial Survey comments</td> <td>3/20/2023</td>	Initial Survey comments	3/20/2023
2 <td>Revised Lots and Notes</td> <td>3/21/23</td>	Revised Lots and Notes	3/21/23
3 <td>Convey Deed Easement (1/9/23)</td> <td></td>	Convey Deed Easement (1/9/23)	
4 <td>Add private road lot (3/1/22)</td> <td></td>	Add private road lot (3/1/22)	

Drawn By: ZCL
Date: May 12, 2020
Surveyed By: ZCL
Job No. JY2521

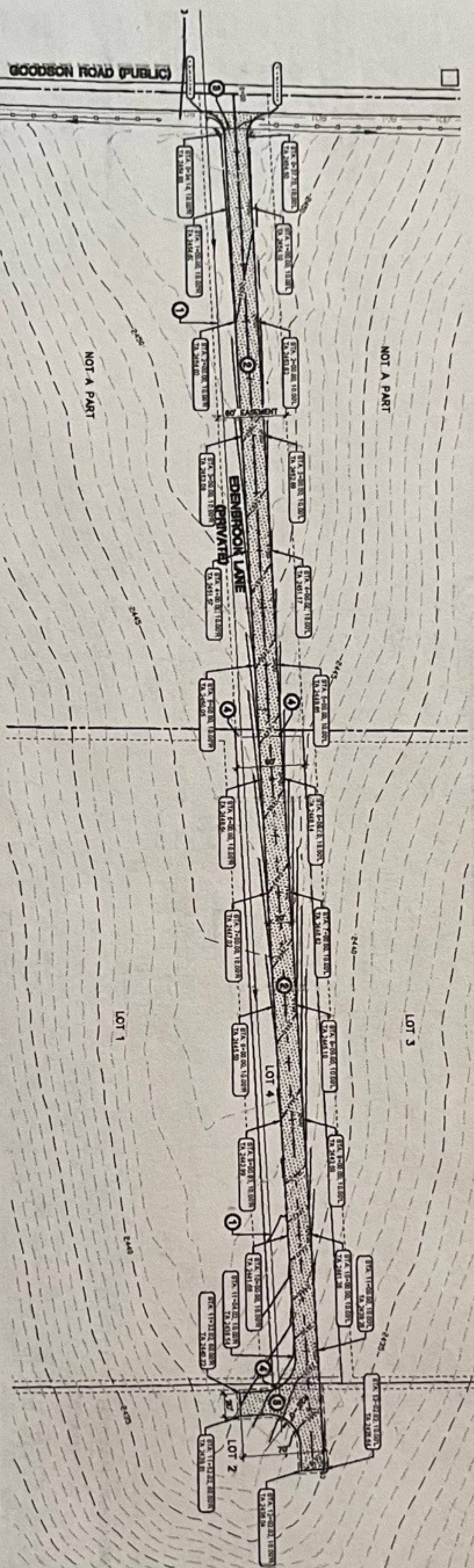
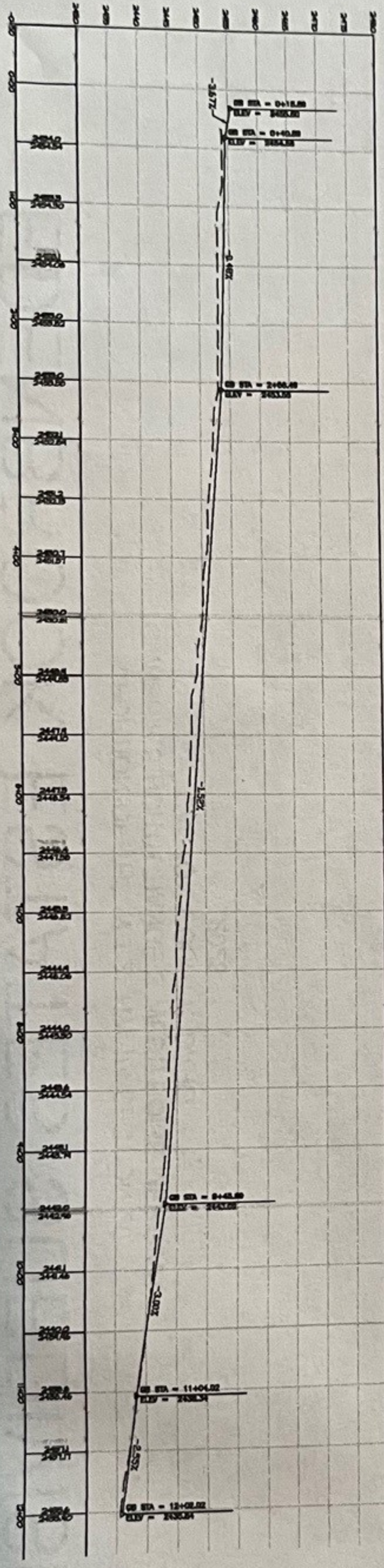
Skinner
Land Survey
17948 Sand Dollar Road
Caldwell, Idaho 83607
(208)-454-0833
WWW.SKINNERLANDSURVEY.COM
surveys@skinnerlandsurvey.com



ROADWAY PLAN - EDENBROOK LANE

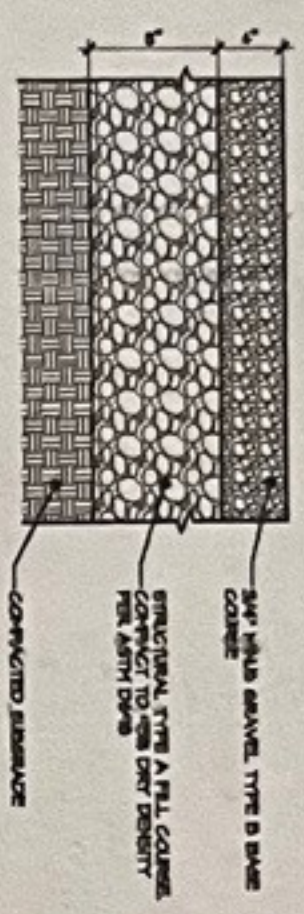
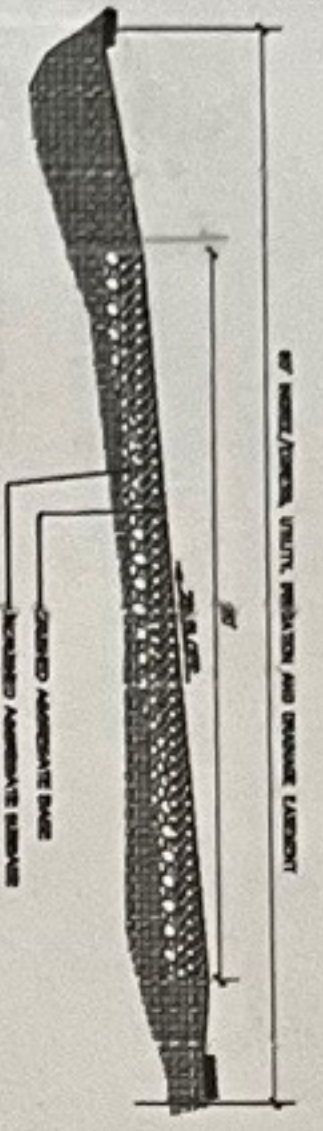
SCALE: 1"=50'

2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19



1 ROAD SECTION
EDENBROOK LANE

2 GRAVEL ROAD SECTION



GRAVEL ROAD SECTION		ROAD SECTION	
STATION	WIDTH	STATION	WIDTH
1+00	24.00	1+00	24.00
1+10	24.00	1+10	24.00
1+20	24.00	1+20	24.00
1+30	24.00	1+30	24.00
1+40	24.00	1+40	24.00
1+50	24.00	1+50	24.00
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19+90	24.00	19+90	24.00

ACRONYM LEGEND

ROADWAY LEGEND

CALLOUT LEGEND

* Need easement for Lot 2 for road & 24' width

C11

EDENBROOK ESTATES SUBDIVISION
CANYON COUNTY, IDAHO
ROADWAY IMPROVEMENTS
EDENBROOK LANE

EDENBROOK ESTATES SUBDIVISION
CANYON COUNTY, IDAHO
ROADWAY IMPROVEMENTS
EDENBROOK LANE

BRECKON



APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

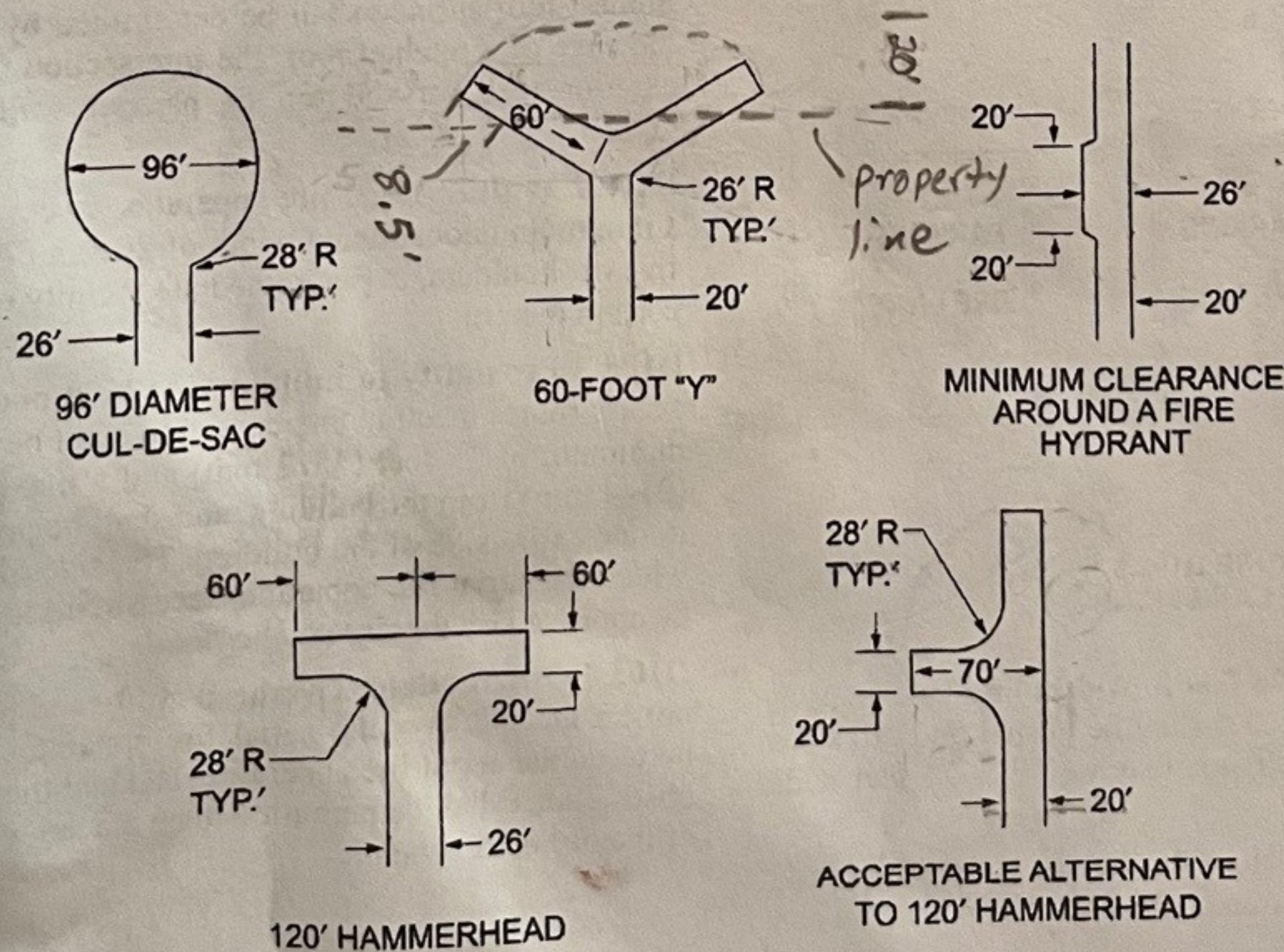
D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

Michelle Barron

From: Stephanie Hailey
Sent: Monday, March 4, 2024 1:46 PM
To: Michelle Barron
Cc: Dalia Alnajjar
Subject: Edenbrook Estates/Private Road

Follow Up Flag: Follow up
Flag Status: Flagged

Michelle,

I completed the site visit out at Edenbrook Estates. The pics are stored in the O-Drive folder.

I measured 3 different spots of the road, there are portions of the driving surface that are not 26 inches wide. North, closer to the approach off Goodson, halfway the length of the road, and then south closest to the cul-de-sac.

Driving down the road heading north towards Goodson, you can visibly see that the driving surface become more narrow about halfway down the road. The south portion towards the cul-de-sac has a driving surface greater than 26 inches.

Let me know if you have questions about the pics.

Best,



Stephanie Hailey, CFM
Engineering Coordinator
Floodplain Manager
Canyon County Development Services
P(208) 454-7254
stephanie.hailey@canyoncounty.id.gov

Michelle Barron

From: Mike Meyers <mikem@blackcanyonirrigation.com>
Sent: Friday, October 11, 2024 7:11 AM
To: Darin Taylor; Derick Corell @ RH2; Michelle Barron
Cc: D Popoff; Development Review; Ryan Walker; Heidi Walker; TJ Wellard
Subject: [External] RE: BCID Agency Response CR2021-0012 & SD2021-0057

Everything is to our attorney and should be ready sometime next week.

From: Darin Taylor <darin.taylor@subdivisionmaker.com>
Sent: Thursday, October 10, 2024 3:24 PM
To: Derick Corell @ RH2 <dcorell@rh2.com>; Michelle Barron <michelle.barron@canyoncounty.id.gov>
Cc: Mike Meyers <mikem@blackcanyonirrigation.com>; D Popoff <dpopoff@rh2.com>; Development Review <developmentreview@blackcanyonirrigation.com>; Ryan Walker <ryan.l.walker@syngenta.com>; Heidi Walker <heidijo97@yahoo.com>; TJ Wellard <tj@skinnerlandsurvey.com>
Subject: Re: BCID Agency Response CR2021-0012 & SD2021-0057

When can we expect the Easement document BCID is requiring the landowner to sign?

Darin Taylor, J.D., AICP
Subdivision Maker LLC 208-899-9556
darin.taylor@subdivisionmaker.com

CONFIDENTIALITY. This message and any attachments are confidential and may be privileged or otherwise protected from disclosure. If this message has been received by mistake, please let us know by reply and then delete it from your system without copying, saving, storing, reading, using, distributing, or disclosing its contents.

From: Derick Corell <dcorell@rh2.com>
Sent: Wednesday, October 9, 2024 5:14:27 PM
To: Michelle Barron <michelle.barron@canyoncounty.id.gov>
Cc: Darin Taylor <darin.taylor@subdivisionmaker.com>; Mike Meyers <mikem@blackcanyonirrigation.com>; Don Popoff <dpopoff@rh2.com>; Development Review <developmentreview@blackcanyonirrigation.com>
Subject: BCID Agency Response CR2021-0012 & SD2021-0057

Michelle –

Please see the Black Canyon Irrigation District's response to Case No. CR2021-0012 & SD2021-0057.
The applicant has been cc'd for efficiency. Let us know if you have any questions.

Thanks,
Derick



Derick Corell EIT

Civil Staff Engineer 3 | RH2 Engineering, Inc.

16150 N. High Desert Street, Suite 201
Nampa, Idaho 83687
C: 986.777.0464
O: 208.907.0520
dcorell@rh2.com
www.rh2.com

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

October 9, 2024

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

RE: Conditional Rezone and Development Agreement. Parcels R37921011
Case No. CR2021-0012 & SD2021-0057
Applicant: Darin Taylor – Subdivision Maker, LLC
Planner: Michelle Barron

The property is located approximately 600 feet south of Goodson Road and approximately 1000 feet east of Goodson Road and Wagner Road intersection, City of Caldwell, Idaho.

Please see the Black Canyon Irrigation District's updated comments regarding the proposed land use change.

1. As indicated in our original notice response on June 14, 2022, the Black Canyon Irrigation District (District) is required to verify that no encroachment to the adjacent irrigation system infrastructure is occurring and that all new lots created have access to irrigation water.

October 9, 2024 – Water accounting is complete. No further action is required.

2. The Applicant stated that the 3-lot short plat development proposed on parcel R37921011 will not be encroaching or altering, in any means, the District's easement on the south edge of this proposal adjacent to the Conway Gulch Drain. If no encroachment (including fences, trees, outbuildings, etc.) or changes are taking place to the drain easement, no additional infrastructure improvements will be required.

October 9, 2024 – No further action is required.

3. We are requesting that the District's easement for the Drain be shown on the final short plat document. It is assumed that a minimum 50-foot easement on each side from center of the drain exists; more historical record review may be necessary if more precision of this easement width is required by the owners.

October 9, 2024 – The easement has been determined to be 50 feet from center of the Conway Culch Drain. The applicant has provided the District with an easement legal exhibit and description. These documents are currently being complied with the District's

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

standard easement language. Once this is finalized and signed by the landowner, the document will need to be recorded with Canyon County. This recording number will need to be reflected in the final plat prior to the District's concurrence of final short plat.

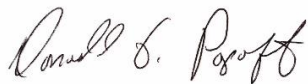
4. The short plat also will require easements to be shown that verify irrigation water will be available to all new parcels created. We assume there will be a common easement that provides for irrigation water to the new lots. These easements also need to be shown on the short plat document.

October 9, 2024 – This requirement has been satisfied. No further action is required.

5. The District has an outstanding balance for BCID SUB24-04 Edenbrook Estates Subdivision. The District will be providing a closeout invoice that shall be paid prior to the District's concurrence for final short plat. The applicant should expect an invoice requesting this payment directly from the District in the coming week.

Once all outstanding items have been completed, the District will provide a separate letter for concurrence directly to Canyon County.

Thank You,



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

NW Section Corner
Section 20
CP&FR Inst. No.
2010017877

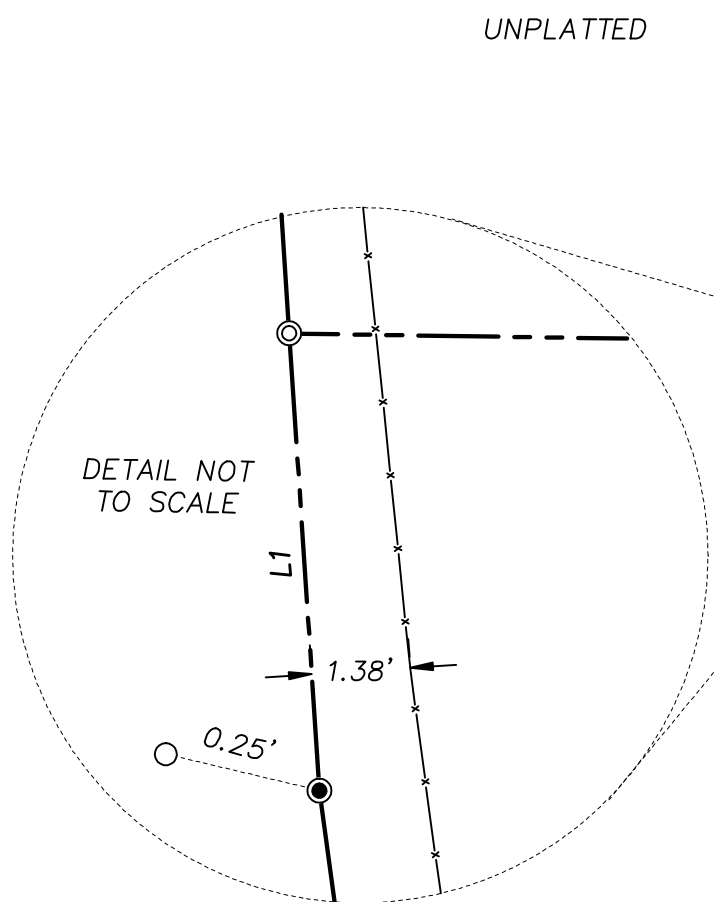
18
19
20

WAGNER ROAD(PUBLIC)

GOODSON ROAD(PUBLIC)

LINE TABLE		
NO	BEARING	LENGTH
L1	N3°46'14"W	5.96'
L2	S0°48'19"W	9.26'
L3	S33°28'23"W	114.68'
L4	S53°39'41"E	50.06'
L5	S07°26'07"E	50.15'

CURVE TABLE					
NO	RADIUS	CENTRAL ANGLE	LENGTH	CHD BEARING	CHORD
C1	60.00'	38°16'29"	40.08'	S59°19'41"W	39.34'



NOTES:

- This development recognizes Section 22-4503, Idaho Code, Right to Farm, which states: "No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof."
- Water for domestic purposes shall be supplied by single party wells. Sanitary restrictions designating areas reserved for well installation shall be subject to the approval of Southwest District Health.
- Sewage disposal shall be by individual septic systems. Sanitary restrictions designating areas reserved for the construction of drain fields shall be subject to the approval of Southwest District Health.
- This development recognizes and is in compliance with Idaho Code 31-3805(1)(b). Lots will be provided with pressurized irrigation and are subject to assessments from the Black Canyon Irrigation District.
- The subject property is zoned RR (Rural Residential).
- The development is 14.906 acres.
- This development consists of 3 residential lots and 1 private road lot.
- Post development storm water run-off from each lot is to be managed by landscaping measures, swales, ditches and similar retention methods, wholly on the lot generating the run-off. The design, construction and maintenance of these facilities is to be the responsibility of each lot owner.
- Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on subdivision property unless otherwise approved.
- No permanent structure shall be located closer than seventy feet (70') to any section or quarter line preserved for a future road unless the highway district having jurisdiction waives the seventy foot (70') setback requirement.
- UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
10 FEET ALONG SUBDIVISION BOUNDARY
5 FEET ON EACH SIDE OF INTERIOR LOT LINES
IF A LOT LINE IS MOVED, THE EASEMENT(S) SHALL MOVE WITH THE LOT LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S)

BASIS OF BEARING
S89°09'04"E 1320.16'
S89°09'04"E 398.95'

GOODSON SUBDIVISION
Book 23, Page 45

W1/16N Corner
Section 20
CP&FR Inst. No.
2006045564

N3°45'56"W
557.28'

UNPLATTED

UNPLATTED

N89°09'04"W 763.73'

W1/2 NW 1/4

Lot 1
4.163 Acres

Lot 3
4.133 Acres

N7°44'51"W 1016.11'

UNPLATTED

This shall be called out as the 50' Conway Gulch Drain Easement Per Instrument Number #####. Please revise with the appropriate instrument number once recorded with Canyon County.

BLOCK 1

Lot 2
5.858 Acres

S89°09'04"E 681.96'

50' Conway Gulch Drain Easement Per Instrument Number #####

S78°03'39"W 529.46'

Conway Drain

UNPLATTED

Reference Monument

NW1/16 Corner
Section 20
CP&FR Inst. No.
2020066638

25' W.C.

25' W.C.

25' W.C.

CW1/16 Corner
Section 20
CP&FR Inst. No.
954685

Existing 60' Ingress/Egress, Utility, Irrigation and Drainage Easement
Inst. No. 2021015642

Blanket Ingress/Egress, Utility, Irrigation and Drainage Easement

EDENBROOK ESTATES SUBDIVISION

A PORTION OF THE W 1/2 NW 1/4 OF SECTION 20,
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2023

Reference Surveys:

Inst. No. 1998039074
Inst. No. 1999014006
Inst. No. 2003043211
Inst. No. 2006033750
Inst. No. 1984028959
Inst. No. 1989020239
Inst. No. 2020025773
Inst. No. 2020043857
Inst. No. 2020074010
1937 GLO Dependent Resurvey
and Subdivision of Sections

Reference Deed:

Inst. No. 2019061380

TRUE POINT OF BEGINNING

0' 100' 200'

Scale: 1" = 100'

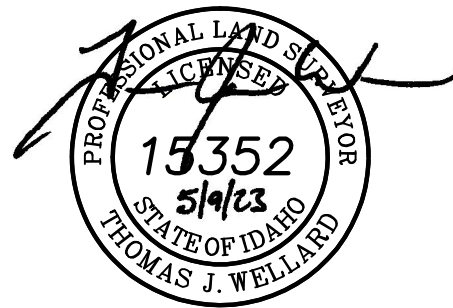
LEGEND

- BRASS CAP MONUMENT - FOUND
- 5/8" REBAR - FOUND
- 5/8" x 24" REBAR - SET
- 1/2" REBAR - FOUND
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION/ALIQUOT PART LINE
- EASEMENT LINE
- ORIGINAL PROPERTY LINE
- W.C. WITNESS CORNER
- (xxx.xx) DATA OF RECORD
- INGRESS/EGRESS, UTILITY, IRRIGATION & DRAINAGE EASEMENT LINE

UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
10 FEET ALONG SUBDIVISION BOUNDARY
5 FEET ON EACH SIDE OF INTERIOR LOT LINES
IF A LOT LINE IS MOVED, THE EASEMENT(S) SHALL MOVE WITH THE LOT LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S)

Surveyor's Narrative:

This survey was performed at the request of Ryan Walker to subdivide the parcel described in the referenced deed. Section control corners and existing property corners were located and held as control. The basis of bearing for this survey was established by GNSS observations, projected to the Idaho State Plane Coordinate system, West Zone, NAD83 datum. All bearings shown are on grid azimuth and all distances are ground at project elevation.



REVISIONS

4	Adjust lot line per SWDH 5/9/2023
3	County Surveyor comments 3/30/2023
2	Revise Lots test holes 2/21/23 Conway Drain Easement (1/9/23)
1	Add private road lot (3/1/22)

Sheet 1 of 2

Drawn By: ZCL	<div>Skinner Land Survey</div> <div>17842 Sand Hollow Road Caldwell, Idaho 83607 (208)-454-0933 WWW.SKINNERLANDSURVEY.COM surveys@skinnerlandsurvey.com</div>
Date: May 12, 2020	
Surveyed By: ZCL	
Job No. JY2521	

BOOK PAGE

OWNERS’ CERTIFICATE

We, Ryan Walker and Heidi Walker, husband and wife, being first duly sworn depose and say we are the owners of this property, being more particularly described in the legal description below, state that it is our intention to include said property in the subdivision plat. The easements shown on the plat are not dedicated to the public but intended only for the right and purpose set forth on the plat and no structures other than those for Utility and Drainage purposes are to be erected within limits of the easements.

This parcel is a portion of the W ½ NW ¼ of Section 20 in Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said W ½ NW ¼, (W1/16N Corner, Section 27), a found 5/8 inch diameter rebar;

thence South 00°49’33” West along the East boundary of the W ½ NW ¼ a distance of 555.48 feet to the TRUE POINT OF BEGINNING, a found 5/8 inch diameter rebar;

thence continuing South 00°49’33” West along the East boundary of the W ½ NW ¼ a distance of 767.03 feet to the Southeast corner of the NW ¼ NW ¼, a point witnessed by found 5/8 inch diameter rebar bearing North 00°49’33” East a distance of 25.00 feet;

thence South 00°48’19” West along the East boundary of the SE ¼ NW ¼ a distance of 9.26 feet to a point on the centerline of Conway Drain;

thence traversing said centerline as follows:

South 33°28’23” West a distance of 114.68 feet;

Southwesterly 40.08 feet along the arc of a curve to the right having a radius of 60.00 feet and a central angle of 38° 16’ 29” and a long chord which bears South 59°19’41” West a distance of 39.34 feet;

South 78°03’39” West a distance of 529.46 feet to a point witnessed by a found 5/8 inch diameter rebar bearing North 7°44’51” West a distance of 30.00 feet;

thence leaving said drain, bearing North 7°44’51” West a distance of 1016.11 feet to a found ½ inch diameter rebar;

thence North 3°46’14” West a distance of 5.96 feet to a found 5/8 inch diameter rebar;

thence South 89°09’04” East, parallel with the North boundary of the W ½ NW ¼, a distance of 763.73 feet to the TRUE POINT OF BEGINNING, said parcel being 14.906 acres more or less, and being subject to any and all easements and rights of way of record or implied.

Ryan Walker

Heidi Walker

ACKNOWLEDGEMENT

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

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

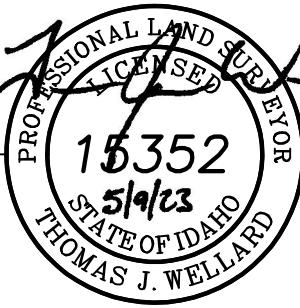
EDENBROOK ESTATES SUBDIVISION

A PORTION OF THE W 1/2 NW 1/4 OF SECTION 20,
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2023

SURVEYOR’S CERTIFICATE

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

Thomas J. Wellard



P.L.S. 15352

APPROVAL OF NOTUS–PARMA HIGHWAY DISTRICT

Notus–Parma Highway District No. 2 does hereby accept this plat in accordance with the provisions of I.C. 50–1312. Private streets depicted on this plat are not maintained by or under the jurisdiction of the Highway District. There is no legal obligation or assurances that the private streets will be accepted as public streets in the future.

Chairman

Date

CERTIFICATION AND APPROVAL OF
SOUTHWEST DISTRICT HEALTH DEPARTMENT

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

Southwest District Health Department

Date

CERTIFICATION AND APPROVAL OF COUNTY SURVEYOR

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

County Surveyor

Date

CERTIFICATE OF COUNTY TREASURER

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

County Treasurer

Date

APPROVAL OF BOARD OF COUNTY
COMMISSIONERS OF CANYON COUNTY

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

Chairman

Clerk

COUNTY RECORDER’S CERTIFICATE

INSTRUMENT NUMBER: _____ FEE _____

STATE OF IDAHO }
COUNTY OF CANYON } S.S.

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS
FILED AT THE REQUEST OF SKINNER LAND
SURVEY Co. AT ____ MINUTES PAST ____ O’CLOCK
____ M. THIS ____ DAY OF _____ 20____,
IN BOOK ____ OF SURVEYS, AT PAGE ____.

EX–OFFICIO RECORDER

DEPUTY

 **Skinner**
Land Survey 
17842 Sand Hollow Road
Caldwell, Idaho 83607
(208)–454–0933
WWW.SKINNERLANDSURVEY.COM

Sheet 2 of 2

BOOK ____ PAGE ____

Michelle Barron

From: Amber Lewter
Sent: Wednesday, September 11, 2024 9:18 AM
To: Michelle Barron
Subject: FW: [External] RE: Agency Notification Walker / Edenbrook Estates CR2021-012 & SD2021-0057

Follow Up Flag: Follow up
Flag Status: Flagged

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Wednesday, September 11, 2024 9:10 AM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Subject: [External] RE: Agency Notification Walker / Edenbrook Estates CR2021-012 & SD2021-0057

Hello,

After careful review of the transmittal submitted to ITD on August 30, 2024 regarding Edenbrook Estates CR2021-012 & SD2021-0057, 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: Friday, August 30, 2024 9:22 AM
To: '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>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Eric Arthur

<Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; Tony Almeida <tony.almeida@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>; 'roger@amgidaho.com' <roger@amgidaho.com>; 'Richard Sims' <middletown.rich@gmail.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; 'idahoooo@gmail.com' <idahoooo@gmail.com>

Subject: Agency Notification Walker / Edenbrook Estates CR2021-012 & SD2021-0057

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

Dear Agencies,

Please see the attached agency notice regarding the scheduled Board of County Commissioners' hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments received, they were included in the Staff review.

No response is required unless there is an update to your original comments. Written testimony is due by **October 12, 2024**. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. Please direct your comments or questions to planner **Michelle Barron** at michelle.barron@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.

100 E Bower Street, Suite 110
Meridian, ID 83642
(208) 288-1992



June 26, 2023

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

Re: Edenbrook Estates Construction Drawings

Dear Ms. Hailey,

Keller Associates, Inc. has reviewed the construction drawings for the Edenbrook Estates dated June 16, 2023. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:

1. Provide Black Canyon Irrigation District approval when available.
2. Potential lot buyers shall be informed that all roadways are private and that roadways are maintained by the homeowner's association or a similar entity. It is recommended that information be included in the Subdivision CC&Rs or similar notification system.
3. Applicant shall provide certified record drawings and specifications for any improvements (road, irrigation, etc.) prior to final plat approval unless bonded.

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

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

Sincerely,

KELLER ASSOCIATES, INC.

DocuSigned by:
A blue ink signature of Justin Walker, written in a cursive style.

C822E3A80DD0455..
Justin Walker, P.E.
County Engineer



CANYON COUNTY PLANNING & ZONING COMMISSION
 MINUTES OF REGULAR MEETING HELD
 Thursday, September 1, 2022
 6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
 Patrick Williamson, Vice Chairman
 Brian Sheets, Commissioner
 Ron Amarel, Commissioner
 Harold Nevill, Commissioner
 Miguel Villafana, Commissioner

Staff Members Present: Dan Lister, Planning Official
 Elizabeth Allen, Planner
 Jenna Petroll, Planner
 Bonnie Puleo, Recording Secretary

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

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

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Conditions of Approval for Case CU2022-0026/Kildow. Motion seconded by Commissioner Williamson. Voice vote, motion carried.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Conditions of Approval for Case OR2022-0008/2030 Comprehensive Plan. Motion seconded by Commissioner Sheets. Chairman Sturgill abstained from the vote. Voice vote, motion carried.

Commissioner Sheets read agenda item number 1C: CU2022-0025/Zack Williams & Lorinda Norton. The application was withdrawn at the request of the applicant.

- **Case No. CR2021-0012 & SD2021-0057/Walker & Edenbrook Estates Subdivision:** The applicant Subdivision Maker, LLC representing the property owners, Ryan and Heidi Walker, are requesting a Conditional Rezone and Development Agreement for approximately 14.906-acres, to change the zoning district from "A" (Agricultural) to "CR-RR" (Conditional Rezone – Rural Residential). The request includes a Short Plat for Edenbrook Estates Subdivision. The proposed plat contains three five-acre single-family lots and one private road lot. The subject property, parcel no. R37921011 is located approximately 600-feet south of Goodson Road and approximately 1,000-feet east of the Goodson Road/Wagner Road intersection, Caldwell; also referenced as a portion of the NW ¼ of Section 20, T5N, R3W, BM, Canyon County, Idaho.

Planner Elizabeth Allen reviewed the Staff report for the record including late exhibits.

Chairman Robert Sturgill entered the late exhibits into the record and affirmed the witnesses to testify.

Testimony:

Darin Taylor – Applicant (Representative) – IN FAVOR – 1434 New York St., Middleton ID 83644

Mr. Taylor is appearing on behalf of Ryan and Heidi Walker. Ryan Walker works for Syngenta and was out of town at the time of the hearing. He said they filed the private road application as required by the County. Regarding the questions about a road user's agreement; the road user's agreement was required as a part of the prior administrative splits to supply access to the third lot and was signed at that time. It is their intent to use the existing agreement as the (current) agreement as it is described and recorded. It will apply to all of the original 25 acres. Mr. Taylor reiterated that the 15-acre parcel is already bound by the existing road user's agreement so future landowners will also be bound by this agreement. He said that hobby farming was described as a farming operation but on another page, the three Comprehensive Plan policies not in favor of this application describe taking land out of farming production. He said that is not the Walkers' intent and is inconsistent with the size of the property and the water rights. Those three Comprehensive Plan provisions are inconsistent with the hobby farming designation. Mr. Taylor had concerns about condition #4; even though everyone else in the County can have two residences per parcel, this applicant doesn't get to keep that right. The applicant would like to keep the ability to have a secondary dwelling especially with the sizes of the lots and the water rights. He said the Highway District letter requirements discuss cul-de-sac standards but this is a private road so the Highway District doesn't have any jurisdiction over it. He has written a letter to the Highway District and requested a revised agency comment letter but hasn't seen a response yet. He addressed the exhibit (letter) which stated they had concerns about traffic on Galloway and Wagner Road. He said the intersection described in the letter is a mile to a mile and a half from this property and maybe they are frustrated with the nearby Stadium Subdivision coming without an intersection improvement. He said that issue should be addressed to the Highway District directly. Mr. Taylor explained how new owners don't have to sign the road users agreement because their predecessors have signed and agreed to be bound to the agreement. He explained the storm drainage system along the road, how storm water will be collected in swales and how the water will percolate. He said this is tested and documented by the engineers when they build the road. For the rest of the site, historic drainage patterns for farming will remain. Mr. Taylor said they agree with all conditions of approval except for condition #4 on secondary dwellings. There was additional discussion about the average lot sizes of parcels in the area. In response to a Commissioner's question, he said the irrigation will go along the historic route, applied to the same land in the way it has been done in the past, through a piped ditch and a pressurized system. There was additional discussion about borrow ditches and preventing future landowners from building into the ditches. The 60-foot easement for the road will contain the borrow ditches and the Homeowner's Association will be responsible for maintaining the private road, the irrigation and the drainage.

Heidi Walker – IN FAVOR – 10629 Valley Hi Road Middleton ID 83644

Ms. Walker said their interest in this project is to live with like-minded people who want to have hobby farms. They have lived on a farm in Canyon County for many years and their kids have raised cows, sheep and pigs on that farm. They would like to do the same here and would also like to own and board horses someday. She is interested in having the secondary home on site for people to stay who are attending to their horses on the property or for visiting family members. She also runs a small music preschool and would like a small studio on site that is not part of her house. She hasn't heard about traffic concerns before and they would love to talk to the person who wrote the letter of concern. Her husband has already begun work on the pipes and irrigation; they are commencing work on the road shortly. She showed on

the map where the plumbing was for the irrigation. There are no plans for an Homeowner's Association but they have drawn up CC&Rs and a water users' agreement with a lawyer. She explained that her husband wants to use their property for seed research and the current lot is a good spot for some of his small scale seed development. Asked if there was a water users' agreement, she stated yes, there should be one. She said her husband was ready to assume the responsibility of communicating with the landowners and the Irrigation District. Ms. Walker said the pump house idea had been shelved; each individual wanted to have their own pressurized irrigation and pumps on their property. She explained why she wanted the secondary residence but said if it was a deal breaker, it wasn't a big deal.

MOTION: Commissioner Sheets moved to close public testimony on Cases CR2021-0012 & SD2021-0057, seconded by Commissioner Williamson. Voice vote, motion carried.

DELIBERATION:

Commissioner Williamson said, regarding condition #4, the secondary dwellings, they have seen prior cases where banks won't issue loans for secondary houses. He also understands wanting to keep the character of the area the same. If their intention is what was stated (in their testimony), he can see removing #4. Commissioner Amarel asked if condition #4 stops them from building a shop or different type of structure? Staff replied it would not stop them from building another type of structure, just a residential dwelling unit.

MOTION: Commissioner Nevill moved to approve Case CR2021-0012 including the Findings of Facts, Conclusions of Law and all current Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Amarel. Roll call vote 6 in favor, 0 opposed, motion passed.

MOTION: Commissioner Sheets moved to approve Case SD2021-0057 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Williamson. Roll call vote 6 in favor, 0 opposed, motion passed.

- **Case No. CU2021-0009/Sage Point RV, LLC:** The applicant, Blue Terra representing the property owner, Sage Point RV LLC., is requesting a Conditional Use Permit to allow a Planned Unit Development (PUD) for a mixed-use storage and business complex on parcels R34542 and R34535 (approximately 20.85-acres). The parcels are zoned "C-1" (Neighborhood Commercial). The uses proposed include 89 storage condos, 428 mini storage units, 56 boat and RV parking stalls, and a business park consisting of five lots approximately one (1) acre in size. The property is located on Old Highway 30 approximately 1,000-feet south of the Old Highway 30 and Mink Road intersection, also referenced as a portion of the SE¼ of Section 4, T4N, R3W of Canyon County, Idaho.

Planner Elizabeth Allen reviewed the Staff report for the record including late exhibits.

Chairman Robert Sturgill entered the late exhibits into the record and affirmed the witnesses to testify.

Testimony:

Michael Fife – Applicant (Representative) – IN FAVOR – 2667 E. Gala Ct., Meridian ID 83642

Mr. Fife played a slide show showing an overhead view of the conceptual site layout. He noted there is a major power line that goes through the property. The site is located along I-84 and Old Highway 30. It is currently zoned C-1 and they are not seeking a rezone. He said many C-1 uses have a significant traffic impact. They initially applied to put in an RV park and after some neighborhood meetings and looking at traffic impact, they retracted the application for an RV park and looked for a new use. Mr. Fife said they looked for the "highest and best use" with the least impact on traffic, neighbors, sewer and water. The number one complaint from all neighbors was traffic so he said that is why they changed (their application). The mini-storage requires no significant water or sewer. There is a bathroom facility for the storage condos and the only other water usage would be for the five 1-acre business park lots. It would have minimal impact from a water and sewer standpoint for a 20-acre site. He said this is also the least disruptive use that they could develop with the neighborhood concerns about traffic. It will not add to the school system and will have minimal police and fire impacts. From the traffic studies, they found it wouldn't add to traffic during peak periods. Mr. Fife said storage is the quietest neighbor you can get. They moved the access to the site so it would not line up with the street that goes into the neighborhood. They put fire ponds along the south end and one on the northeast corner for the neighbor as a buffer. He said the neighbor has since said she doesn't want it there so they will move it: it will probably end up being on the south end of the one acre business park lots. Mr. Fife showed where the power line easement is; the different colors on the map represented the height of the power lines and what was allowed under those lines. The area was designed with Idaho Power's cooperation and has their approval. Mr. Fife said the storage condos are like 'a shop away from home' where people can store their toys and tools. They are owned not rented and they find that people take pretty good care of them. He showed some photos of the storage condos and their use. They have interacted with all the agencies and agreed to all the points the Highway District asked for. They are willing to pay impact fees and are also willing to pay into a fund for the intersection improvements because they know it is a concern. They will pipe the canal and do the offsite improvements. Everything they have been asked to do, they are willing to do. Surface irrigation water will be used to fill the fire suppression ponds and during the winter, if depleted, they can use the onsite well to fill the ponds. Mr. Fife explained what a storage condo is and said no one will be able to live in them. Much of the storage area will be paved; there will be some gravel and valley gutters and seepage beds. He was asked about the secondary pond and Idaho Power. Mr. Fife said there is no problem with having the secondary pond there. He said they have to agree that if Idaho Power does work and messes up the pond, the storage facility has to pay to fix it. The business park portion of the development will be sold off. He said perimeter fencing will be vinyl fencing; they haven't found the vinyl fence to be a problem and they will have cameras for security. When asked if they have considered an RV dump station, Mr. Fife replied they hadn't but it was something they could consider. He was asked if the owners of the storage condos could use power tools and cause noise. He responded that the storage condos are more for the hobbyist; they can't run a business out of the condos so there won't be noise all the time. They are also pretty well insulated. Mr. Fife said they are okay with the 19 conditions of approval. There will be only one bathroom for all the storage condos. He said they anticipate the businesses in the business park to be plumbers, electricians or something like a retail carpet store. He said they are open to putting in a walking path from the storage facility to the gas station/convenience store. Commissioner Sheets felt that some of the traffic counts were low because the traffic study was done in the summer, not during the school year and they have been undercounting fatalities. Mr. Fife said when doing the traffic impact study, they also look at the historical data and not just a moment in time and he feels the proposed use makes the most sense because it has the least traffic impact. There will be no warehousing on the site. There will be CC&Rs for the development that prevents warehousing.

Hunter Christensen – IN FAVOR – 3758 N. Warm Creek Ave., Meridian ID 83646

Mr. Christensen was appearing on behalf of two adjacent neighbors who weren't able to attend and are in favor of this project. One neighbor is Oregon Trail Church and Mr. Christensen read a short letter from Ben Holt, Chairman of the Board for the church. The neighbor located to the north (who requested the pond) said via text, with permission given to use it as testimony, as long as they move the pond because of mosquitos, she is in favor of the project. Mr. Christensen said he is an employee of the developer.

Kathy Robertson – IN OPPOSITION – 23193 Forest Hills Loop Caldwell ID 83607

Ms. Robertson lives right across from the proposed project and is glad they had the list displayed for C-1 zoning because she wasn't sure what it included. She would like to see something put there that would be a service to her. They have two storage units less than a mile away; those storage places aren't full and are unsightly. She said recently the Nampa City Council asked a developer to scale back their storage unit proposal. This is about 20 acres and has 15 acres of storage units which seems huge to her. The 2030 Comprehensive plan shows all this area as commercial, not C-1. She felt there should be things there that someone would expect to see off a freeway exit and asked what do we want it to look like in 30 years? Is our future storage units and RV parks? She said traffic is an issue. There is going to be traffic there; it's commercial right next to the highway. She asked if they could plan for something that would benefit everyone. That intersection is really bad, no matter what is put there but she wishes it was something that would benefit the residents who live there. They currently have to drive quite far to go to a grocery store or a dentist. If they are set on approving the project, it would be nice if it could be landscaped and look nicer than the other storage units in the area.

Jeffrey Phipps – IN OPPOSITION – 23209 Forest Hills Loop Caldwell ID 83607

Mr. Phipps' concern are traffic, the water and the speed limit. Peak traffic time is 5 am to 10 pm; there is no 'off time'. His bedroom is right on the road and he hears it all day long. He said the other issue is lighting. He doesn't want light shining into his bedroom. He said something has to go there and this is better than having an RV park. Right now, he said there is a car wreck there almost every week. Commissioner Nevill pointed out that the conditions of approval say that all lighting will be shielded down and directed away from adjacent properties and Mr. Phipps said that was what he was looking for. He also suggested a roundabout at that location might be good because the residents who turn in there get flipped off all the time.

Heather Phipps – IN OPPOSITION – 23209 Forest Hills Loop Caldwell ID 83607

Ms. Phipps said their house is directly off Highway 30 and they would be directly across from this development. She said the applicant didn't point out where their subdivision is, which has been there since 1998. She is concerned about their resale values; if this project goes in, what happens to her property value? She said traffic is atrocious and there is an accident every week. She regularly gets forced off the road when she slows down to turn into the subdivision because people think they are getting onto the interstate and are accelerating to 65 or 70 mph at that point. She said they are almost forced to go into the borrow pit to turn into their neighborhood to avoid being rear ended. She also felt there needed to be some kind of dedicated right hand turn lane for the residents. As soon as people see the 55 mph sign, they go 90 mph. From 5 am to 9 am, it is very difficult to get out of their subdivision; at 6:30 am, it can take her 15 minutes to make a left hand turn because of the traffic. She is concerned about anyone who is trying to pull into that location as well; she believes they are setting themselves up to be struck by a vehicle coming from the opposite direction because there is a slight rise in that highway and it is sometimes hard to see cars coming. She is also concerned about someone living in the storage condo units because people can't afford to live anywhere. She is concerned about the lighting; she likes a dark backyard. She hopes the lighting is downward facing. She doesn't want headlights coming out of the storage facility and shining into her backyard. She said they have talked to the Highway District to move

the speed limit sign and they said it was an Idaho Transportation Department issue. She feels there could be a very bad accident there because of that intersection. She has lived there since May 2021 and says the traffic has increased since they have moved in because there are several subdivisions going in further down the road.

Michael Fife – Applicant (Representative) – REBUTTAL – 2667 E. Gala Ct., Meridian ID 83642

Mr. Fife said there would be a widening of the road with a center left turn lane so no one would stop traffic to turn left. He said they are glad to lead the charge to help to move the speed limit sign further down the road to help with the traffic issues in the area. There was a photometric study done and they will make sure the residents aren't blinded (by lights) and after moving the entrance further north, the headlights won't be shining into the neighbors' properties. He said they are glad to do landscaping, adding trees and will make it look nice. They don't do anything 'hodge-podge' and would be glad to show photos of their other projects as examples. He said they have an opportunity to expand to other kinds of services once city services reach the area. Re-purposing the property is not uncommon when it makes sense and services are extended to the area. Commissioner Nevill said that proposed condition #13 says landscaping buffer and fencing will be provided on the northern border of the property and asked if they are saying they will extend that to the other sides. Mr. Fife said landscaping is already on the east, south and north boundaries, just not on the freeway side. There is a pretty good slope on the north side that makes fencing impossible but they will maintain that and make it look good. He reiterated that they are willing to work on the traffic issues with the neighbors. Commissioner Amarel asked if they are not putting a vinyl fence along the north side, is there some trees or landscaping in their plan? Mr. Fife said it was in their plan to landscape that area.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2021-0009 seconded by Commissioner Amarel. Voice vote, motion carried.

DELIBERATION:

Commissioner Sheets said what they have in front of them is a Conditional Use Permit as applied with all the conditions. He said we have additional information representing what the applicant may do in the future but if approved as it is, he is not bound to any of those because those aren't conditions of approval. They are also outside Canyon County's jurisdiction and the applicant's ability to do things. He said what we have been presented with is the traffic impact study and what we know is in the Canyon Highway District #4 capital improvement plan, including their ability to allocate traffic impact fees to mitigate the issues to Highway 30 and Highway 44. It's a dangerous intersection and it won't get better for another 6 – 30 years. It's dangerous and people get in wrecks all the time. It's also a very complex intersection because Highway 30 runs parallel to I-84 and any impacts that happen at Exit 25 are going to be reflected on Highway 44 and Highway 30. He likes the proposed use but thinks it is premature based on what is going on in the background and what has already been approved in the county and the City of Middleton. He said things are not going to get better for a while and he wouldn't feel good putting more pressure on that intersection when it is already exceeding its capacity, has an 'F' service level and people are getting hurt there. He would like to add a condition: 'until Highway 30/Highway 44 intersection is brought up to at least a C-level condition'. He didn't see how any changes to the conditions could help make this a good use at this present time as (the problems) are beyond the Highway District, Idaho Transportation Department and the applicant's control. Commissioner Nevill said while he is really happy with the developer's offer to help with the roadway issues, he is looking at the exhibit from Canyon Highway District #4 which says they don't want it approved but then they say it's ok. They don't have a plan other than a long range plan. He is really happy with the plan from the developer; there is not much you can do with powerline easements. He said it's not the developer's fault; it is Canyon Highway District #4 and Idaho Transportation Department's fault. They have to get

their act together and figure out what they are going to do with that intersection. He is not in favor of this right now, not because of the developer but because of the intersection. The developer can't pay for the entire intersection. The project is simply ahead of its time. Commissioner Williamson said the development proposal looked great but safety and the issue with the intersection is a concern. Commissioner Villafana said he drives down that road occasionally and he has noticed in the morning there are a lot of cars speeding, mature trees shading the roadway and kids waiting for the school bus. He feels it's a great concept but the intersection needs to be improved.

MOTION: Commissioner Sheets moved to deny Case CU2021-0009 including amended Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Nevill. Roll call vote 5 in favor, 1 opposed, motion passed.

- **Case No. CU2022-0007/Symms Fruit Ranch:** The applicant, Borton-Lakey Law representing Symms Fruit Ranch, Inc, is requesting a conditional use permit to allow an Agritourism Purposed RV Resort use within an "A" (Agricultural) Zoning District. The use includes spaces for RVs to rent for temporary use, an office, full-time resident managers, a swimming pool, pickleball courts, picnic areas, and other similar amenities. The subject property is located just west of 13748 Sunny Slope Rd, Caldwell on Parcels R33566 and R33567; also referenced as a portion of the NE ¼ NE ¼ of Section 27, Township 3N, Range 4W; BM; Canyon County, Idaho.

Planner Jenna Petroll reviewed the Staff report for the record including late exhibits.

Chairman Robert Sturgill entered the late exhibits into the record and affirmed the witnesses to testify.

Testimony:

Todd Lakey – Applicant (Representative) – IN FAVOR – 12905 Venezia Ct., Nampa ID 83651

Mr. Lakey was appearing on behalf of the Symms, whom he said have been historically synonymous with agricultural operations in the Sunnyslope area. They have been there for generations and know the area, the industry and the evolving trends and opportunities of Sunnyslope. He said this agritourism resort supports the existing and ongoing agricultural operations for the Symms and others in the area. They are bringing a quality, compatible, Comprehensive Plan-supported proposal for an agritourism RV resort in the appropriate location. He said this is an Agritourism use and will retain that focus. This creates another source of agricultural income via agritourism. Idaho is a leader of agritourism and Sunnyslope area is the epicenter of that agritourism leadership in Idaho. Mr. Lakey provided some numbers based on a 2017 Wine Commission study that detailed the number of jobs created and labor and business income generated. He said agritourism is driven by short term visitors who want to participate in their own agricultural experience. This application provides and promotes that key element. Canyon County has a group which found the 'Agriventure Trail'; they provide information and events with various farm and agriculture products and experiences. He said this project is located in the heart of that 'Agriventure Trail'. The Sunnyslope wine trail is in the Snake River Viticulture area with over 20 wineries and vineyards and this will support that. Mr. Lakey said this agritourism RV resort proposal is located adjacent to Highway 55, a major transportation corridor which is where this type of facility should be located. There will be extensive deciduous and evergreen tree landscaping and buffering. The facility is located in the middle of the 36 acres with a large buffer area between the landscaping and the facility itself. Mr. Lakey listed some amenities of the proposed agritourism resort. He showed some maps of the area and described what the properties were around the project. They intend to use vintage model RVs owned and operated by the

Symms but they will be no more than 15% of the total. To maintain the focus of agritourism, Mr. Lakey said the location is extremely important; it is in the middle of an agritourism area. While some RV parks have turned into long term, affordable housing operations, the maximum length of stay on the resort will be 20 days. They will do extensive agritourism marketing both with outside organizations and on their website. There are also two agritourism shuttle/tour operators who want to be a part of the project. He said there will be 'Right to Farm' and length of stay acknowledgements that visitors will have to sign. There is good access from Lowell Road onto Highway 55 with two lanes and a center turn lane. They completed a traffic impact study which was scoped, accepted and approved by Idaho Transportation Department and the Highway District. They found that the transportation system would not be negatively impacted by this operation. Mr. Lakey said they will have community water and waste water systems and will do a nitrate study to determine what specific kind of community waste water system to put in. They plan on having a resident manager 24/7 and downward lighting. There will be no students to impact schools. While the new Comprehensive plan is still in process, it supports an agritourism overlay for the Highway 55 corridor while the current Comprehensive Plan also supports the agritourism overlay. He said the use will not be injurious to the area with their design and it supports agriculture. He said they would like to remove the words 'or individual' from Condition #3 because they will probably be forming another entity to handle this business and property. They accept all the other conditions of approval. When asked by Commissioner Nevill about the Soil Conservation District's recommendation that the type of use not change for the property, Mr. Lakey said he will let the Symms respond to that issue as they are the best judge of the use of the land. It is his understanding is that it is marginal farmland. Mr. Lakey believes this is the best use of the land and will support ongoing agriculture operations in the area. There was a discussion on Highway 55 and turn lanes; Mr. Lakey said that he defers questions on the need for a right hand turn lane to the Idaho Transportation Department. This project's traffic study looked at the center turn lane and he said Idaho Transportation Department is not asking for any additional improvements. When Commissioner Nevill asked about irrigation, he stated they will maintain and preserve all irrigation canals and streams. In response to a question from Commissioner Sheets, there was a discussion of the community septic system. Mr. Lakey said they will do an NP study and then they will design a waste disposal system that will be appropriate for the site. He was asked by Commissioner Williamson if the site plan would change if they used some of the area for a reuse system. Mr. Lakey said no, the site plan would not change. They don't anticipate any changes and can't exceed the number of sites they are approved for. When Commissioner Williamson asked about barriers for the Lizard Spillway, Mr. Lakey said the natural design of the facility and the buffer area/landscaping will keep people away from those irrigation and drainage facilities. In response to a question from Commissioner Williamson, Mr. Lakey said they are talking about walking paths within the facility for those who are staying there but there are no walking paths or sidewalks along Highway 55 at this point. In response to a question from Chairman Sturgill, Mr. Lakey said the visitors will be required to sign a document stating the maximum stay is 20 days, the onsite manager will enforce the 20-day maximum and the County can check them. He said they believe the fact they are a higher-end facility with a premium rate will discourage people from long term stays. They will be self-policing and if they stay longer than 20 days, they will be trespassing.

John Starr – IN FAVOR – 755 W. Front St. #300 Boise ID 83702

Mr. Starr works with Colliers International and has worked with the Symms on a number of real estate issues. He said the definition of Sunnyslope is different for everyone. Sunnyslope area is a community that is centered around Highway 55 between Hopkins Road to the north, Symms Road to the south, Snake River to the west and the Mora Canal to the east. The Sunnyslope map represents just over 4 square miles and 2800 acres. Within that area, there are over 248 individual parcels of land owned by over 200 unique individuals and organizations. It is considered to be a vastly diverse agricultural activity area. He referred to a graphic that showed that majority (of land owners) are occupying at most a hobby farm. The total area that are growing fruit and wine grapes is neither vast nor comprehensive. Row crops grown in

Sunnyslope are limited in scope; many acres are dedicated to growing cattle food. Some try to define Sunnyslope as an area that is broadly agricultural-based but the majority of parcels are owned by people who occupy five acres or less.

Bill Werhane – IN FAVOR – 20968 Blossom Heights Lane Caldwell ID 83607

Mr. Werhane is a neighbor of the Symms and near the proposed venture and some of their orchards. He said if they do the same type of work (on the RV resort) as they do with their orchard operations, it will be a fine facility. He does a lot of motorcycle traveling and camping and a lot of the RV resorts are pretty nice. These facilities are handy. He said this is the right place for something like this, it helps the Ag tourism and it is the right time. He thinks this will most likely be a seasonal attraction; it will be operating hot and heavy for about 4 months then it will drop off when it gets cold. If people have traffic concerns, it will probably only be for 5 months out of the year. He is in favor of this and believes this will add to agricultural tourism. He said he will keep an eye on them.

James Mertz – IN FAVOR – 19786 Apricot Road Caldwell ID 83607

Mr. Mertz is a partner and Board Member for the Symms Fruit Ranch. He and Dar Symms are 4th generation farmers. He has seen a lot of changes that happen in the farming business if you are going to stay in business and he thinks this RV resort is something that will fit into that change for them to remain viable in the future. The piece of land is right off Highway 55 which is a growing and busy area. It is increasingly hard for normal farming practices and it is hard to grow fruit and grapes there (below the frost line). He feels it is perfect for the RV resort and for their vision for the company to keep farming indefinitely. They are very diversified in the fruits they grow and this resort will help them in that diversification going forward. He is excited about the project and the Symms Board is excited about this project as there is nothing like this in Sunnyslope. It gives them a chance to tell the story about Sunnyslope. The land is staying with the Symms Company and they have no plans to develop it or sell it. He spoke about the potential for a retail fruit stand in the future on a portion of the undeveloped parcel. There will be no future residential. When asked why they don't grow apples on the parcel, Mr. Mertz replied that they feel this is a very unique spot off Highway 55 for this application.

Dar Symms – IN FAVOR – 19333 Lowell Rd., Caldwell ID 83607

Mr. Symms wanted to point out that he lives by the proposed site. His mother lives there. They are very concerned that it be a nice, first class place. They don't want to degrade the area because they live there too. His vision for the east boundary of the site is that they want to put a fruit stand on that corner. 15% of all the fruit they grow and pack is not suitable for the fresh market. He would like to look into putting a processing facility to use the culled fruit and make it higher value. This would include drying fruits and making hard cider. The undeveloped strip of land will be an agriculture use. He objected to the letters sent as someone providing testimony, he was sworn in but the letters aren't sworn affidavits. He said they will fence off the waste water area: it's not a live stream in the winter time. They will design the access and work on that with the Transportation Department. He said access would probably come off Lowell Road. They will maintain their neighbor's easement. They will have their irrigation water and their packing shed water to use on the property. When asked by Chairman Sturgill about how to handle customers who have less concern about the neighborhood and neighbors than the local residents would appreciate, Mr. Symms said he is not afraid to use any legal action or call the Sheriff if he has to move people out.

Wayne Rundall – IN OPPOSITION – 20790 Lowell Rd., Caldwell ID 83607

Mr. Rundall said others have touched on some of the items on his list so he will try to be brief. He doesn't think anyone has addressed the traffic problem on Lowell and Plum. There is a sharp bend on Lowell that is only about 1.5 lanes wide and if there is a diesel pusher is coming one way and cars are going the other, there will be traffic problems there. He believes about 75 cars coming down Lowell onto Plum every

Sunday for a 90 minute period. They turn around and come back the same way they came. He doesn't believe the traffic patterns have taken that into consideration as well as traffic for the RV park and for retail fruit sales. The people coming from the RV park who are going to the proposed special events facility; he thinks all those additional issues need to be considered by the Commissioners.

Robert Salaber – IN OPPOSITION – 14510 Frost Rd., Caldwell ID 83607

Mr. Salaber said that he lives in the middle of the area around the proposed area. He moved to his 12 acre farm because of Sunnyslope's beauty. It is a majestic place; there is no place like it. He thanks God that he lives in Idaho and Sunnyslope because it's unique. He said they haven't talked a lot about the character of the community and about how the project will impact the neighborhood. He doesn't want to be here (at the hearing) because he knows and likes Dar Symms. He has a lot of respect for Dar Symms and his family and what they have done. Sunnyslope wouldn't be what it is without them. But he said he has no choice because ultimately, they all have to look out for their own interests in some form. He said they invested all of their lives, own property here and are doing work in this area because of the beauty of this location. This will impact them. Mr. Salaber said all developments aren't the same; there are good developments in bad locations. He doesn't have anything against RV parks, just putting one in this location is the problem. He said this is the gateway, not only into Sunnyslope, but to Canyon County and Idaho. People come to this state and drive through on Highway 55. This location is in a scenic byway. The first impression people are going to get, aside from Lizard Butte, would be this development. Showing the area on a map, he said this (area) is dead center and is the gateway to Southwest Idaho. He felt this is going to leave an impression. He said you can call it an RV resort, but at the end of the day, it's a very large parking lot. It is 15 acres; twice the size of the parking lot of the super Walmart on Cleveland Blvd. He said you can put as many trees as you want, it is still going to look like a parking lot.

MOTION: Commissioner Williamson moved to give 2 more minutes of testimony to Robert Salaber; seconded by Commissioner Nevill. Voice vote, motioned carried.

Mr. Salaber continued: If you don't look at it as a parking lot, you can look at it as a 105-acre mobile residential subdivision. Either way, it totally changes the character of Sunnyslope. Looking down, seeing the view of the Snake River and all the orchards and vineyards, many of which belong to the Symms, and how beautiful it is, this will be the single largest feature people will see now. It changes everything. He said if this gets approved and this parking lot is allowed in this location, he worries about the precedence it sets for Sunnyslope. He said they won't be able to deny the next guy that wants to do this. It sets a dangerous precedence. Sunnyslope is unique and beautiful; people are going to want to come here from all over the world. He just thinks having this right dead center at the gateway to Sunnyslope, Canyon County and Idaho is dangerous because it will have a major impact on the neighborhood and the overall character of the majestic community. He doesn't think that an RV park is a scenic feature. He doesn't understand why they would put it there anyway. It's a very busy highway with a lot of traffic; it's not quiet and pleasant. He pointed out his development on the map and said he is trying to preserve and protect agriculture and his development is very different from this one. He is trying to keep the area looking similar to what it is now. He said it may seem hypocritical that one developer is saying to another developer that he doesn't like (their project) but the two developments are very different. He doesn't see how this RV park enhances an agricultural community. He said it may help agritourism but it doesn't enhance the community. When asked if this change in land use is a foot in the door for other residential and he said he thinks this opens the door to everything. He asked 'what's next?' and said, we don't know. It changes the potential character. What's the next guy going to do and how are you going to stop him? When asked how he envisioned where people could stay, he said he thought this particular thing should be closer to Lake Lowell; closer to recreation. It wouldn't become the dominant feature when you drive into the (Sunnyslope) area. He asked, 'is this really the place to do it?'

Mary Salaber – IN OPPOSITION – 14510 Frost Rd., Caldwell ID 83607

Ms. Salaber said this is kind of a nightmare for those of us who live in that beautiful little valley. Her real concern is that if anyone has been out there and tried to turn onto Lowell Road, they would discover it is a very steep road with a hard little turn. It drops off and has a canal on one side and goes down onto the project property on the other side. She said in the busy months, when there would be RV's on the road, it is also the busy Ag time of year. There would be men driving little carts full of fruit going up and down the road, and big onion and alfalfa trucks. She said it's the busy time of year; people live there and have children. She said they are surrounded by vintage trailers; it's not attractive and it terrifies them that more might be coming, in some gigantic form, on the Highway. It is such a shame to ruin the beautiful little jewel of a valley.

Gerri Smith – IN OPPOSITION – 22517 Bauman Rd., Wilder ID 83676

Ms. Smith said based on the things she has heard tonight and things she has heard when she came for the Comprehensive Plan, they are using the 'agritourism' term now, when they were against it in the Comprehensive Plan. She is here asking they deny this Conditional Use Permit or at very least, they postpone any decision until the approval of the 2030 Comprehensive Plan. She said she was unaware of this (project) until a neighbor saw the sign and she wished there was a better way to know what is going on in their own community. There was not enough time to go through the 163 pages and have good questions. They have 1329 signatures on a petition but didn't have time to print it all out. She has provided half of the signatures. She wanted them to know agriculture is important to them. Once the land is covered with concrete, you can't go back. She doesn't feel that this location is appropriate for an RV park of any kind. Highway 55 traffic is not good and it's not going to get better any time soon. The Highway Department is going to start working on Highway 55 in January but only on a small section which will leave Farmway Rd past Hoskins narrow, curvy and dangerous. She doesn't believe this fits within an agriculture area. Not only will visitors have RVs, but they will bring ATVs and motorcycles. This is not a safe place for those. She also said crop dusters go out in the middle of the night, campers won't wait for sheep going across the road and there are tractors and trucks which work at night. She said the campground might be 100 spaces but they are talking about the presence of 250 people, not just 100 trailer spots. She also felt fire was a huge problem: she said we don't have a good fire department (close by).

Jeff Hibbord – IN OPPOSITION – 20796 Lowell Rd., Caldwell ID 83607

Mr. Hibbord lives just down the road on Lowell Road. He wanted to acknowledge the Symms family and the tremendous respect he has for what they have done for the community. He has lived at the address on Lowell Road for the last 4 years and moved there because he was raised in agriculture. He loves where he lives. He appreciates the setting; the space, the fresh air, the views, the vineyards; everything that goes along with the country including the quiet and very little traffic. They enjoy the Ag life; the seasons, the tractors and livestock, even the crop dusters, flies, the smells that come with the country. If they noticed when they were deciding to move there that they were moving close to an airport, a shopping mall or an RV park, they would have re-considered. He said it feels like now they are here, the rules are changing. He asked, do we want a 'hodge-podge development' kind of community? Why wouldn't we want to live in a community that has a place for everything and everything in its right place? That means a place for Ag to happen as it has for so many years, and a place for light industrial, located around other light industrial uses. He asked why is a 15-36 acre parking lot with 100 RVs being considered for agriculture country? What he is really worried about is the impact on the aesthetics of the area, the look of the trailer park/RV park. He still envisions lighted signs, utility trailers and RVs. The variety of people that this will attract; do they have the pride, care and concern about our community that we do? He was also concerned about traffic; how will that work? How will inexperienced drivers navigate back onto Highway 55. His biggest concern is about the precedence that this would set; if this is allowed, what is next? What about the

investments that they have made? What is that going to do to their property values?

Todd Lakey – Applicant (Representative) – REBUTTAL – 12905 Venezia Ct., Nampa ID 83651

Mr. Lakey said when it comes to agricultural success and preservation, the Symms are the most qualified people they have heard from tonight. They have been out there since 1914-15 and know how to run a successful operation. They know the future trends and agritourism is part of that future trend to support agriculture. Agritourism is recognized by Canyon County, and the Highway 55 corridor is designated as the agritourism corridor. This is an agritourism-focused resort along a major transportation corridor and this is exactly where this facility should go. He said he has addressed the traffic issues. There will not be undue interference with existing or future traffic patterns; the traffic study and the Highway District addressed that. They intend on designing the access on Lowell Road so people can't turn left and go down to the agricultural area. He said the Comprehensive Plan currently supports this. This is a use that he feels enhances and is part of the purpose of that scenic byway. They are willing to use fencing on the eastern boundary but would prefer an open style of fencing because they want to keep the open feel. They are okay with allowing people to park in the resort; they will have 20 additional parking spaces. This will not be for long term stays; they risk revocation of their conditional use permit if they violate the terms. Agritourism is a strong part of the character of the area and this directly supports that. Landscaping and the existing mature trees will provide the buffer and separation. It won't be the parking lot that is being described. He would not be opposed to fencing being an additional condition of approval. Commissioner Williamson asked staff if the addition of day parking would require a change in the FCOs and they responded that it could be added. Commissioner Villafana asked Mr. Lakey how they proposed to keep people from going off the RV resort, walking along the canals and trespassing on others' land. Mr. Lakey responded that the RV resort is designed to keep people on the resort and they could also implement policies that state they are not to use ditch banks and should stay on site when they are not visiting local wineries and farms. They will make visitors aware that if they are walking in peoples' orchards, they are trespassing. In response to a question from Commissioner Sheets, Mr. Lakey said it will be advertised as vehicular-friendly and are not advertising it as a bicycle-friendly resort. Chairman Sturgill asked what the definition of an 'agritourism resort' is and what the difference would be between the proposed RV resort and a Holiday Inn located nearby. Mr. Lakey said the Holiday Inn could try to cater to those types of tourists but he felt the difference was the appearance, ability to blend in and the fact that it would be run by a local agricultural operator who is familiar with the area. Commissioner Williamson asked if he would be agreeable with a condition that stated visitors couldn't offload ATV's and motorcycles. Mr. Lakey said yes.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2022-0007, seconded by Commissioner Amarel. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill said he was appreciative of the planned community well and septic systems. He understands the need to diversify farming and for Ag to stay in the business but he can't not see this resulting in conflicts unless they carefully craft conditions with restrictions. The Treasure Valley is a destination for people all over the United States and most people won't have any idea they are trespassing. They will go everywhere they aren't supposed to. He has a big concern about the conflicts and believes it will change the essential character of the area. He doesn't know if he can be convinced to support this with the appropriate conditions or not. Commissioner Amarel said with all due respect to agriculture and the Symms, this isn't an agriculture project, the way he sees it. He has been involved in other projects where the public comes in and they say they can educate and control them but that is a difficult thing to do. The public doesn't always respect agriculture. He is having difficulty with this project. Commissioner Villafana said he is torn. He thought it was a good plan but hearing how big the

lot was going to be made him think. He wishes it was a little smaller with the intent that if it's a success, they expand on it later. 15 acres is a very big area. He is worried about people trespassing, so if they could come up with a condition to prevent people from riding their Razors all over, he feels that would be great. He reiterated that he wishes the area this is going to be comprised of was smaller.

Commissioner Williamson said he came into the project as neutral because he can see the concerns on both sides but he is now leaning more in favor of the project. He said there should be conditions about fencing and to prevent the unloading of ATVs and UTVs to reduce trespassing. He also thinks they should modify Finding #2 to include the day use parking for agritourism purposes. Commissioner Sheets has thoughts that are both in favor and in opposition to this. He is neutral on this so far until he hears the proposed conditions. Commissioner Sheets said that his issues with the project is not with the proposed purpose, it has to do with the land use. He understands there are aspirations that this is for agritourism, but the reality is that they are approving an RV park and that is how he will be deciding this.

MOTION: Commissioner Williamson moved to approve Case CU2022-0007 including amended Findings of Facts, Conclusions of Law and Conditions of Approval, adding conditions on day parking, fencing and restricting the unloading of ATV/UTVs. Motion seconded by Commissioner Villafana. Roll call vote 2 in favor, 4 opposed, motion failed.

MOTION: Commissioner Nevill moved to deny Case CU2022-0007 including the Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Amarel. Roll call vote 4 in favor, 2 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Williamson moved to approve the minutes from 8/4/2022, seconded by Commissioner Sheets. Commissioner Nevill recused himself from voting on approval of the minutes as he was not present at the hearing. Voice vote motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planning Official Dan Lister said the next week they are putting a letter on the website, approved by the Board of County Commissioners, alerting all applicants that the Development Services Department is short staffed and have over 200 projects currently in process so processing will be delayed. It will be first come, first served. Devin Krasowski passed his engineering test and has applied to become a licensed engineer. Dan is hoping he can start reviewing and approving plats without approval from the consulting engineer soon. He reviewed the pre-application process and stated the Board of County Commissioners removed the "mandatory" requirement from the process. The Development Services Department has a new Planner 1 starting soon. Commissioner Nevill asked the Planning Official if there was a way to investigate the statistic referenced in the Comprehensive Plan hearings that there is more land in agriculture in Canyon County now than there was 10 years ago. He doesn't know where that number comes from. Planner Elizabeth Allen stated there was not a study done however there was language in the staff report that spoke about land 'zoned agricultural in the county' but did not take into consideration the conditional use permits approved which will still show as agricultural land. She said she would try to have the GIS specialist look at it. Commissioner Nevill felt that number couldn't be right. Commissioner Amarel felt that they were comparing the 2020 Comprehensive Plan to the 2030 Comprehensive Plan and there is more land showing as being zoned agricultural in the 2030 Comprehensive Plan. He thought that is what they were getting the comparison from. Planner Elizabeth Allen thought the individual testifying was mixing up a lot of different data points but she thought there was more land in the 2030 Comprehensive Plan designated as agriculture whereas it used to be designated residential. Commissioner Sheets asked if there was any response to the letter the

Planning and Zoning Commissioners sent to the Board of County Commissioners about the Development Impact fees. Response was no.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote motion carried. Hearing adjourned at 11:45 pm.

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

Approved this 6th day of October, 2022

A handwritten signature in blue ink, appearing to read "Robert Sturgill", is written over a horizontal line.

Robert Sturgill, Chairman

ATTEST

A handwritten signature in blue ink, appearing to read "Bonnie Puleo", is written over a horizontal line.

Bonnie Puleo, Recording Secretary



PLANNING AND ZONING COMMISSION
Edenbrook Estates – Conditional Rezone CR2021-0012

Findings of Fact, Conclusions of Law, and Order

Findings of Fact

1. The applicant Subdivision Maker, LLC representing the property owners, Ryan and Heidi Walker, are requesting a **Conditional Rezone and Development Agreement** for approximately 14.906-acres, to change the zoning district from “A” (Agricultural) to “CR-RR” (Conditional Rezone – Rural Residential).
2. The subject property, parcel no. R37921011 is located approximately 600-feet south of Goodson Road and approximately 1,000-feet east of the Goodson Road/Wagner Road intersection, Caldwell; also referenced as a portion of the NW ¼ of Section 20, T5N, R3W, BM, Canyon County, Idaho.
3. The request is being heard concurrently with a **Short Plat** for Edenbrook Estates Subdivision (SD2021-0057). The proposed plat contains three five-acre single-family lots and one private road lot.
4. The property is currently zoned “A” (Agriculture).
5. The subject property is designated as Agriculture on the 2020 Canyon County Comprehensive Plan Future Land Use Map.
6. The subject property is not located in an Area of City Impact.
7. The subject property is located within Notus-Parma Highway District, Middleton Fire District, and Black Canyon Irrigation District.
8. A neighborhood meeting was held on May 13, 2021 pursuant to CCZO §07-01-15.
9. Notice of the Planning and Zoning Commission public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on May 26, 2022. Newspaper notice was published on August 14, 2022. Property owners within 600’ were notified by mail on August 15, 2022, and the property was posted on or before August 23, 2022.
10. The record includes all testimony received at the Planning and Zoning Commission public hearing held on September 1, 2022, the staff report, exhibits, and all documents contained in Case File No. CR2021-0012.

Conclusions of Law

For case file CR2021-0012, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Conditional Rezone CCZO §07-06-07.

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

Conclusion: The proposed conditional rezone from “A” (Agricultural) to “Conditional Rezone Rural Residential” as conditioned is generally consistent with goals and policies in 2020 Comprehensive Plan and is not consistent with the Future Land Use Map.

Finding: The proposed conditional rezone is not consistent with the 2020 Comprehensive Plan Future Land Use Map designation of Agriculture. The proposed conditional rezone as conditioned is generally consistent with goals and policies of the 2020 Comprehensive Plan as shown below:

Chapter 2. Population

Goal 1. Consider population growth trends when making land use decisions.

Chapter 5. Land Use

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

Goal 3. Use appropriate techniques to mitigate incompatible land uses.

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

Policy 2. Encourage residential development in areas where agricultural uses are not viable.

Chapter 8. Public Services, Facilities and Utilities Component

Policy 3. Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

Chapter 11. Housing

Goal 1. Encourage opportunities for a diversity of housing choices in Canyon County.

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

Conclusion: The proposed conditional rezone as conditioned is compatible with surrounding land uses.

Finding: The proposed conditional rezone is compatible with the surrounding area which is characterized by residential and agricultural uses. As conditioned development would be limited to the three residential lots with an average minimum lot size of 4.96 acres.

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

Conclusion: The proposed conditional rezone as conditioned is compatible with the surrounding uses.

Finding: There is rural residential development adjacent to the east, as well as further to the northwest, and north. The surrounding area consists of residential and agricultural uses. As conditioned development of the site is limited to three residential lots with an average minimum lot size of 4.96 acres. To remain compatible with the surrounding land use, each residential lot will be entitled to one single family dwelling. (Condition 4)

4. 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 as conditioned will not negatively affect the character of the area. Measures will be implemented to mitigate impacts.

Finding: The proposed conditional rezone as conditioned will not negatively affect the character of the area. Uses surrounding the site include agricultural and residential uses. As conditioned the development of the site will be restricted to three (3) residential lots and one (1) road lot. No secondary dwelling units shall be permitted and no additional splits will be available. (Condition 2 and 4)

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

Conclusion: Adequate facilities and services will be provided to accommodate the proposed conditional rezone.

Finding: Individual domestic wells and individual septic systems are proposed for the development of the parcel. Development will adhere to Southwest District Health and Idaho Department of Environmental Quality regulations and standards for new wells and septic systems. (Condition 1)

The property has water rights from Black Canyon Irrigation District. As conditioned historic irrigation laterals, drain and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company. (Condition 1 and 3)

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

Conclusion: The proposed conditional rezone will not require public street improvements in order to provide access to and from the subject property.

Finding: The development will have access onto Goodson Road via an existing 60' ingress/egress and a private road is proposed to serve the lots. A condition has been added to ensure the site develops in accordance with Notus-Parma Highway District No. 2 standards. (Condition 1)

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

Conclusion: The site has existing legal access onto Goodson Road.

Finding: The site has existing legal access onto Goodson Road via an existing 60' ingress/egress. The proposed residential lots will be served by a private road lot.

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

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

Finding: No evidence has been provided to indicated that the proposed use will require additional public funding to meet the needs created by the requested use and police, fire, and emergency medical services will be provided to the property. A condition has been added to ensure development of the site will meet Middleton Rural Fire District Standards (Condition 1)

§07-06-07B: Conditions be met: The development agreement must be signed and recorded before final approval is given.

§07-06-07C: Conditions Incorporated into Document: Any conditions, stipulations, restrictions or limitations imposed pursuant to this section shall be incorporated as part of any site plan, plat, document of title of conveyance, and building permit relating to the restricted land.

CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property, including but not limited to,
 - a. Notus Parma Highway District No. 2
 - b. Idaho Department of Environmental Quality (DEQ)
 - c. Southwest District Health
 - d. Middleton Rural Fire District
 - e. Black Canyon Irrigation District.
2. The subject property, R37921011, containing approximately 14.91 acres shall be developed into no more than three lots, as described in Exhibit "A" and depicted in Exhibit "C". No additional splits are available. Development of more than three (3) residential lots are prohibited unless approved by subsequent comprehensive plan amendment, rezone, and platting applications.
3. Historic irrigation lateral, drain and ditch flow pattern shall be maintained and protected.
4. The new residential lots shall be entitled to one single-family dwelling per lot and all other uses provided for in the Rural Residential zone per CCZO 07-10-27 with the exception that there shall be no secondary dwelling units allowed.

5. 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.”
6. Commencement shall be the approval of a final plat.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein, the Planning and Zoning Commission **recommends approval** of Case No. CR2021-0012, a **Conditional Rezone** from a "A" (Agricultural) to "CR-R-R" (Conditional Rezone Rural Residential) for Parcel No. R37921011, subject to conditions of the Development Agreement (Attachment A).

APPROVED this 1 day of September, 2022.



State of Idaho)

SS

County of Canyon County)

On this 1st day of September, in the year 2022, before me Bonnie Puleo, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he(she) executed the same.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

A handwritten signature in blue ink, appearing to read "Robert Sturgill".

Robert Sturgill, Chairman

Notary: Bonnie Puleo
My Commission Expires: 12/10/2027



PLANNING AND ZONING COMMISSION
Edenbrook Estates – Short Plat SD2021-0057

FINDINGS, CONCLUSIONS LAW, AND ORDER

Findings of Fact

1. The applicant Subdivision Maker, LLC representing the property owners Ryan and Heidi Walker, are requesting a Short Plat for Edenbrook Estates Subdivision. The proposal contains three five-acre single-family lots and one private road lot.
2. The request is being heard concurrently with a Conditional Rezone with Development Agreement for parcel R37921011 to change the designation of the property from “A” (Agricultural) to “CR-RR” (Conditional Rezone – Rural Residential).
3. The subdivision contains three (3) residential lots with in an average lot size of 4.95 acres.
4. Lot 4 is a private road lot that will provide the residential lots access to Goodson Road. Existing access consists of 60’ ingress/egress.
5. The property has surface irrigation rights. Irrigation will be provided via pressurized irrigation. (Attachment A, Irrigation Summary Note 1 and 3).
6. Storm water run-off shall be maintained on site by swales, ditches, and similar retention methods on-site by each lot owner (Attachment A, Plat Note 8 and 9).
7. Water and sanitary services will be provided via individual wells and individual septic systems (Attachment A, Plat Note 2 and 3).
8. Notice of the Planning and Zoning Commission public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on May 26, 2022. Newspaper notice was published on August 14, 2022. Property owners within 600’ were notified by mail on August 15, 2022, and the property was posted on or before August 23, 2022.
9. The record includes all testimony received at the Planning and Zoning Commission public hearing held on September 1, 2022, the staff report, exhibits, and all documents contained in Case File No. SD2021-0057.

Conclusions of Law

Pursuant to CCZO §07-17-09(4): “*The commission or hearing examiner shall hold a noticed public hearing on the preliminary plat. The hearing body shall recommend that the board approve, approve conditionally, modify, or deny the preliminary plat. The reasons for such action will be shown in the Commission's minutes. The reasons for action taken shall specify:*

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

Standard of Review for Subdivision Plat:

- A. Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions);
- B. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- C. Canyon County Zoning Ordinance (CCZO), Article 17 (Subdivision Regulations)

The preliminary plat with irrigation and drainage plan are in conformance with CCZO Article 17, Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions), Idaho Code, Sections 50-1301 through 50-1329 (Platting), Idaho Code, Section 31-3805 (Irrigation) and Canyon County Code Chapter 7, Article 17 (Subdivisions). The short plat (preliminary and final plat) were found to be complete by Keller Associates (Attachment B) subject to conditions of approval.

Conditions of Approval

1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
2. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation of ditch company (Attachment B).
3. Plat shall comply with Black Canyon Irrigation District requirements (Attachment B).
4. Finish grades at subdivision boundaries shall match existing finish grades. Run-off shall be maintained on subdivision property unless otherwise approved (Attachment B).
5. Plat shall comply with the requirements of Notus Parma Highway District No. 2 (Attachment B). Evidence of compliance shall by Notus Parma Highway District No. 2 signature on the final plat.
6. The development shall comply with Southwest District Health requirements (Attachment B). Evidence of compliance shall be Southwest District Health's signature on the final plat.
7. Private road shall adhere to private road requirements of section 07-10-03 of Canyon County Code. (Attachment B). A private road application shall be required to be approved through an Administrative Decision before construction begins on the roadway.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0057, the Planning & Zoning Commission recommends **approval** of the preliminary plat for Edenbrook Estates Subdivision subject to conditions of approval as enumerated herein.

RECOMMENDED FOR APPROVAL on this 1 day of September, 2022.



PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill
Robert Sturgill, Chairman

State of Idaho)

SS

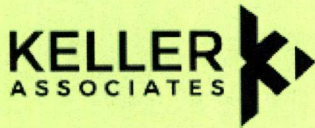
County of Canyon County)

On this 1st day of September, in the year 2022, before me Bonnie Puleo, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he(she) executed the same.

Notary: Bonnie Puleo
My Commission Expires: 12/10/2027

[illegible]

ATTACHMENT B
KELLER APPROVAL



April 18, 2022

Ms. Elizabeth Allen
Canyon County Planner
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Edenbrook Estates Preliminary Plat Application

Dear Ms. Allen:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Edenbrook Estates Subdivision dated March 1, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:


1. Private road shall adhere to private drive requirements of section 07-10-03 of the Canyon County Code.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
3. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
4. Plat shall comply with requirements of the local highway district.
5. Plat shall comply with irrigation district requirements.
6. Plat shall comply with Southwest District Health requirements.

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

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

Sincerely,

KELLER ASSOCIATES, INC.


Justin Walker, P.E.
County Engineer

100 E Bower Street, Suite 110
Meridian, ID 83642
(208) 288-1992



**PLANNING AND ZONING COMMISSION
DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT – ZONING AND SUBDIVISION CASE**

Staff: Elizabeth Allen, Planner III, elizabeth.allen@canyoncounty.id.gov

Date: August 25, 2022

Case Number and Name

CR2021-0012 & SD2021-0057 Edenbrook Estates

Public Hearing Date

September 1, 2022

Submittal Date

October 28, 2021

Brief Summary of Request

The applicant Subdivision Maker, LLC representing the property owners, Ryan and Heidi Walker, are requesting a **Conditional Rezone and Development Agreement** for approximately 14.906-acres, to change the zoning district from “A” (Agricultural) to “CR-RR” (Conditional Rezone – Rural Residential). The request includes a **Short Plat** for Edenbrook Estates Subdivision. The proposed plat contains three five-acre single-family lots and one private road lot.

Background

The subject property was utilized for farmland in past. In 2021, the original parcel was approved for an Administrative Land Division which created the subject parcel (R37921011) 14.906 acres as agricultural only, and the parcels to the north, parcel R37921010 5.011 acres with a residential building permit available, and parcel R37921 5.013 acres with a residential building permit available.

Application/Property Owner

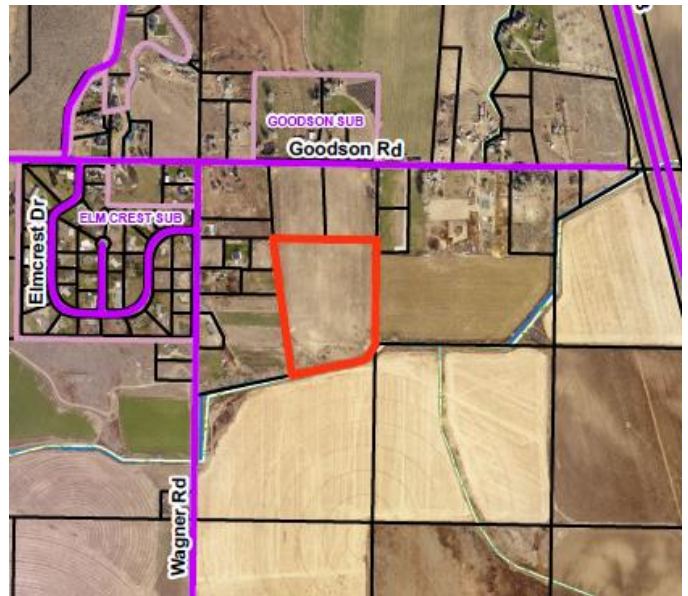
Ryan and Heidi Walker

Representative

Subdivision Maker, LLC

Property Address/Location

The subject property, parcel no. R37921011 is located approximately 600-feet south of Goodson Road and approximately 1,000-feet east of the Goodson Road/Wagner Road intersection, Caldwell.



Existing Zoning

“A”
(Agricultural)

Existing Land Use

Farmland

Future Land Use

Agriculture

Area Average Minimum Lot Size

10.89 acres

Size of Property

14.91 acres

AOCI

None

STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the Conditional Rezone with Development Agreement and Short Plat.

COMPATIBILITY with the COMPREHENSIVE PLAN

The proposal is generally consistent with goals and policies in the 2020 Canyon County Comprehensive Plan. The future land use map designates the property as Agriculture. Properties to the north and west are designated as Residential.

COMPATIBILITY with the EXISTING AREA

The proposal is compatible with the existing area. The immediate area is characterized by residential and agricultural uses. Ten subdivisions have been approved since 1972 within one mile of the site with an average platted lot size of 4.84 acres. As conditioned, development of the site will be consistent with the character of the area.

Notifications:

Agency: May 26, 2022
 Full Political: May 26, 2022
 Radius Notice: August 15, 2022
 Newspaper: August 14, 2022
 Posting: August 23, 2022

Exhibits:

1. FCO's (CR2021-0012)
2. FCO's (SD2021-0057) with
Attachment A Short Plat,
Attachment B Keller Approval
3. Application Documents
4. Agency Letters
 - a. BCID
 - b. Notus-Parma Highway
District No. 2
5. Maps
 - a. Small Air Photo
 - b. Vicinity
 - c. Zoning
 - d. Subdivision and Lot Report
 - e. Case Map and Report
 - f. Soils and Farmland Report
 - g. Dairy, Feedlot, & Gravel Pit
Map
 - h. Lot Classification
 - i. Nitrate Priority & Well Map
 - j. Future Land Use
 - k. TAZ
 - l. Contour Map

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CRITERIA CHAPTER 7 ARTICLE 6 AND 17 CANYON COUNTY CODE**07-06-07 CONDITIONAL REZONE**

A. Standards of Evaluation: The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone.

1. *Is the proposed conditional rezone generally consistent with the comprehensive Plan;*
2. *When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;*
3. *Is the proposed conditional rezone compatible with surrounding land uses;*
4. *Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?*
5. *Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;*
6. *Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?*
7. *Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and*
8. *Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts? (Ord. 16-007, 6-20-2016)*

B. Conditions Must Be Met: If the Commission recommends and the board approves such order of preliminary rezoning, the order shall include any conditions, stipulations, restrictions or limitations which the Commission recommends and the board finds are necessary to the public health, safety and welfare. Such conditions, stipulations, restrictions or limitations must be met before the "order of intent to rezone" is issued. The development agreement must be signed and recorded before final approval is given.

Short Plat

Standard of Review for Subdivision Plats:

- A. Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions);
- B. Idaho Code, Sections 50-1301 through 50-1329 (Platting); and
- C. Canyon County Zoning Ordinance (CCZO), Article 17 (Subdivision Regulations).

Pursuant to CCZO §07-17-09, the "Planning and Zoning Commission shall hold a noticed public hearing regarding the preliminary plat. The Commission shall

recommend that the Board of County Commissioners approve, approve conditionally, modify, or deny the preliminary plat. "The reasons for action taken shall specify:

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

A. PROJECT AND SITE INFORMATION

BACKGROUND

- Assessor records indicate the original parcel was utilized as agricultural land for grazing (30 – 40 head of beef cattle), pasture, and hay production before it was split.
- In March of 2021, an application for an Administrative Land Division was approved for the original parcel (AD2021-0010, Exhibit 3). The parcel was divided as follows:

Parcel 1 (R37921)	5.013 ± acres with a residential building permit available.
Parcel 2 (R37921010)	5.011 ± acres with a residential building permit available.
Parcel 3 (R37921011)	14.906 ± acres agricultural only with no building permit available.

PROPOSAL/SUMMARY

The applicant, Subdivision Maker, LLC representing the property owners, Ryan and Heidi Walker, are requesting a **Conditional Rezone and Development Agreement** for approximately 14.906-acres to change the zoning district from "A" (Agricultural) to "CR-RR" (Conditional Rezone – Rural Residential). The request includes a **Short Plat** for Edenbrook Estates Subdivision. The proposed plat contains three five-acre single-family lots and one private road lot.

Edenbrook Estates Subdivision – Preliminary Plat and Site Data

Site Data

- The site is currently undeveloped.
- Size: The parcel is approximately 14.906 acres
- Zone: A Conditional Rezone Rural Residential (CR-R-R) is proposed in conjunction with the Short Plat request.
- Lots: The applicant proposes three (3) residential lots and one (1) private road lot.

Access and Roads

- Access: The applicant proposes a 60' ingress/egress onto Goodson Road via an existing 60' ingress/egress easement.
- Roads: A private road is proposed to serve the lots.

Facilities and Services

- Potable Water: Individual domestic wells are proposed in compliance with Southwest District Health requirements (Preliminary Plat Note. 2)
- Sewage Disposal: Individual septic systems are proposed in compliance with Southwest District Health requirements (Preliminary Plat Note. 3)
- Irrigation: Surface irrigation water is delivered by Black Canyon Irrigation District via Lateral Conway Gulch through an existing 6" pipe to the property's north boundary.
- Drainage: Stormwater run-off is proposed to be contained on-site and will be the responsibility of each lot owner (Preliminary Plat Note. 8)

- Power: The area is served by Idaho Power.
- School District: Middleton School District.
- Fire District: Middleton Rural Fire District.

CHARACTER OF SURROUNDING AREA

Purpose of Zones (§07-10-25)

The property is zoned “A” (Agricultural). The purpose of the zone is to:

- “Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- Limit urban density development to Areas of City Impact in accordance with the comprehensive Plan;*
- Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive Plan.”*

The applicant requests approval for a Conditional Rezone “R-R” (Rural Residential). The purpose of the zone is to: *“encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.”*

The following site photos were taken by staff on August 12, 2022.



Image 1. Looking south into the site.



Image 2. Looking south into the site.



Image 3. Looking southeast from the north side of the site. The image shows the site and property to the east.



Image 4. Looking northeast.



Image 5. In the site looking north.



Image 6. In the site looking north northeast.



Image 7. In the site looking northwest.



Image 8. North of the site looking southwest.



Image 9. North of the site looking east southeast.



Image 10. West of the site on Wagner Road looking east.



Image 11. West of the site on Wagner Road looking north northeast.



Image 12. West of site on Wagner looking north northeast.

Existing Conditions within one (1) mile		Zoning
NW	Overview Acres Subdivision, Stadium Subdivision, Kimber Ridge Subdivision, and productive farmland.	A, CR-RR, R-R
N	Goodson Subdivision, productive farmland.	A
NE	Residential development and I-84.	A, R-R
E	Productive farmland, residential development, I-84.	A, CR-RR
SE	Productive farmland.	A
S	Productive farmland and sporadic homesites.	A
SW	Productive farmland and sporadic homesites.	A
W	Productive farmland, Elm Crest Subdivision, and residential developments.	A, CR-RR, R-R

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).

The property immediately to the east (R37922010) was conditionally rezoned to “R-R” (Conditionally Rezone Rural Residential, CR2019-0011) with a Development Agreement in 2019. The development of the 35 acres was restricted to no more than three (3) parcels, limited to one single-family dwelling per parcel, and no future development without amending the Comprehensive Plan Future Land Use Map. The residential to the west was created through the Administrative Land Division process and plats prior to 1979.

Subdivisions in the Area

Within one (1) mile of the site, there are ten (10) platted subdivisions and two (2) subdivisions in the public hearing process for a total of 289 lots (Exhibit 5d). The average platted lot size for subdivisions within one (1) mile is 4.84 acres. Within the notification radius of 600 feet, the median parcel size is 2.15 acres, and the average is 10.89 acres.

Subdivision	Acres	Number of Lots	Average lot size	Year Platted
Butterfly Ridge No. 1	52.14	13	4.01	2002
Butterfly Ridge No. 2	86.75	20	4.34	2006
Coombes Sub No. 1	25.10	16	1.57	1972
Elm Crest Sub	35.23	41	0.86	1973
Goodson Sub	13.79	3	4.60	1996
Kimber Ridge Sub No. 1	16.11	5	3.22	2021
Kimber Ridge Sub No. 2	32.37	9	3.60	2022
Overview Acres Sub	11.19	4	2.80	2005
Silver Sage Estates No. 1	28.79	20	1.44	2006
The Stadium Subdivision	357.41	5	71.48	2018
<i>Hornet Cove Sub</i>	<i>16.19</i>	<i>14</i>	<i>1.16</i>	<i>In process</i>
<i>Stadium Sub No. 2</i>	<i>221.86</i>	<i>136</i>	<i>1.63</i>	<i>In process</i>

AGRICULTURE

Soil and Farmland

As shown in Exhibit 5f, the property consists of the following soil capability classes:

- Class 3 Moderately Suited Soil: 3.08 acres (20.66%)
- Class 4 Moderately Suited Soil: 1.91 acres (12.80%)
- Class 6 Least Suited Soil: 9.92 acres (66.54%)

The farmland report identified the following farmland type:

- Not prime farmland: 9.92 acres (66.54%)
- Prime farmland if irrigated: 3.08 acres (20.66%)
- Farmland of statewide importance, if irrigated: 1.91 acres (12.80%)

Dairies and Feedlots

One feedlot is located over one (1) mile from the subject property. No dairies were identified within two (1) of the subject property (Exhibit 5g).

FACILITIES

Domestic Water, Sanitary Sewer, and Stormwater

The subject property is not located within an Area of City Impact. Potable water in the area consists of domestic private wells, and sanitary sewer consists of individual septic systems. The applicant is proposing individual private wells to serve the lots. Individual septic systems are proposed to serve the lots. Stormwater is proposed to be maintained on-site.

Irrigation

The subject property has surface water rights and is served by Black Canyon Irrigation District. Development of the site will be required to protect irrigation maintenance road right-of-ways, lateral right-of-ways, and drainage right-of-ways. Based on a letter from Black Canyon Irrigation District, any laterals affected by the development will be required to be piped and structures built to ensure the continuation of irrigation water delivery. (Exhibit 4a)

Access and Traffic

The northern properties have approximately 819 feet of frontage along Goodson Road, which is maintained by Notus Parma Highway District No. 2. The proposed lots will have access onto Goodson Road via a private road. Image 14 shows Goodson Road is a non-striped two-lane rural road. The 2030 Functional Classification map identifies the roadway as a Collector.

The parcel is located within the COMPASS Traffic Analysis Zone 2036 (Exhibit 5k). The TAZ is utilized for tabulating traffic-related data and provides future population, households, and jobs forecasts. The TAZ 2701 identifies a household growth of -4 – 50 between 2020 and 2040.

SERVICES

On May 26, 2022, all affected essential services agencies were notified. No comments were received.

Emergency Services

The area is served by Middleton Fire District and Canyon County Sheriff. The closest fire station is Middleton Rural Fire District Station No. 2, located approximately 4.6 miles east of the site.

Schools

The site is within Middleton School District.

HAZARDS

Nitrate Priority Area

The site is located outside of a nitrate priority area. The Maximum Contaminant Level (MCL) is the maximum permissible level of a contaminant that is delivered in a water system. The Environmental Protection Agency MCL for nitrates is ten parts per million (10 mg/L (milligrams per liter)). Nitrates above 10mg/Lis are expected to cause significant health problems. Wells in the area have nitrate levels ranging from 0.005 – 2.00 milligrams per liter. (Exhibit 5i)

COMPREHENSIVE PLAN

The subject property and surrounding area are designated as Agriculture on the 2020 Canyon County Comprehensive Plan Future Land Use map (Exhibit 5j). The table below identifies goals and policies in the Plan that align (green) and do not align (red) with the project, as proposed.

Chapter 2. Population

Goal 1. Consider population growth trends when making land use decisions.

Chapter 5. Land Use

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

Goal 3. Use appropriate techniques to mitigate incompatible land uses.

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

Policy 2. Encourage residential development in areas where agricultural uses are not viable.

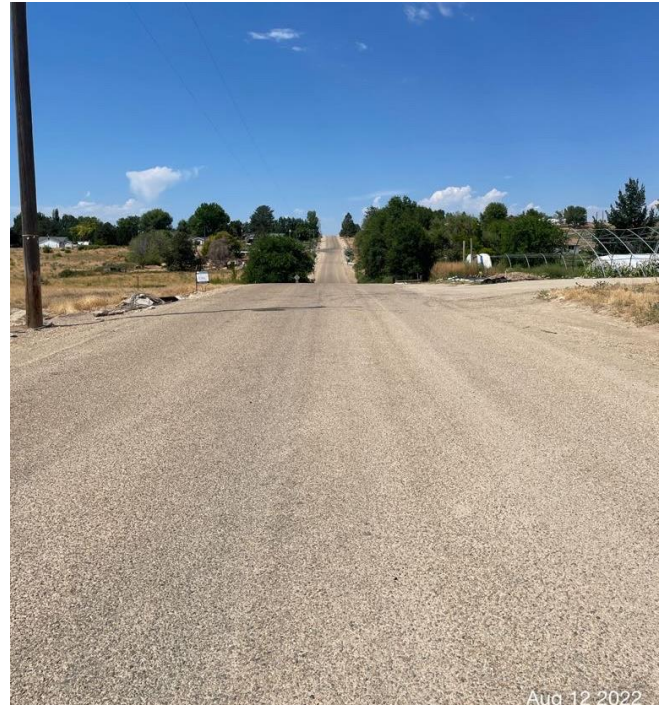


Image 14. Looking west down Goodson Road.

Chapter 8. Public Services, Facilities and Utilities Component

Policy 3. Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

Chapter 11. Housing

Goal 1. Encourage opportunities for a diversity of housing choices in Canyon County.

Chapter 4. Economic Development

Goal 2. To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities.

Chapter 5. Land Use

Agriculture Policy 1. Encourage the protection of agricultural land for the production of food.

Chapter 6. Natural Resources

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

Chapter 13. Agriculture

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

Policy 1. Preserve agricultural lands and zoning classifications.

B. COUNTY CODE REQUIREMENTS

Chapter 7 Article 10 Section 3 Private Road and Driveway Requirements

Development of the site will be required to meet private road requirements. A private road application will be required to be administratively approved before the case goes before the Board of County Commissioners.

Chapter 7 Article 10 Section 21 Setbacks; Minimum Parcel or Lot Size; Height Regulations

Should the request be approved, any structures on the property will be required to have a 20' front, 10' side, and 20' rear setback from the property lines and maximum building heights of 35'.

Chapter 7 Article 13 Section 3 Number of Space Required

Two parking spaces will be required for each dwelling unit built on the site.

Chapter 7 Article 17 Subdivisions

As outlined in the staff analysis of section D of this staff report, the development of the site shall meet the requirements of Article 17.

C. COMMENTS

Agency Comments

Affected agencies were notified on May 26, 2022. The following agencies responded:

- Black Canyon Irrigation District (Exhibit 4a): Provided comment requiring the protection of maintenance road right-of-ways, lateral right-of-ways, and drainage right-of-ways, piped laterals, adequate overflow, and a signed agreement with the District and Reclamation.
- Notus Parma Highway District No. 2 (Exhibit 4b): Provided comment with requirements.

Public Comments

Property owners within 600 feet of the subject property were notified on August 15, 2022. No comments were received.

D. STAFF ANALYSIS

Conditional Rezone with Development Agreement Staff Analysis

As a zoning case Planning staff has reviewed the case relative to the required criteria in Canyon County Zoning Ordinance Chapter 7 Article 7 Section 7 and is recommending approval of the Conditional Rezone with Development Agreement.

Conformance to the Comprehensive Plan

The proposed conditional rezone is generally consistent with the 2020 Canyon County Comprehensive Plan goals and policies. Although the Future Land Use for the site is Agriculture, the area has changed.

Character of the Area

Residential and agricultural uses characterize the immediate surrounding area. Since 1972 ten (10) subdivisions have been approved within one mile of the site with an average platted lot size of 4.84 acres. The proposal is for three residential lots with an average lot size of approximately five acres. The proposed lot sizes will be consistent with the character of the area, compatible with the surrounding uses, and will provide an opportunity for hobby farm uses. Conditions have been added to ensure that the site develops as proposed.

Infrastructure and Services

As conditioned, development of the site will be required to meet Highway District requirements for any improvements that may be needed on Goodson Road. A private road will serve the proposed lots with legal access onto Goodson Road.

As proposed and conditioned, facilities and services will be provided to serve the use, including individual domestic wells, individual septic systems, drainage, and irrigation. No evidence has been provided that the proposal would impact schools, police, fire, and emergency services. Conditions have been added to address public health, safety, and welfare.

Preliminary Plat Staff Analysis

Upon review, the preliminary plat meets the minimum requirements within CCZO Chapter 7, Article 17 (Subdivision Regulations) subject to conditions (Exhibit 2). A breakdown of the requirements is shown in the table below.

CCZO	Standard For	Required	Conformance		
			Y	N	N/A
07-17-09	Preliminary Plat				
07-17-09(1)(A)	Form of Presentation	Scale and drawing size	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
07-17-09(1)(B)	Identification and Descriptive Data	Subdivision name, location, developer information, surveyor/engineer information, north arrow, date, revision block, vicinity map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
07-17-09(1)(C)	Existing Conditions Data	Topography, location of water features and direction of flow, location/dimension/names of all right-of-ways, public areas, permanent structures to remain, and existing wells, adjacent recording subdivisions, zoning, acreage, boundaries, property owners within 300’.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
07-17-09(1)(D)	Proposed Conditions Data	Road layout, typical lot dimensions, private road lot, easements, public use, zoning, unique areas of development (hillside, etc.), labeled private or public roads. A private road application shall be required to be approved administratively before the case goes to the BOCC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
07-17-09(1)(E)	Proposed Utility Methods	Sewage, Water Supply, Stormwater Disposal, Irrigation System, Utility Easement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
07-17-09(2)	Acknowledgment	DSD acknowledgment of acceptance of the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
07-17-09(3)	Agency Review				
07-17-09(3)(A)(B)	Transmission and Written Reply	One copy of the preliminary plat provided to agencies. No comments from agency will be considered approval.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
07-17-09(4)	Commission Review				
07-17-09(4)(A)	P&Z or HE Public Hearing	Noticed public hearing on the preliminary plat with a recommendation. Scheduled for September 1, 2022	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

07-17-09(5)	Board Action				
07-17-09(5)(A)	Board consideration	Board consideration of the Commission's recommendation at a noticed public hearing. Board consideration will occur after the Planning and Zoning Hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
07-17-17	Combining Preliminary and Final Plats				
07-17-17(1)(A)(B)(C)	Developer request	Proposal does not exceed 14 lots; no major special development consideration; all required preliminary and final plat information is complete.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E. DECISION OPTIONS AND STAFF RECOMMENDATION

Decision Options

- The Planning and Zoning Commission may **recommend approval** of the conditional rezone/development agreement and preliminary plat;
- The Planning and Zoning Commission may **recommend denial** of the conditional rezone/development agreement and preliminary plat; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the conditional rezone/development agreement and the preliminary plat.

Staff is **recommending approval** of the Conditional Rezone (CR2021-0012) and Short Plat (SD2021-0057). Staff has provided the following findings for the Planning and Zoning Commission's consideration:

- 1) Findings of Fact, Conclusions of Law and Order for Case No. CR2021-0012 (Conditional Rezone/Development Agreement).
- 2) Findings of Fact, Conclusions of Law & Order for Case No. SD2021-057 (Short Plat).



PLANNING AND ZONING COMMISSION
Edenbrook Estates – Conditional Rezone CR2021-0012

Findings of Fact, Conclusions of Law, and Order

Findings of Fact

1. The applicant Subdivision Maker, LLC representing the property owners, Ryan and Heidi Walker, are requesting a **Conditional Rezone and Development Agreement** for approximately 14.906-acres, to change the zoning district from “A” (Agricultural) to “CR-RR” (Conditional Rezone – Rural Residential).
2. The subject property, parcel no. R37921011 is located approximately 600-feet south of Goodson Road and approximately 1,000-feet east of the Goodson Road/Wagner Road intersection, Caldwell; also referenced as a portion of the NW ¼ of Section 20, T5N, R3W, BM, Canyon County, Idaho.
3. The request is being heard concurrently with a **Short Plat** for Edenbrook Estates Subdivision (SD2021-0057). The proposed plat contains three five-acre single-family lots and one private road lot.
4. The property is currently zoned “A” (Agriculture).
5. The subject property is designated as Agriculture on the 2020 Canyon County Comprehensive Plan Future Land Use Map.
6. The subject property is not located in an Area of City Impact.
7. The subject property is located within Notus-Parma Highway District, Middleton Fire District, and Black Canyon Irrigation District.
8. A neighborhood meeting was held on May 13, 2021 pursuant to CCZO §07-01-15.
9. Notice of the Planning and Zoning Commission public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on May 26, 2022. Newspaper notice was published on August 14, 2022. Property owners within 600’ were notified by mail on August 15, 2022, and the property was posted on or before August 23, 2022.
10. The record includes all testimony received at the Planning and Zoning Commission public hearing held on September 1, 2022, the staff report, exhibits, and all documents contained in Case File No. CR2021-0012.

Conclusions of Law

For case file CR2021-0012, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Conditional Rezone CCZO §07-06-07.

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

Conclusion: The proposed conditional rezone from “A” (Agricultural) to “Conditional Rezone Rural Residential” as conditioned is generally consistent with goals and policies in 2020 Comprehensive Plan and is not consistent with the Future Land Use Map.

Finding: The proposed conditional rezone is not consistent with the 2020 Comprehensive Plan Future Land Use Map designation of Agriculture. The proposed conditional rezone as conditioned is generally consistent with goals and policies of the 2020 Comprehensive Plan as shown below:

Chapter 2. Population

Goal 1. Consider population growth trends when making land use decisions.

Chapter 5. Land Use

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

Goal 3. Use appropriate techniques to mitigate incompatible land uses.

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

Policy 2. Encourage residential development in areas where agricultural uses are not viable.

Chapter 8. Public Services, Facilities and Utilities Component

Policy 3. Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

Chapter 11. Housing

Goal 1. Encourage opportunities for a diversity of housing choices in Canyon County.

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

Conclusion: The proposed conditional rezone as conditioned is compatible with surrounding land uses.

Finding: The proposed conditional rezone is compatible with the surrounding area which is characterized by residential and agricultural uses. As conditioned development would be limited to the three residential lots with an average minimum lot size of 4.96 acres.

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

Conclusion: The proposed conditional rezone as conditioned is compatible with the surrounding uses.

Finding: There is rural residential development adjacent to the east, as well as further to the northwest, and north. The surrounding area consists of residential and agricultural uses. As conditioned development of the site is limited to three residential lots with an average minimum lots size of 4.96 acres. To remain compatible with the surrounding land use, each residential lot will be entitled to one single family dwelling. (Condition 4)

4. 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 as conditioned will not negatively affect the character of the area. Measures will be implemented to mitigate impacts.

Finding: The proposed conditional rezone as conditioned will not negatively affect the character of the area. Uses surrounding the site include agricultural and residential uses. As conditioned the development of the site will be restricted to three (3) residential lots and one (1) road lot. No secondary dwelling units shall be permitted and no additional splits will be available. (Condition 2 and 4)

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

Conclusion: Adequate facilities and services will be provided to accommodate the proposed conditional rezone.

Finding: Individual domestic wells and individual septic systems are proposed for the development of the parcel. Development will adhere to Southwest District Health and Idaho Department of Environmental Quality regulations and standards for new wells and septic systems. (Condition 1)

The property has water rights from Black Canyon Irrigation District. As conditioned historic irrigation laterals, drain and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company. (Condition 1 and 3)

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

Conclusion: The proposed conditional rezone will not require public street improvements in order to provide access to and from the subject property.

Finding: The development will have access onto Goodson Road via an existing 60' ingress/egress and a private road is proposed to serve the lots. A condition has been added to ensure the site develops in accordance with Notus-Parma Highway District No. 2 standards. (Condition 1)

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

Conclusion: The site has existing legal access onto Goodson Road.

Finding: The site has existing legal access onto Goodson Road via an existing 60' ingress/egress. The proposed residential lots will be served by a private road lot.

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

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

Finding: No evidence has been provided to indicated that the proposed use will require additional public funding to meet the needs created by the requested use and police, fire, and emergency medical services will be provided to the property. A condition has been added to ensure development of the site will meet Middleton Rural Fire District Standards (Condition 1)

§07-06-07B: Conditions be met: The development agreement must be signed and recorded before final approval is given.

§07-06-07C: Conditions Incorporated into Document: Any conditions, stipulations, restrictions or limitations imposed pursuant to this section shall be incorporated as part of any site plan, plat, document of title of conveyance, and building permit relating to the restricted land.

CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property, including but not limited to,
 - a. Notus Parma Highway District No. 2
 - b. Idaho Department of Environmental Quality (DEQ)
 - c. Southwest District Health
 - d. Middleton Rural Fire District
 - e. Black Canyon Irrigation District.
2. The subject property, R37921011, containing approximately 14.91 acres shall be developed into no more than three lots, as described in Exhibit "A" and depicted in Exhibit "C". No additional splits are available. Development of more than three (3) residential lots are prohibited unless approved by subsequent comprehensive plan amendment, rezone, and platting applications.
3. Historic irrigation lateral, drain and ditch flow pattern shall be maintained and protected.
4. The new residential lots shall be entitled to one single-family dwelling per lot and all other uses provided for in the Rural Residential zone per CCZO 07-10-27 with the exception that there shall be no secondary dwelling units allowed.

5. 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.”
6. Commencement shall be the approval of a final plat.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein, the Planning and Zoning Commission **recommends approval** of Case No. CR2021-0012, a **Conditional Rezone** from a “A” (Agricultural) to “CR-R-R” (Conditional Rezone Rural Residential) for Parcel No. R37921011, subject to conditions of the Development Agreement (Attachment A).

APPROVED this ____ day of September, 2022.

**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 2022, 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: _____

**EXHIBIT A
LEGAL DESCRIPTION**

This parcel is a portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 20 in Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said W $\frac{1}{2}$ NW $\frac{1}{4}$, (W1/16N Corner, Section 27), a found 5/8 inch diameter rebar;

thence South 00°49'33" West along the East boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 555.48 feet to the **TRUE POINT OF BEGINNING**, a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence continuing South 00°49'33" West along the East boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 767.03 feet to the Southeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, a point witnessed by found 5/8 inch diameter rebar bearing North 00°49'33" East a distance of 25.00 feet;

thence South 00°48'19" West along the East boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 9.26 feet to a point on the centerline of Conway Drain;

thence traversing said centerline as follows:

South 33°28'23" West a distance of 114.68 feet;

Southwesterly 40.08 feet along the arc of a curve to the right having a radius of 60.00 feet and a central angle of 38° 16' 29" and a long chord which bears South 59°19'41" West a distance of 39.34 feet;

South 78°03'39" West a distance of 529.46 feet to a point witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 7°44'51" West a distance of 30.00 feet;

thence leaving said drain, bearing North 7°44'51" West a distance of 1016.11 feet to a found $\frac{1}{2}$ inch diameter rebar;

thence North 3°46'14" West a distance of 5.96 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 89°09'04" East, parallel with the North boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$, a distance of 763.73 feet to the **TRUE POINT OF BEGINNING**, said parcel being 14.906 acres more or less, and being subject to any and all easements and rights of way of record or implied.

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PLANNING AND ZONING COMMISSION
Edenbrook Estates – Short Plat SD2021-0057

FINDINGS, CONCLUSIONS LAW, AND ORDER

Findings of Fact

1. The applicant Subdivision Maker, LLC representing the property owners Ryan and Heidi Walker, are requesting a Short Plat for Edenbrook Estates Subdivision. The proposal contains three five-acre single-family lots and one private road lot.
2. The request is being heard concurrently with a Conditional Rezone with Development Agreement for parcel R37921011 to change the designation of the property from “A” (Agricultural) to “CR-RR” (Conditional Rezone – Rural Residential).
3. The subdivision contains three (3) residential lots with in an average lot size of 4.95 acres.
4. Lot 4 is a private road lot that will provide the residential lots access to Goodson Road. Existing access consists of 60’ ingress/egress.
5. The property has surface irrigation rights. Irrigation will be provided via pressurized irrigation. (Attachment A, Irrigation Summary Note 1 and 3).
6. Storm water run-off shall be maintained on site by swales, ditches, and similar retention methods on-site by each lot owner (Attachment A, Plat Note 8 and 9).
7. Water and sanitary services will be provided via individual wells and individual septic systems (Attachment A, Plat Note 2 and 3).
8. Notice of the Planning and Zoning Commission public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on May 26, 2022. Newspaper notice was published on August 14, 2022. Property owners within 600’ were notified by mail on August 15, 2022, and the property was posted on or before August 23, 2022.
9. The record includes all testimony received at the Planning and Zoning Commission public hearing held on September 1, 2022, the staff report, exhibits, and all documents contained in Case File No. SD2021-0057.

Conclusions of Law

Pursuant to CCZO §07-17-09(4): *“The commission or hearing examiner shall hold a noticed public hearing on the preliminary plat. The hearing body shall recommend that the board approve, approve conditionally, modify, or deny the preliminary plat. The reasons for such action will be shown in the Commission's minutes. The reasons for action taken shall specify:*

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

Standard of Review for Subdivision Plat:

- A. Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions);
- B. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- C. Canyon County Zoning Ordinance (CCZO), Article 17 (Subdivision Regulations)

The preliminary plat with irrigation and drainage plan are in conformance with CCZO Article 17, Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions), Idaho Code, Sections 50-1301 through 50-1329 (Platting), Idaho Code, Section 31-3805 (Irrigation) and Canyon County Code Chapter 7, Article 17 (Subdivisions). The short plat (preliminary and final plat) were found to be complete by Keller Associates (Attachment B) subject to conditions of approval.

Conditions of Approval

1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
2. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation of ditch company (Attachment B).
3. Plat shall comply with Black Canyon Irrigation District requirements (Attachment B).
4. Finish grades at subdivision boundaries shall match existing finish grades. Run-off shall be maintained on subdivision property unless otherwise approved (Attachment B).
5. Plat shall comply with the requirements of Notus Parma Highway District No. 2 (Attachment B). Evidence of compliance shall be by Notus Parma Highway District No. 2 signature on the final plat.
6. The development shall comply with Southwest District Health requirements (Attachment B). Evidence of compliance shall be Southwest District Health's signature on the final plat.
7. Private road shall adhere to private road requirements of section 07-10-03 of Canyon County Code. (Attachment B). A private road application shall be required to be approved through an Administrative Decision before construction begins on the roadway.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0057, the Planning & Zoning Commission recommends **approval** of the preliminary plat for Edenbrook Estates Subdivision subject to conditions of approval as enumerated herein.

RECOMMENDED FOR APPROVAL on this _____ day of _____, 2022.

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

Robert Sturgill, Chairman

State of Idaho)

SS

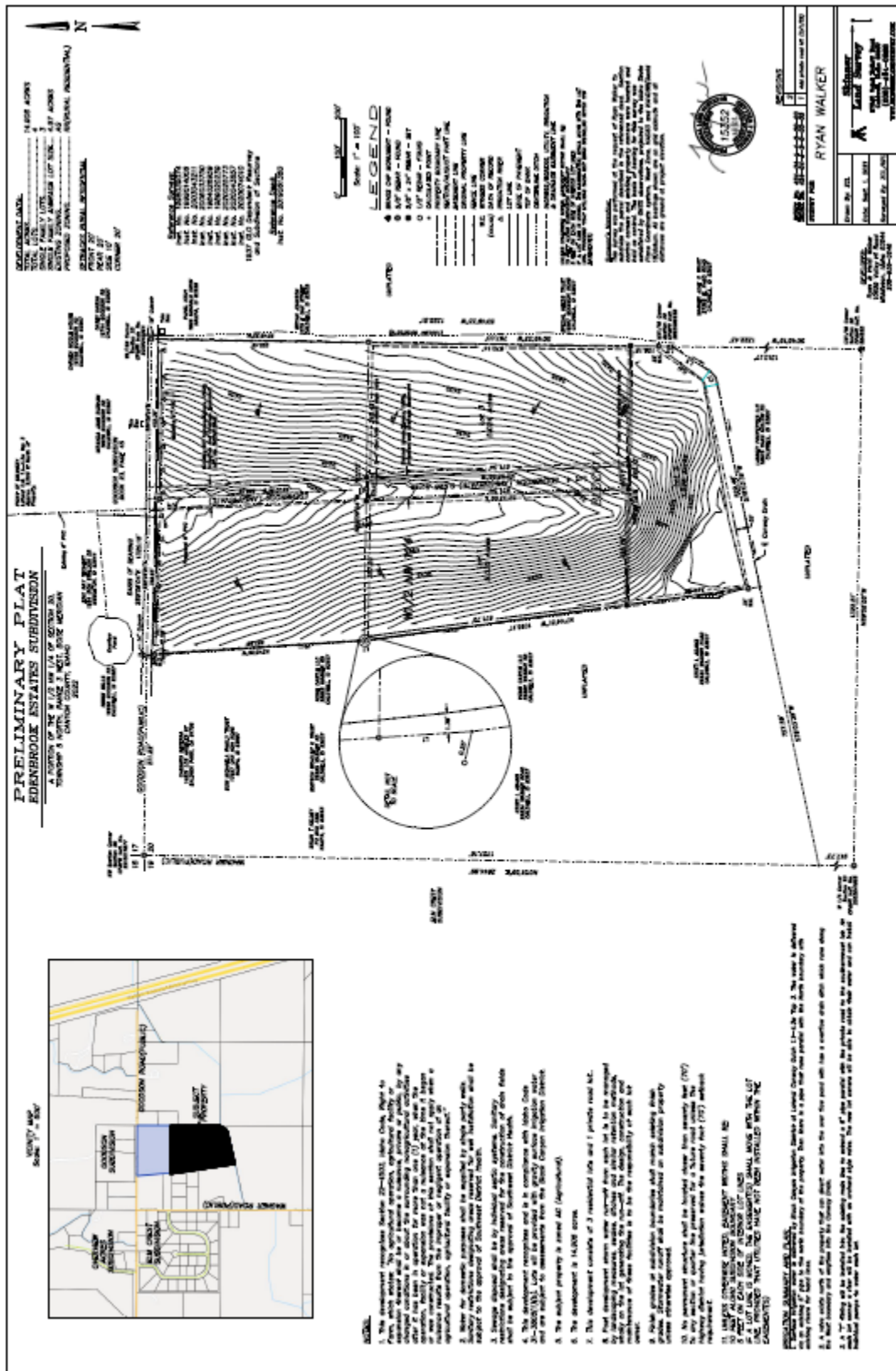
County of Canyon County)

On this _____ day of _____, in the year 2022, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary: _____

My Commission Expires: _____

ATTACHMENT A
PRELIMINARY PLAT



**ATTACHMENT B
KELLER APPROVAL**



April 18, 2022

Ms. Elizabeth Allen
Canyon County Planner
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Edenbrook Estates Preliminary Plat Application

Dear Ms. Allen:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Edenbrook Estates Subdivision dated March 1, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:

1. Private road shall adhere to private drive requirements of section 07-10-03 of the Canyon County Code.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
3. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
4. Plat shall comply with requirements of the local highway district.
5. Plat shall comply with irrigation district requirements.
6. Plat shall comply with Southwest District Health requirements.

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

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

Sincerely,

KELLER ASSOCIATES, INC.

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

Justin Walker, P.E.
County Engineer

213060-250/20-125

GROWING POSSIBILITIES

Subdivision Maker LLC

1434 New York Street, Middleton, Idaho 83644

208-899-9556

darin.taylor@subdivisionmaker.com

October 28, 2021

Development Services Department
111 N. 11th Avenue
Caldwell, Idaho 83605

Re: Application – Conditional Rezone and Short Plat Canyon
County Assessor's Parcel No.: 37921011

Development Services Department:

Subdivision Maker LLC, on behalf of landowner Ryan and Heidi Walker, is applying to conditionally rezone approximately 14.906 acres from A (Agricultural) to R-R (Rural Residential), and for preliminary and final plat approval of Edenbrook Estates Subdivision consisting of three, approximately 5-acre residential lots located about 600 feet south of Goodsoon Road about 1,000 feet east of the Goodson Road/Wagner Road intersection in Canyon County, Idaho.

I reserved the subdivision and road names previously so there should not be a conflict. The subject property is shown on the Canyon County Future Land Use Map adjacent to the Residential area on the north side of Goodson Road. On March 5, 2021, the county-approved administrative land division was recorded as Instrument Number 2021-016393, which created the two, approximately five-acre parcels situated between the subject property and Goodson Road. A road users' agreement was recorded at that time for the shared approach to Goodson Road as required by the highway district. Also, CC&Rs were recorded to use and maintain the common irrigation system.

The subject property is bordered on west, north and east by rural residential parcels, Interstate 84 on the east, and a farm field on the south. Black Canyon Irrigation District provides surface water irrigation to, and drainage from, the subject property via Conway Gulch.

A neighborhood meeting was held May 13, 2021 and eight people attended. Each liked the plan for larger lot sizes and continued hobby-farms lifestyles.

Enclosed is the Master Application, this letter describing the request, Subdivision Worksheet, Irrigation Plan Application, neighborhood meeting sign-up sheet (required for rezone), copy of the recorded Road Users' Agreement, copy of the recorded Declaration of Covenants, Conditions,

EXHIBIT 3

Development Services Department

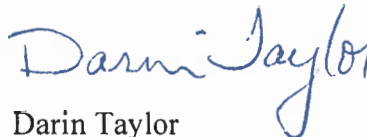
October 28, 2021

Page 2 of 2

Restrictions, Easements, and Shared Irrigation System, one paper copy and one electronic copy of the preliminary and final plats, a copy of the deed verifying the Walkers' ownership, and the \$2,945.00 filing fee for a conditional rezone and short plat (simultaneous process for the preliminary and final plats).

Please contact me if you have questions or would like additional information. Thank you.

Sincerely,



Darin Taylor
Subdivision Maker, LLC

Copy: Ryan and Heidi Walker

Subdivision Maker LLC

1434 New York Street, Middleton, Idaho 83644

208-899-9556

darin.taylor@subdivisionmaker.com

October 28, 2021

Development Services Department
111 N. 11th Avenue
Caldwell, Idaho 83605

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Development Services Department

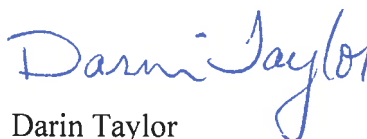
October 28, 2021

Page 2 of 2

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Please contact me if you have questions or would like additional information. Thank you.

Sincerely,



Darin Taylor
Subdivision Maker, LLC

Copy: Ryan and Heidi Walker

SUBDIVISION WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633



GENERAL

1. HOW MANY LOTS ARE YOU PROPOSING?

Residential Three (3) Non-buildable Zero (0) Common Zero (0)

2. AVERAGE LOT SIZE OF THE RESIDENTIAL PARCELS

4.97 ACRES

IRRIGATION

1. IRRIGATION WATER IS PROVIDED VIA:

☐ Irrigation Well ☒ Surface Water

2. WHAT PERCENTAGE OF THE PROPERTY HAS WATER? 100 %

3. HOW MANY INCHES OF WATER ARE AVAILABLE TO PROPERTY? 14.9

4. HOW DO YOU PLAN TO RETAIN STORM AND EXCESS WATER ON EACH LOT?

Barrow ditch along the driveway, natural features and historic drainages.

5. HOW DO YOU PLAN TO PROCESS STORM WATER / EXCESS IRRIGATION WATER PRIOR TO IT ENTERING THE ESTABLISHED DRAINAGE SYSTEM?

Percolation and Natural Filtration

ROADS

1. ROADS WITHIN THE DEVELOPMENT WILL BE:

☐ Public ☒ Private ☐ N/A

* Private Road names must be approved by the County and the private road application submitted with the Preliminary Plat*

HILLSIDE DEVELOPMENT

1. OF THE TOTAL LOTS REQUESTED, HOW MANY OF THE LOTS WILL CONTAIN SLOPES GREATER THAN 15%?

Residential Zero Non-Buildable Zero Common Zero

2. WILL THE PROPOSED ROAD (S) BE LOCATED WITHIN ANY AREA THAT HAS SLOPES GREATER THAN 15%?

☐ YES ☒ NO

*If YES, a grading plan is required.

SUBDIVISION WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



SUBDIVISIONS WITHIN AN AREA OF CITY IMPACT

1. WILL YOU BE REQUESTING WAIVERS OF SUBDIVISION IMPROVEMENT REQUIREMENTS FROM THE CITY?
☐ YES ☒ NO

2. IF YES, WHICH WAIVERS WILL YOU BE REQUESTING?
☐ CURBS ☐ GUTTERS ☐ SIDEWALKS ☐ STREETLIGHTS ☐ LANDSCAPING

IRRIGATION PLAN APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633



Applicant(s)	Ryan and Heidi Walker	208-936-0646
	Name	Daytime Telephone Number
	10629 Valley Hi Road, Middleton, ID 83644	
	Street Address	City, State Zip

Representative Name	Darin Taylor, Subdivision Maker LLC	208-899-9556
	Daytime Telephone Number / E-mail Address	
	1434 New York Street, Middleton, ID 83644	
	Street Address	City, State Zip

Location of Subject Property: 1,000 feet east Goodson Road/Wagner Road intersection, 557 feet south of Goodson Rd.
Two Nearest Cross Streets or Property Address City

Assessor's Account Number(s): R 37921011 Section 20 Township 5 N Range 3 W

This land:



Has water rights available to it.



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

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

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

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

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

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

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

Irrigation: Black Canyon Irrigation District

Drainage: Black Canyon Irrigation District

3. How many acres is the property being subdivided? 14.906 Acres

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

5. How many inches of water are available to the property? 14.9

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

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

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

Irrigation diverts from the the Conway Gulch Lateral and flows in a burried irrigation pipe south to the south side of Goodson Rd. then Ts east and west with risers each 50 feet for handline connections. A valve exists north of Goodson Rd. that can divert water into an overflow pond that drains by open ditch to the Conway Drain. A 6-inch burried irrigation pipe connecting to the T at the south side of Goodson will deliver water to a riser on each lot. The gravity fed irrigation system is pressurized naturally because of the elevation drop to the southern most lot, which is the end of the line/last land to irrigation using this system.

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

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

Barrow ditch driveway, natural features and historic drainages.

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

Percolation and Natural Filtration

===== Applicant Acknowledgement =====

I, the undersigned, agree that prior to the Development Services Department accepting this application I am responsible to have all of the required information and site plans.

I further acknowledge that the irrigation system, as approved by the Planning and Zoning Commission and ultimately the Board of County Commissioners, must be bonded and/or installed prior the Board's signature on the final plat.

Signed:

Alexis Walker

Property Owner

Date:

10 / 27 / 21

(Application Submitted)

Signed:

Darin Taylor

Applicant/Representative (if not property owner)

Date:

10 / 26 / 2021

(Application Submitted)

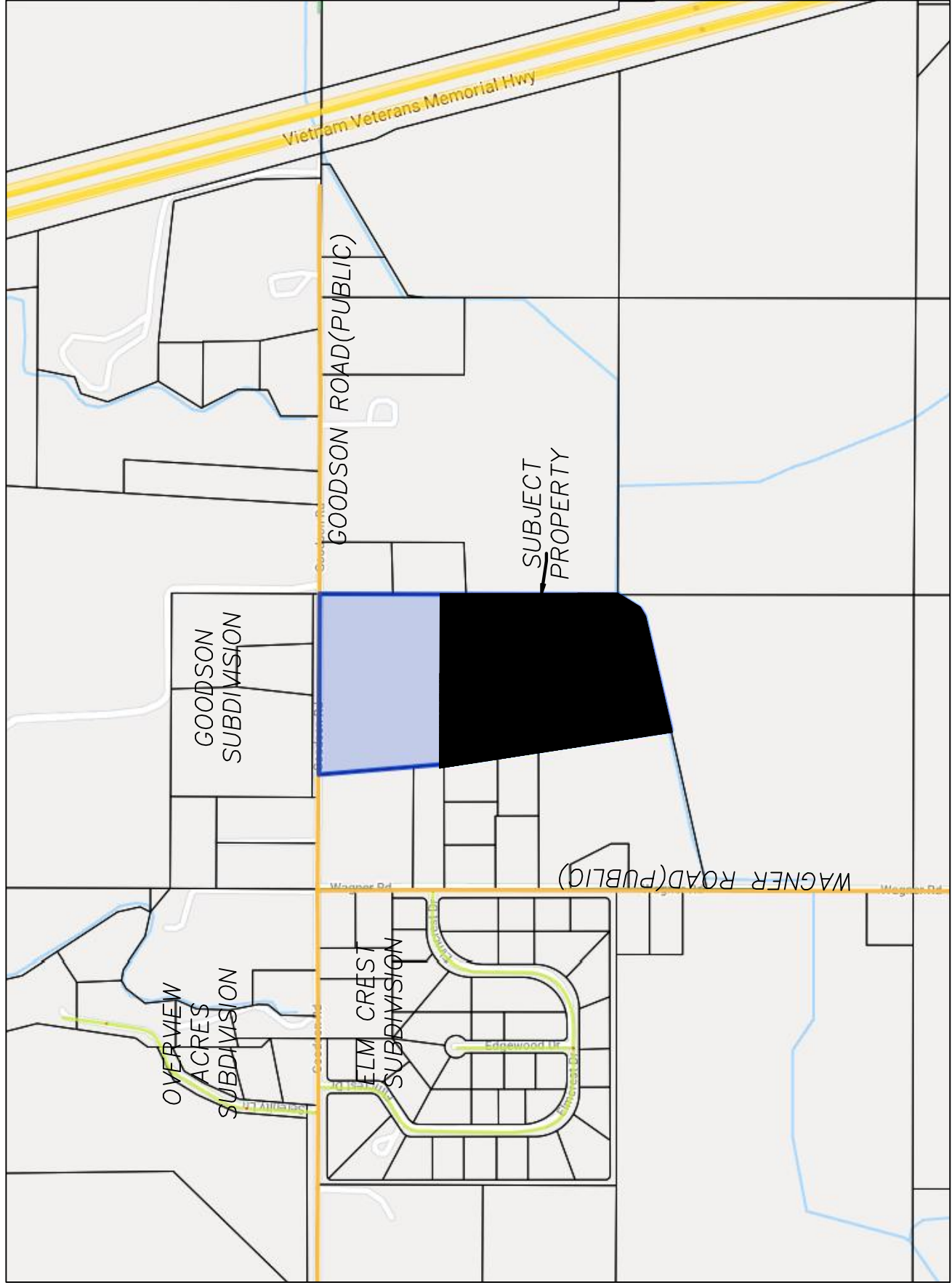
Accepted By:

Director / Staff

Date:

____/____/____

VICINITY MAP
Scale: 1" = 600'



NOTES:

1. This development recognizes Section 22-4503, Idaho Code, Right to Farm, which states: "No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any expanded conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof."
2. Water for domestic purposes shall be supplied by single party wells. Sanitary restrictions designating areas reserved for well installation shall be subject to the approval of Southwest District Health.
3. Sewage disposal shall be by individual septic systems. Sanitary restrictions designating areas reserved for the construction of drain fields shall be subject to the approval of Southwest District Health.
4. This development recognizes and is in compliance with Idaho Code 31-3805(1)(b). Lots will be provided with gravity surface irrigation water and are subject to assessments from the Black Canyon Irrigation District.
5. The subject property is zoned AG (Agricultural).
6. The development is 14,906 acres.
7. The development consists of 3 residential lots and 1 private road lot.
8. Post development storm water run-off from each lot is to be managed by landscaping measures, swales, ditches and similar retention methods, wholly on the lot generating the run-off. The design, construction and maintenance of these facilities is to be the responsibility of each lot owner.
9. Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on subdivision property unless otherwise approved.
10. No permanent structure shall be located closer than seventy feet (70') to any section or quarter line preserved for a future road unless the highway district having jurisdiction waives the seventy foot (70') setback requirement.
11. UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
10 FEET ALONG SUBDIVISION BOUNDARY
5 FEET ON EACH SIDE OF INTERIOR LOT LINES
IF A LOT LINE IS MOVED, THE EASEMENT(S) SHALL MOVE WITH THE LOT LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S)

IRRIGATION SUMMARY AND PLAN:

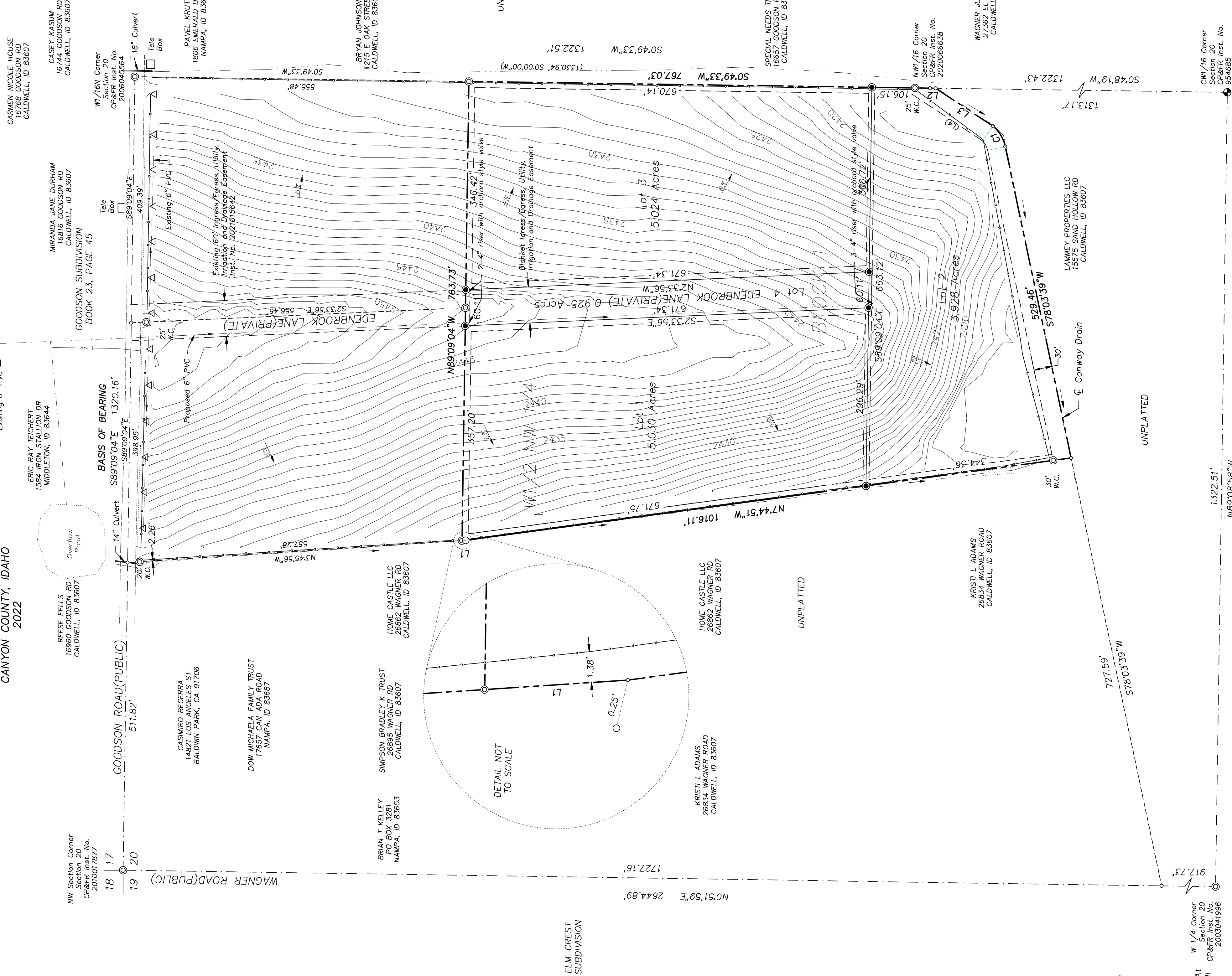
1. Surface irrigation water is delivered by Black Canyon Irrigation District at Lateral Conway Gulch 1.1-4.3w Top 3. The water is delivered via an existing 6" pipe to the north boundary of the property. Then there is a pipe that runs parallel with the North boundary with existing risers for hand lines.
2. A valve exists north of the property that can divert water into the over flow pond with has a overflow drain ditch which runs along the West boundary and empties into the Conway Drain.
3. A 1" fitting will be installed into the existing main line to extend a 6" pipe parallel with the private road to the southernmost lot. At each lot corner a riser will be installed with an orchard style valve. The new lot owners will be able to obtain their water and can install individual pumps to water each lot.

PRELIMINARY PLAT
EDENBROOK ESTATES SUBDIVISION

A PORTION OF THE W 1/2 NW 1/4 OF SECTION 20,
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2022

POINT OF DELIVERY
Lateral C.G. 1.1-4.3w Top 3
Approx. 2,200 ft North of
Property.

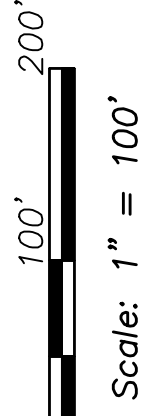
DEVELOPMENT DATA:
TOTAL ACRES..... 14,906 ACRES
TOTAL LOTS..... 4
SINGLE FAMILY LOTS..... 3
SINGLE FAMILY AVERAGE LOT SIZE... 4.97 ACRES
EXISTING ZONING..... AG
PROPOSED ZONING..... RR(RURAL RESIDENTIAL)
SETBACKS: RURAL RESIDENTIAL
FRONT 20'
REAR 20'
SIDE 10'
CORNER 20'



Reference Surveys:
Inst. No. 1998039074
Inst. No. 1999014006
Inst. No. 2003043211
Inst. No. 2006033750
Inst. No. 1984028959
Inst. No. 1989020239
Inst. No. 2020025773
Inst. No. 2020043857
Inst. No. 2020074010

1937 GLO Dependent Resurvey
and Subdivision of Sections

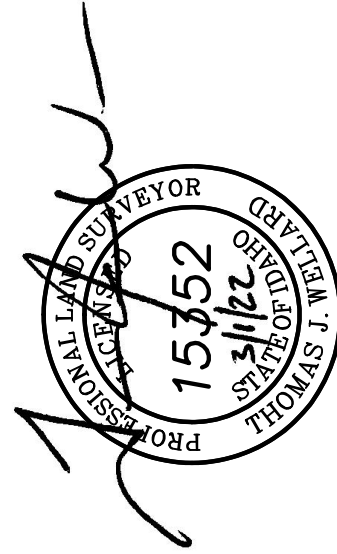
Reference Deed:
Inst. No. 2019061380



LEGEND

- BRASS CAP MONUMENT - FOUND
 - ⊙ 5/8" REBAR - FOUND
 - ⦿ 5/8" x 24" REBAR - SET
 - 1/2" REBAR - FOUND
 - CALCULATED POINT
 - PROPERTY BOUNDARY LINE
 - SECTION/ALLOT PART LINE
 - EASEMENT LINE
 - ORIGINAL PROPERTY LINE
 - FENCE LINE
 - W.C. WITNESS CORNER (xxx.xx) DATA OF RECORD
 - △ IRRIGATION RISER
 - LOT LINE
 - EDGE OF PAVEMENT
 - TOP OF BANK
 - CENTERLINE DITCH
 - INGRESS/EGRESS, UTILITY, IRRIGATION & DRAINAGE EASEMENT LINE
- UNLESS OTHERWISE NOTED, EASEMENT WIDTHS SHALL BE:
10 FEET ALONG SUBDIVISION BOUNDARY
5 FEET ON EACH SIDE OF INTERIOR LOT LINES
IF A LOT LINE IS MOVED, THE EASEMENT(S) SHALL MOVE WITH THE LOT LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S)

Surveyor's Narrative:
This survey was performed at the request of Ryan Walker to subdivide the parcel described in the referenced deed. Section control corners and existing property corners were located and held as control. The basis of bearing for this survey was the Idaho State Plane Coordinate system, West Zone, NAD83 and NAVD83(Geoid 19 datum). All bearings shown are on grid azimuth and all distances are ground at project elevation.



REVISIONS

INDEX No.	434-04-1-4-0-00-00	2
INDEX No.	434-04-1-3-0-00-00	1
Add private road lot (3/1/22)		

SURVEY FOR:

RYAN WALKER

Skinner
Land Survey

17842 Sand Hollow Road
Caldwell, Idaho 83607
(208)–454–0933
WWW.SKINNERLANDSURVEY.COM

Drawn By: ZCL

Date: Sept. 1, 2021

Surveyed By: ZCL/KPL

Job No. JY2521

DEVELOPER:
Ryan & Heidi Walker
10629 Valley Hi Road
Middleton, Idaho 83644
208-936-0646

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

June 14, 2022

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

RE: Conditional Rezone and Development Agreement. Parcel R37921011
Case No. CR2021-0012, SD2021-0057
Applicant: Subdivision Maker LLC
Planner: Elizabeth Allen

The property is located approximately 600-feet south of Goodson Road and approximately 1000-feet east of the Goodson Road and Wagner Road intersection, City of Caldwell, Idaho.

The Black Canyon Irrigation District (District) has the following initial comments regarding this proposed land use change.

Any and all **maintenance road right-of ways, lateral right-of ways and drainage right-of ways** will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.

The District will require that the laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons.

Furthermore, as long as this property has irrigation water attached to it, an irrigation system with an adequate overflow needs to be installed to ensure the delivery of irrigation water to each lot and/or parcel of land entitled to receive irrigation water.

Runoff and drainage from the proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

The District and Reclamation will require a signed agreement be in place prior to any changes being made to the sections of the Conway Gulch Drain, C.G. 1.1-4.3-0.8 and any appurtenant irrigation facilities that are affected by the proposed land changes not listed in this letter. NOTE: The District and Reclamation will require that this section be piped meeting all District and Reclamation standards. Furthermore, the District and Reclamation may require additional modifications to ensure irrigation water is made available to patrons as this proposed project proceeds.

All of the above requirements shall be met, including any others that arise during future review. Please see the attached District Project Application form. It is recommended that the proponent apply using the attached form for their proposed project to help identify any additional project requirements.

Thank You,

Donald Popoff

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

EXHIBIT 4a

474 ELGIN ST. – P.O. BOX 226 – NOTUS, ID 83656 – 208-459-4141 – FAX 208-459-3428

Mailing address: P.O. Box 226, Notus, ID 83656

Page 1 of 2

A COMPLETE APPLICATION, INCLUDING ALL APPLICABLE FEES PAID IN FULL IS REQUIRED PRIOR TO ACCEPTANCE.

The following information is required for your application to be considered complete:

- Fill out all Name, Location, and project information on Page 1.
- In the space provided on Page 1, provide written description of the proposed project (describe the type of system, structures, or facility to be installed, to be constructed; physical specifications; when the construction is proposed to occur; duration of the project; etc.). Attach additional sheets as necessary.
- Attach a separate map/plan view drawing of the proposed project(s) showing locations of proposed construction and installation. Include the existing District's facilities and right of way (if known); include all proposed crossings, new facility locations, fences, gates, structures, etc.

Minimum map requirements include

- Section, Township, Range
- North Arrow
- Closest cross streets
- Parcel Number of Affected Property
- Property or Properties of affected project clearly identified (outlined parcel)
- Map shall be submitted in a legible typical scale.

*If map does not meet the above minimum requirements, the application will not be processed.

- Provide any additional detailed drawings, sketches, and materials to be used, and any other relevant project information. Include dimensions of structures, pipe sizes, locations, etc.
- Provide Non-refundable Fee - Paid in Full. Intake fees cover the following items: One (1), 1-hour intake review meeting with District staff and engineers, One (1) site visit, One (1) Development Intake Quotation (DIQ), and administrative processing costs.

UPON ACCEPTANCE OF THIS NEW PROJECT APPLICATION THE FOLLOWING STEPS WILL OCCUR:

1. A project intake meeting will be scheduled with the District (Typically scheduled at time of application submittal). Development Review meetings are generally scheduled to take place on Mondays, with four (4) one-hour slots reserved from 1PM to 4PM on a first come, first serve basis.
2. A site visit will be schedule after the project intake meeting has occurred.
3. A Development Intake Quotation (DIQ) will be provided to the applicant to estimate review fees for the project.
4. Development Standards will be provided to the applicant explaining the review process, requirements, and progression of the review process.

APPLICANT'S SIGNATURE

DATE

Please return completed applications to the District's office or mail to the address shown above. Completed applications can also be emailed to developmentreview@blackcanyonirrigation.com. If you have any questions, please contact the District's office at (208) 459-4141. No action will be performed by District staff until all application fees have been paid in full.



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

May 18, 2022

Canyon County Development Services Department
Attn: Elizabeth Allen
eallen@canyonco.org
111 North 11th Ave., Ste. 140
Caldwell, ID 83605

RE: EDENBROOKE ESTATES SUBDIVISION

To whom it may concern:

On behalf of the Notus Parma Highway District No. 2 (NPHD), J-U-B Engineers, Inc. has reviewed the Preliminary Plat application for the Edenbrooke Estates Subdivision dated March 1, 2022. Parcel is located on the south side of Goodson Rd., approximately 0.4 miles east of the intersection of Wagner Rd. & Goodson Rd., a portion of the W 1/2 NW 1/4 of Section 20, Township 5 North, Range 3 West, Canyon County, Idaho and submitted to NPHD on April 20, 2022.

1. Application requirements shall meet 2022 ACCHD Standards.
2. Application must meet the requirements outlined in ACCHD Section 3030 Right of Way.
 - a. Cul-de-sacs shall have a minimum right-of-way of a 65' radius with additional right-of-way as needed
 - b. 80 to 100-ft of R/W may be required in extreme cut and fill locations and is subject to catch limits.
3. Roadway design shall meet ACCHD Section 3040 Alignment.
 - a. The following roadway information will need to be included in order to verify compliance with the AASHTO green book:
 - i. Horizontal Alignments
 1. Stationing
 2. PC/PT's
 3. Tangent Lengths & Bearings
 4. Curve Information
 - ii. Vertical Alignments (Profiles)
 1. Grades
 2. Vertical Curves
 3. Intersection Stations
 - b. Intersection Site Distance shall meet Standard Drawing ACCHD-107A & 107B.
 - c. Local Road intersections shall have a minimum 30-foot radius curve connecting intersection right-of-way lines.
 - d. Local Roads at cul-de-sac bulbs shall have a minimum 20-foot radius curve.
 - e. Maximum length of a cul-de-sac on a rural roadway is 1,320-feet, servicing no more than 20 lots.

EXHIBIT 4b

4. Rural Roadway Spacing shall be per ACCHD Section 3061 Intersection and Approach Policy per the intended use.
5. Cul-de-sac at the terminal ends of all public streets designed in accordance with Standard Drawing ACCHD-104.
6. Two Lane Rural Road Section shall meet Standard Drawing ACCHD-101.
7. Drainage design will be required per ACCHD Section 3070.
 - a. All drainage features for the development shall be designed by an Idaho Registered Professional Engineer and approved by the NPHD in conjunction with the roadway plans.
 - b. Drainage easements shall be sized in accordance with an approved drainage report. The drainage report will need to address the following:
 - i. Design Storm
 - ii. Conveyance Systems (Ditches, Pipes, Inlets, Curb & Gutter, and other facilities)
 - iii. Secondary Conveyance Systems
 - iv. Detention Basins
 - v. Retention Basins / Subsurface Disposal Systems
 - c. The Homeowner's Association, underlying property owner or adjacent property owner is responsible for all storm drainage facilities outside the public right-of-way, including all routine and heavy maintenance.
8. Detention/Retention Facilities shall be sized in accordance with ACCHD Section 3070.
 - a. Design infiltration rates shall be based on percolation tests conducted by the Applicant's Engineer at the location of the proposed subsurface drainage facility, but in no case shall a rate exceeding eight (8) inches/hour be used.

NPHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

NPHD requests Canyon County Development Services incorporate these comments into proposed Conditions of Approval for consideration/approval by the Planning & Zoning Commission and the Canyon County Commissioners prior to approval of the preliminary plat.

Respectfully,

J-U-B ENGINEERS, Inc.

Timothy Blair, P.E. (ID, OR)

*Transportation Services Group
Regional Lead - Oregon/Southern Idaho*

Attached: ACCHD, Preliminary Plat Plan Review Checklist

Cc: Lynn Troxel, NPHD#2 Director of Highways

DEVELOPERS PLAN REVIEW CHECKLIST FOR CONDITIONAL USE, REZONE, PRELIMINARY PLAT

Subdivision: _____ Date: _____

Project Location: _____

Developer: _____

Phone: _____ e-mail: _____

Engineer: _____

Phone: _____ e-mail: _____

Developer's Engineer is to Complete This Form and Submit with the Appropriate Plans.
Reference the Highway Standards and Development Procedures for the Canyon County
Highway Districts when completing the Conditional Use, Rezone and/or
Preliminary Plat Plans and this Checklist.

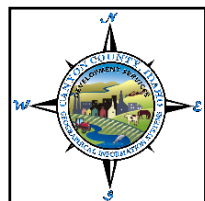
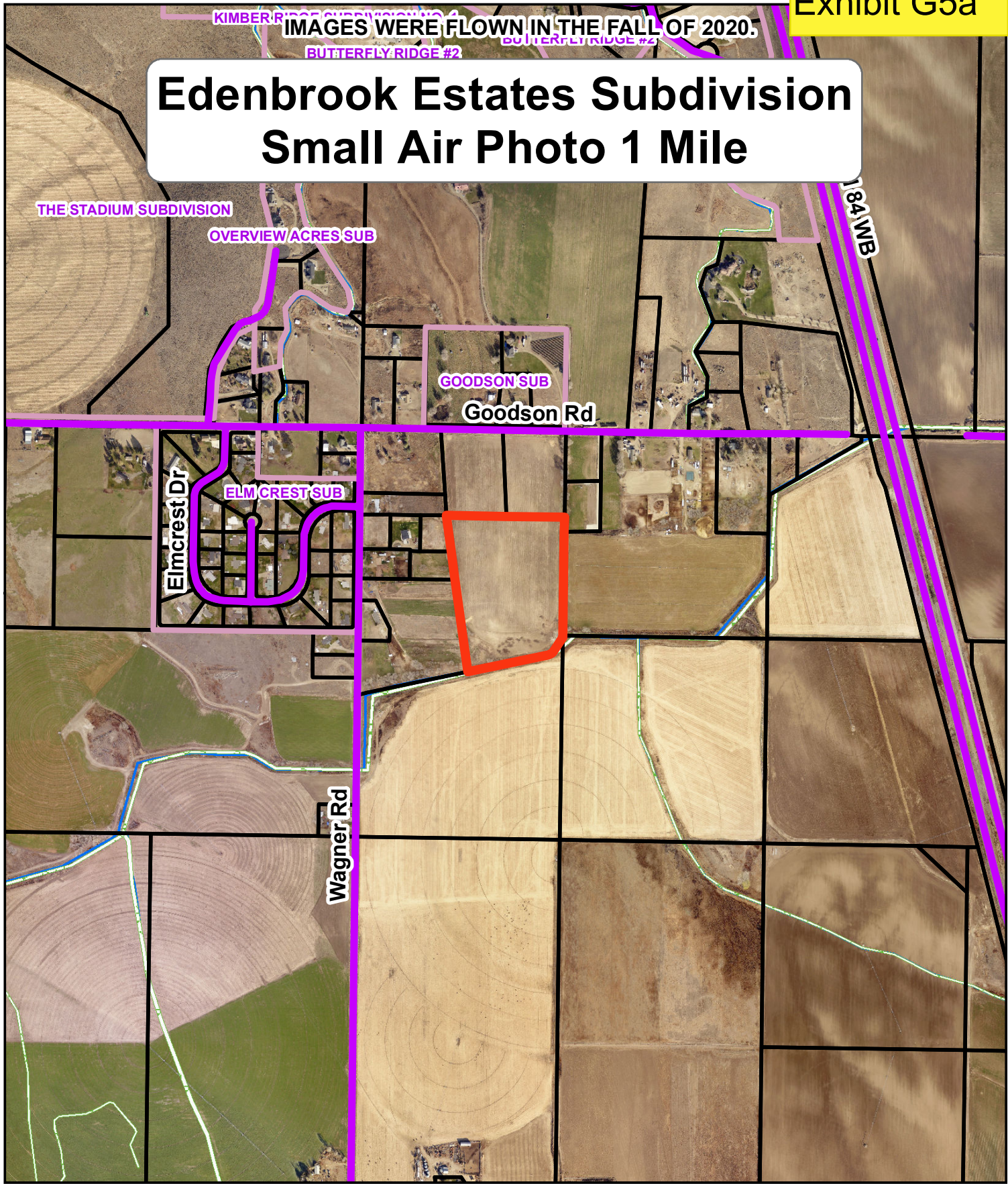
Mark Whether or Not Your Plans
Include the Following:

INCLUDED	NOT APPLICABLE	SUBMITTAL ITEM
		RIGHT-OF-WAY
		Roadway and cul-de-sac right-of-way meet standards
		All obstructions and right-of-way encroachments are shown to be removed
		Out parcels and associated right-of-way dedication are properly addressed
		Intersection of right-of-way lines have minimum required radii
		Sufficient right-of-way is provided for extreme cut and fill locations
		Stub streets are included as required by the District
		Utility, drainage and other required easements are shown
		Parallel frontage roads are included where required by the District adjacent to collector and arterial roadways
		Roadway alignment (curve radii, tangent lengths) meet standards
		INTERSECTIONS AND APPROACHES
		Roadway intersections and approaches meet the minimum spacing requirements
		Access to adjacent properties is available with no landlocked or intervening strip parcels
		Approaches and intersections have adequate sight distance
		Turn lane requirements have been analyzed
		Multiple access points to a single parcel have been pre-approved and meet the applicable spacing requirements

INCLUDED	NOT APPLICABLE	SUBMITTAL ITEM
		Commercial approaches and approaches serving three or more parcels are paved
		No direct access to adjacent collector and arterial roadways
		ROADWAY
		Roadway design meets District and AASHTO standards including but not limited to intersection geometry, horizontal alignment, profile, cross section and roadside grading
		Special considerations (i.e. curb and gutter) are included for development within the area of city impact
		The limits of pavement repair for existing roadways extends to the lane line or centerline
		TRAFFIC IMPACT STUDIES
		A traffic impact study is included based on the established criteria or requirement of the District
		Parameters and requirements of the traffic impact study have been discussed with the District
		Traffic impact mitigation measures are identified
		The traffic impact study is stamped by an Idaho Registered Professional Engineer
		DRAINAGE
		An area outside the public right-of-way and within an easement is provided for storm drainage disposal facilities
		The Homeowners Association, underlying property owner or adjacent property owner is responsible for all storm drainage facilities outside the public right-of-way, including all routine and heavy maintenance

IMAGES WERE FLOWN IN THE FALL OF 2020.

Edenbrook Estates Subdivision Small Air Photo 1 Mile

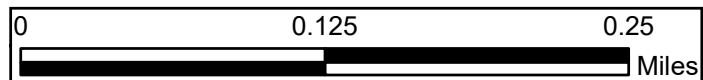
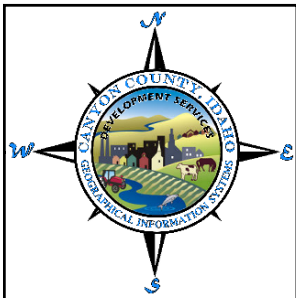
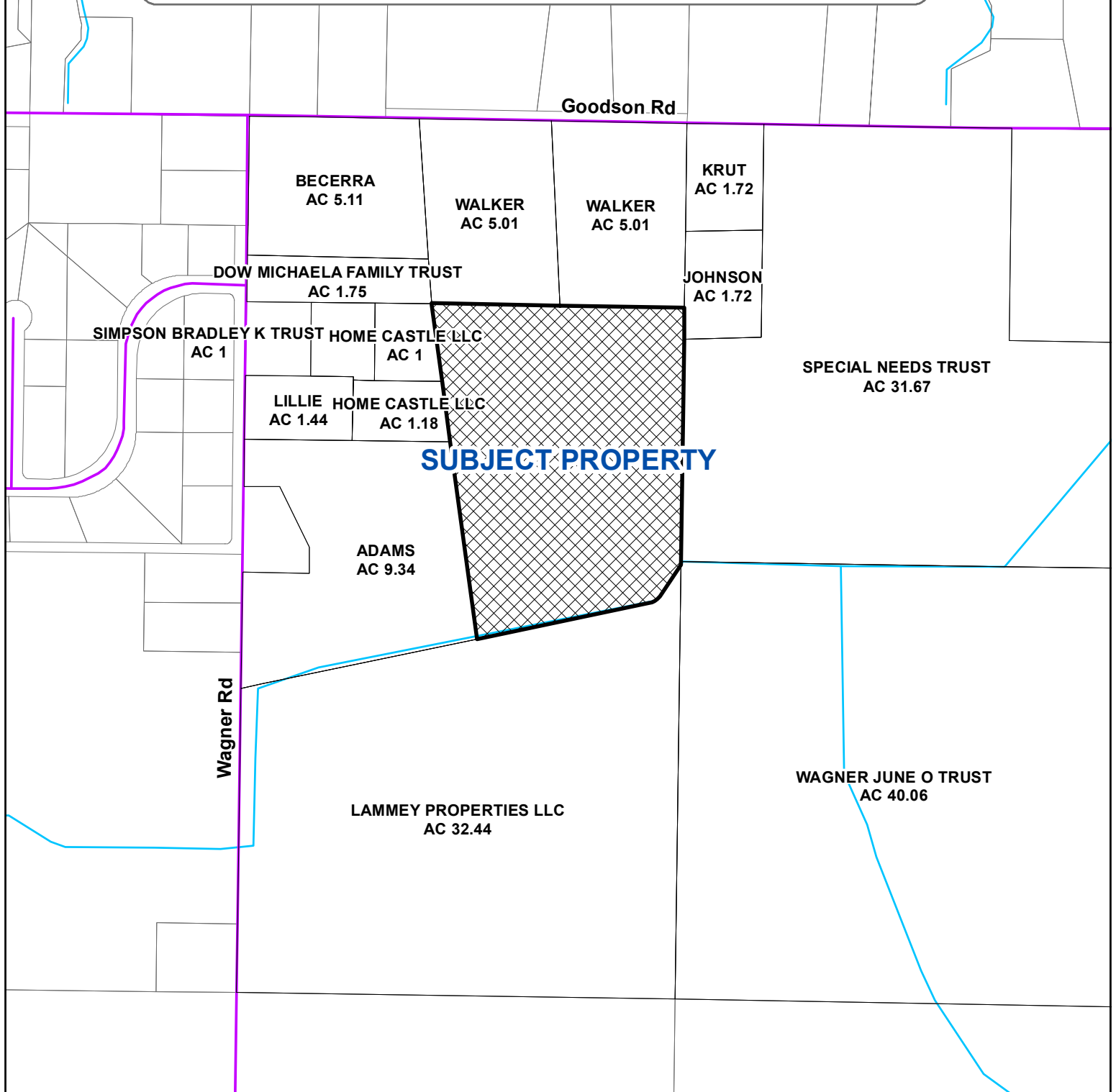


City Limits
Wetlands

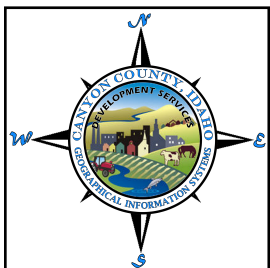
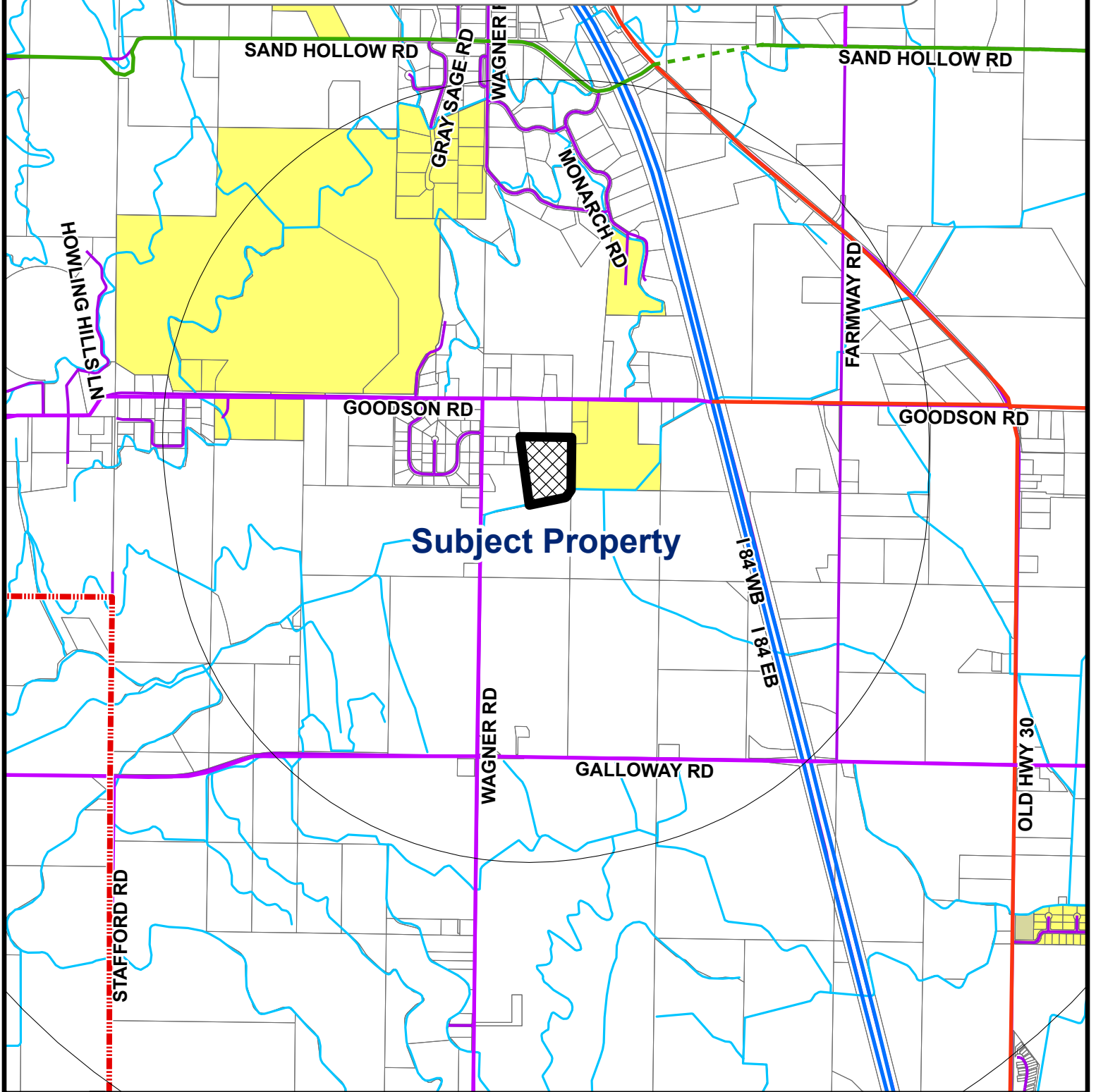


EXHIBIT 5a

Edenbrook Estates Subdivision Small Vicinity Map

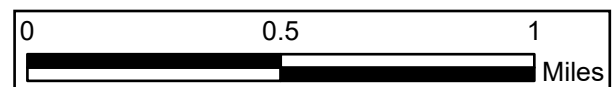


Edenbrook Estates Subdivision Zoning & Classification Map



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

EXHIBIT 5c



Edenbrook Estates Subdivision Subdivision Map

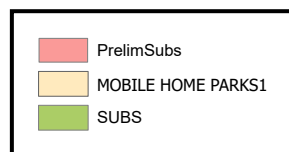
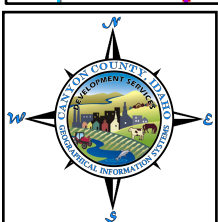
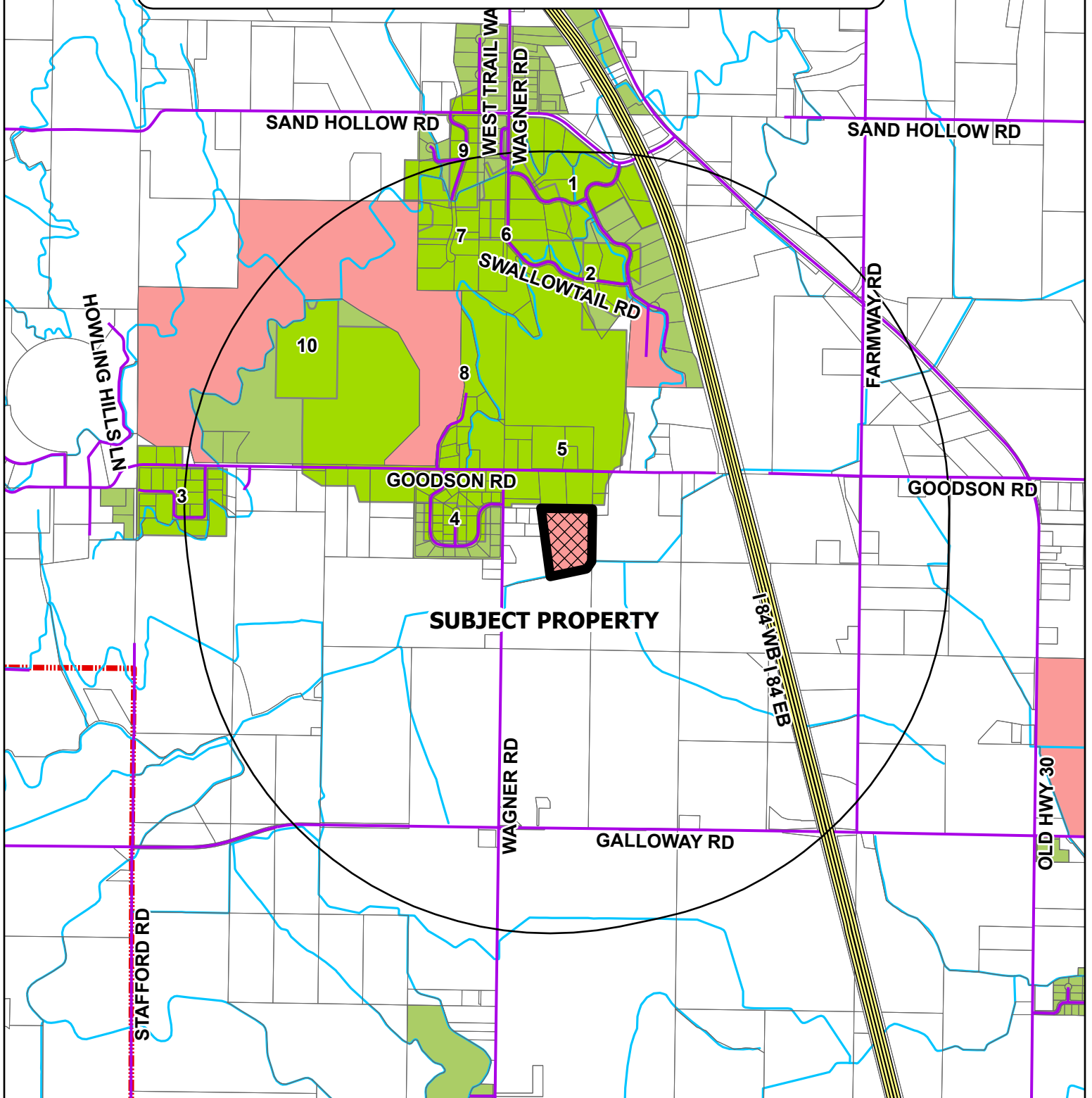
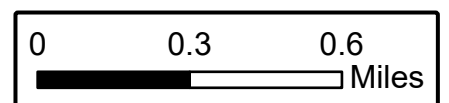


EXHIBIT 5d



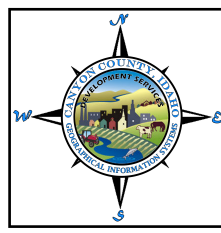
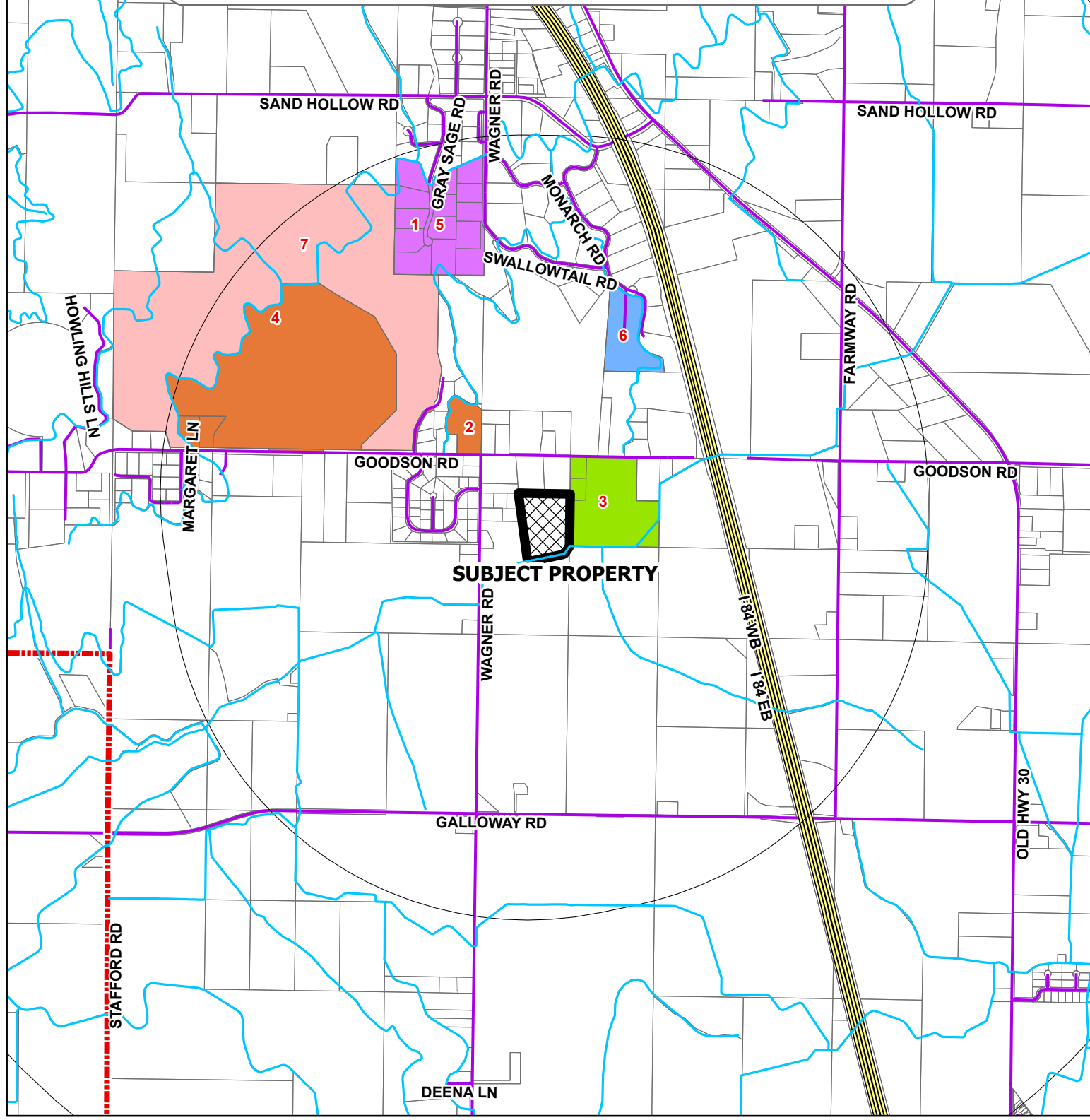
SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
10	658.87	136	4.84	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
3	252.74	153	1.65	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
23	10.89	2.15	0.89	78.95
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM






PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
BUTTERFLY RIDGE #1	1	5N3W17	52.14	13	4.01	COUNTY (Canyon)	2002
BUTTERFLY RIDGE #2	2	5N3W17	86.75	20	4.34	COUNTY (Canyon)	2006
COOMBES SUB #1	3	5N3W19	25.10	16	1.57	COUNTY (Canyon)	1972
ELM CREST SUB	4	5N3W19	35.23	41	0.86	COUNTY (Canyon)	1973
GOODSON SUB	5	5N3W17	13.79	3	4.60	COUNTY (Canyon)	1996
KIMBER RIDGE SUBDIVISION NO. 1	6	5N3W18	16.11	5	3.22	CANYON COUNTY	2021
KIMBER RIDGE SUBDIVISION NO. 2	7	5N3W18	32.37	9	3.60	CANYON COUNTY	2022
OVERVIEW ACRES SUB	8	5N3W18	11.19	4	2.80	COUNTY (Canyon)	2005
SILVER SAGE ESTATES #1	9	5N3W18	28.79	20	1.44	COUNTY (Canyon)	2006
THE STADIUM SUBDIVISION	10	5N3W18	357.41	5	71.48	COUNTY (CANYON)	2018

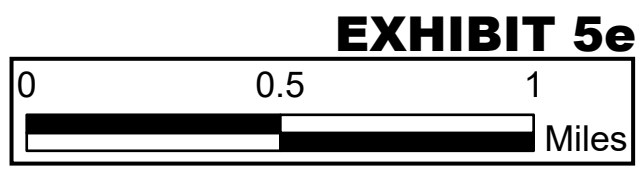
SUBDIVISIONS IN PLATTING							
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE				
Hornet Cove Sub	16.19	14	1.16				
Edenbrook Estates	14.91	3	4.97				
Stadium Sub No.2	221.86	136	1.63				

MOBILE HOME & RV PARKS						
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...	

Edenbrook Estates Subdivision Case Map



YEAR			
	2018		2021
	2019		2022
	2020		

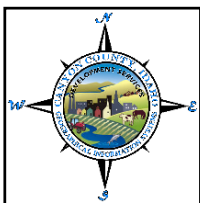
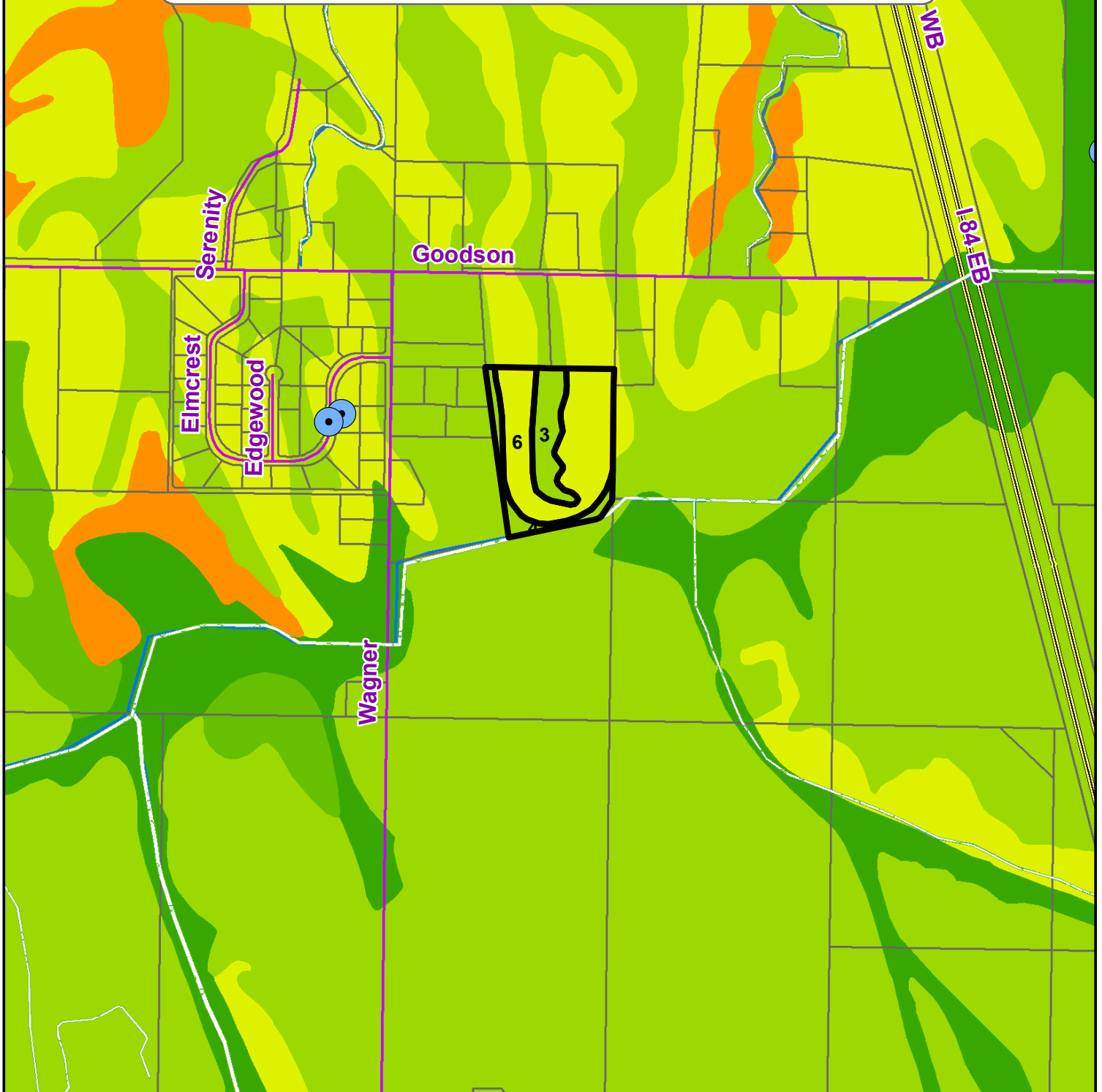


CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	RZ2018-0020	AG TO RR	JONES, TRACIE & DENNIS	APPROVED
2	PH2017-79	Special events facility	Serenity Hill Ranch	DENIED
3	CR2019-0011	ReZone AG to CR-RR	Troncale	APPROVED
4	SD-PH2018-02	The Stadium Subdivision	The Stadium Subdivision	APPROVED
5	SD2019-0042	Kimber Ridge Sub	Kimber Ridge Sub	APPROVED
6	RZ2020-0007	Rezone AG to RR	Rumsey	APPROVED
7	SD2020-0027	Prelim Plat - Stadium Sub 2	Stadium Sub 2	APPROVE

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

Edenbrook Estates Subdivision Soil Map



- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- ▲ 10.000001 - 49.800000

- GEO-THERMAL LOCATIONS
- Wetlands

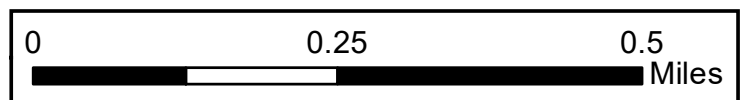
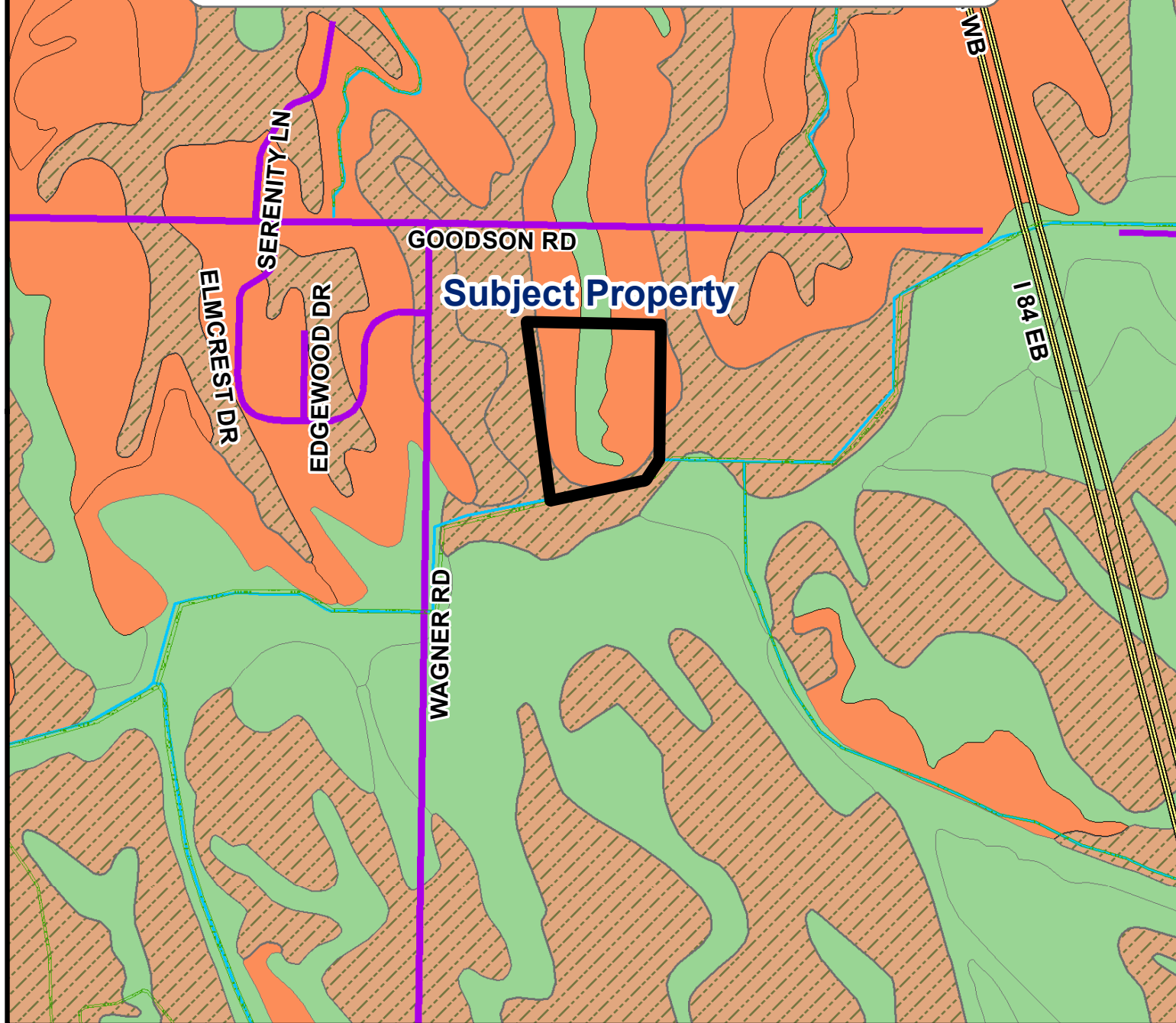


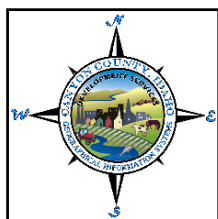
EXHIBIT 5f

Edenbrook Estates Subdivision Prime Farm Lands

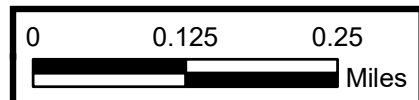


SOILS

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



- TAXLOTS
- City_Limits
- WETLANDS
- 2C_Hydro



SOIL REPORT

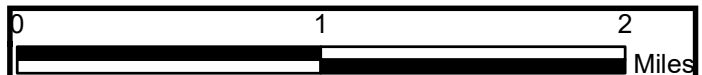
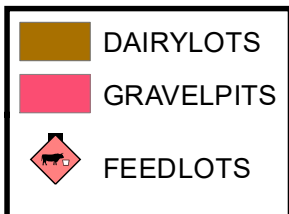
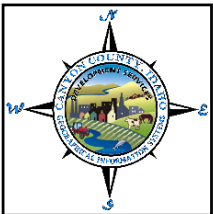
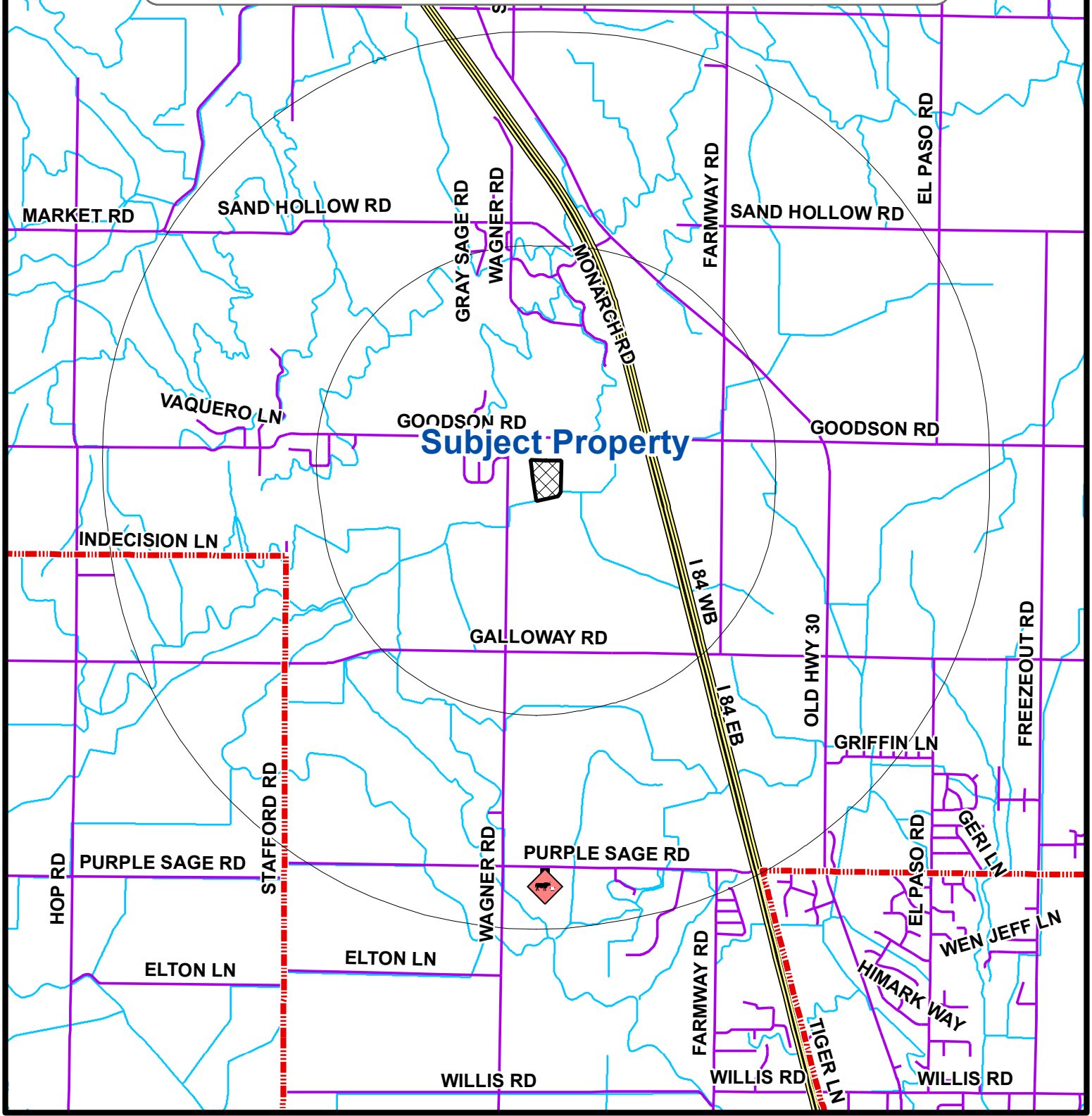
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	134164.80	3.08	20.66%
6	LEAST SUITED SOIL	432158.76	9.92	66.54%
4	MODERATELY SUITED SOIL	83112.48	1.91	12.80%
		649436.04	14.91	100%

FARMLAND REPORT

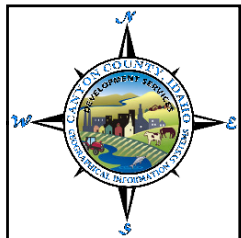
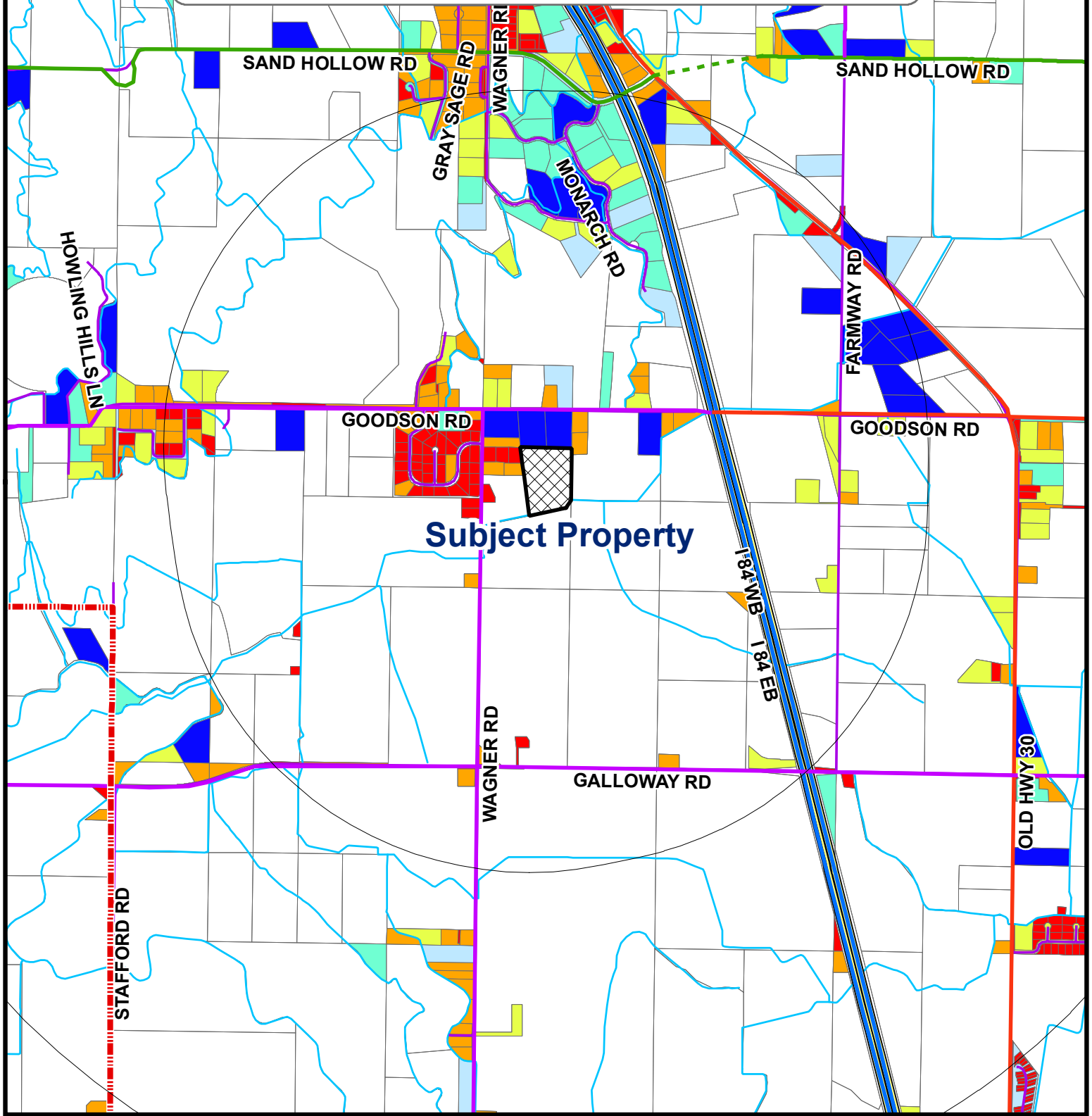
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
EsB	Prime farmland if irrigated	134164.80	3.08	20.66%
LkD	Not prime farmland	432158.76	9.92	66.54%
LkC	Farmland of statewide importance, if irrigated	83112.48	1.91	12.80%
		649436.04	14.91	100%

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

Edenbrook Estates Subdivision Dairy, Feedlot, and Gravel Pit Map

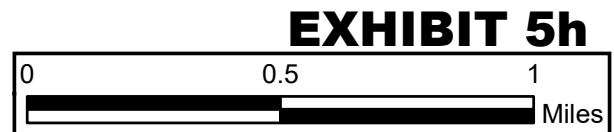


Edenbrook Estates Subdivision Lot Classification Map



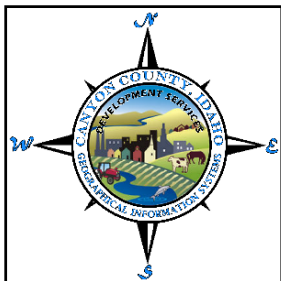
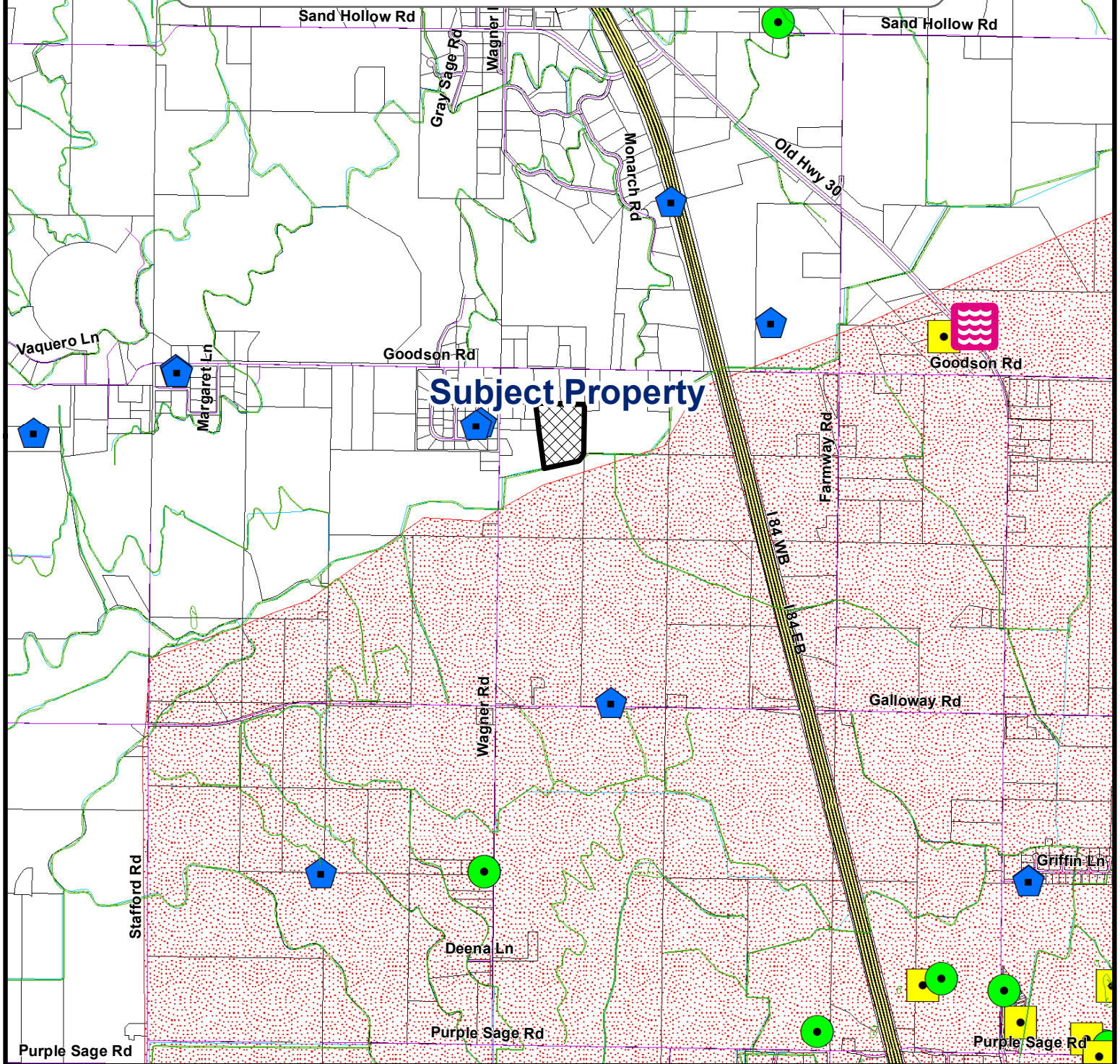
Legend	
0.0 - 1.0	1.1 - 2.0
2.1 - 3.0	3.1 - 4.0
4.1 - 5.0	5.1 - 6.0

- Interstate
- Expressway
- Proposed Expressway
- Principal Arterial
- Proposed Principal Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector



NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE
NITRATE PRIORITY 2020.

Edenbrook Estates Subdivision Nitrate Priority & Wells



GEO-THERMAL LOCATIONS



WETLANDS



NITRATE_PRIORITY

DEQ WELLS
N03_MGL



0.005 - 2.00



2.00 - 5.00

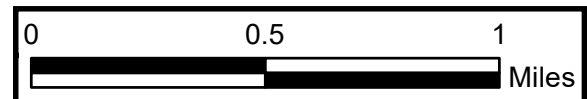


5.00 - 10.00

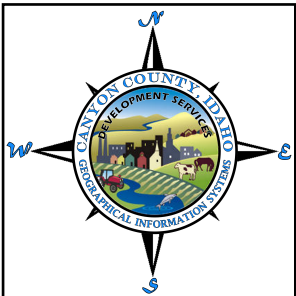
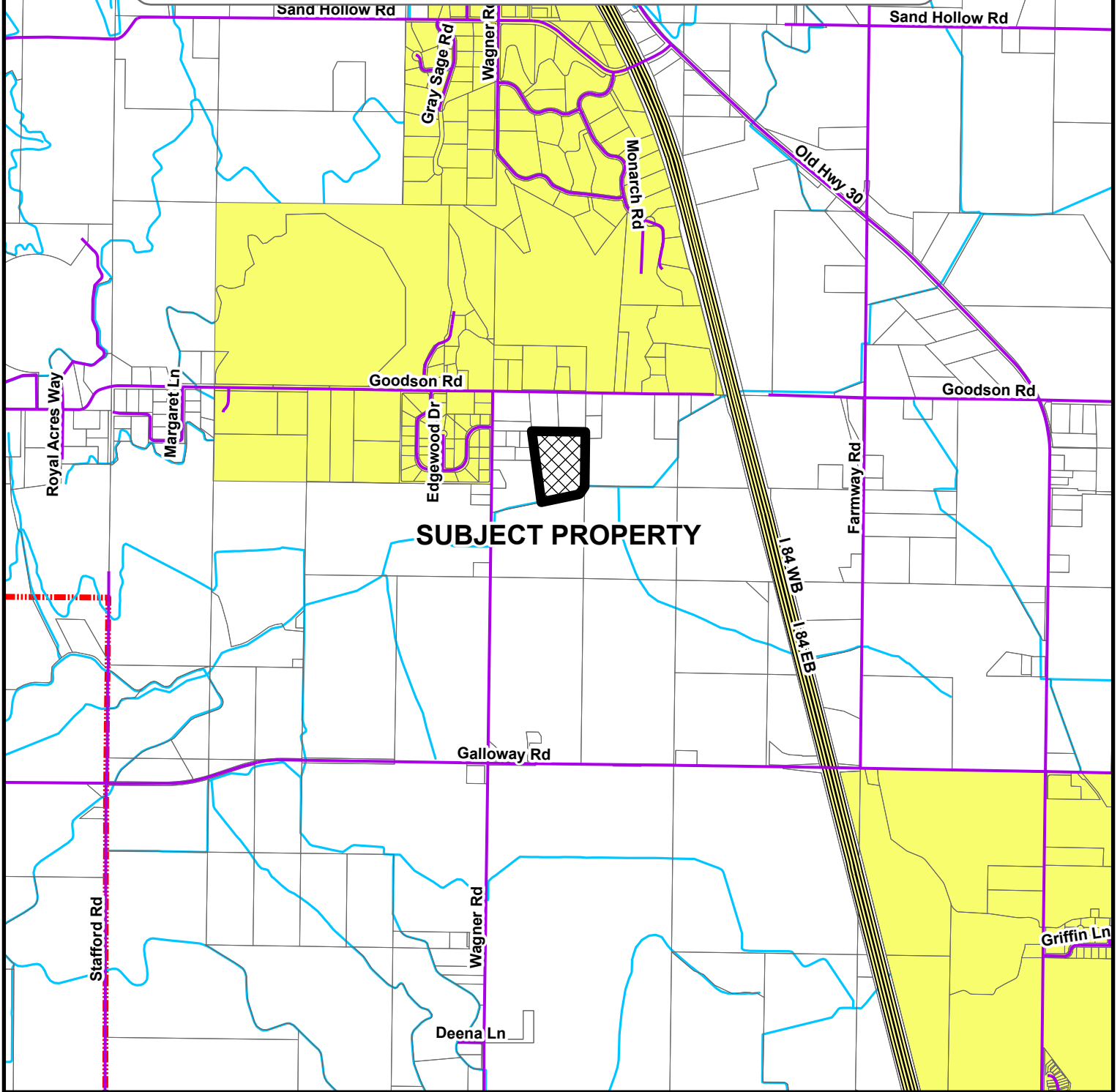


10.00 - 49.80

EXHIBIT 5i



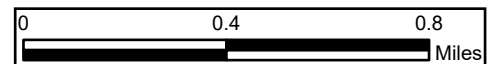
Edenbrook Estates Subdivision Future Land Use map



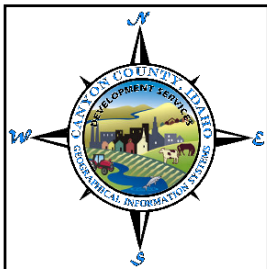
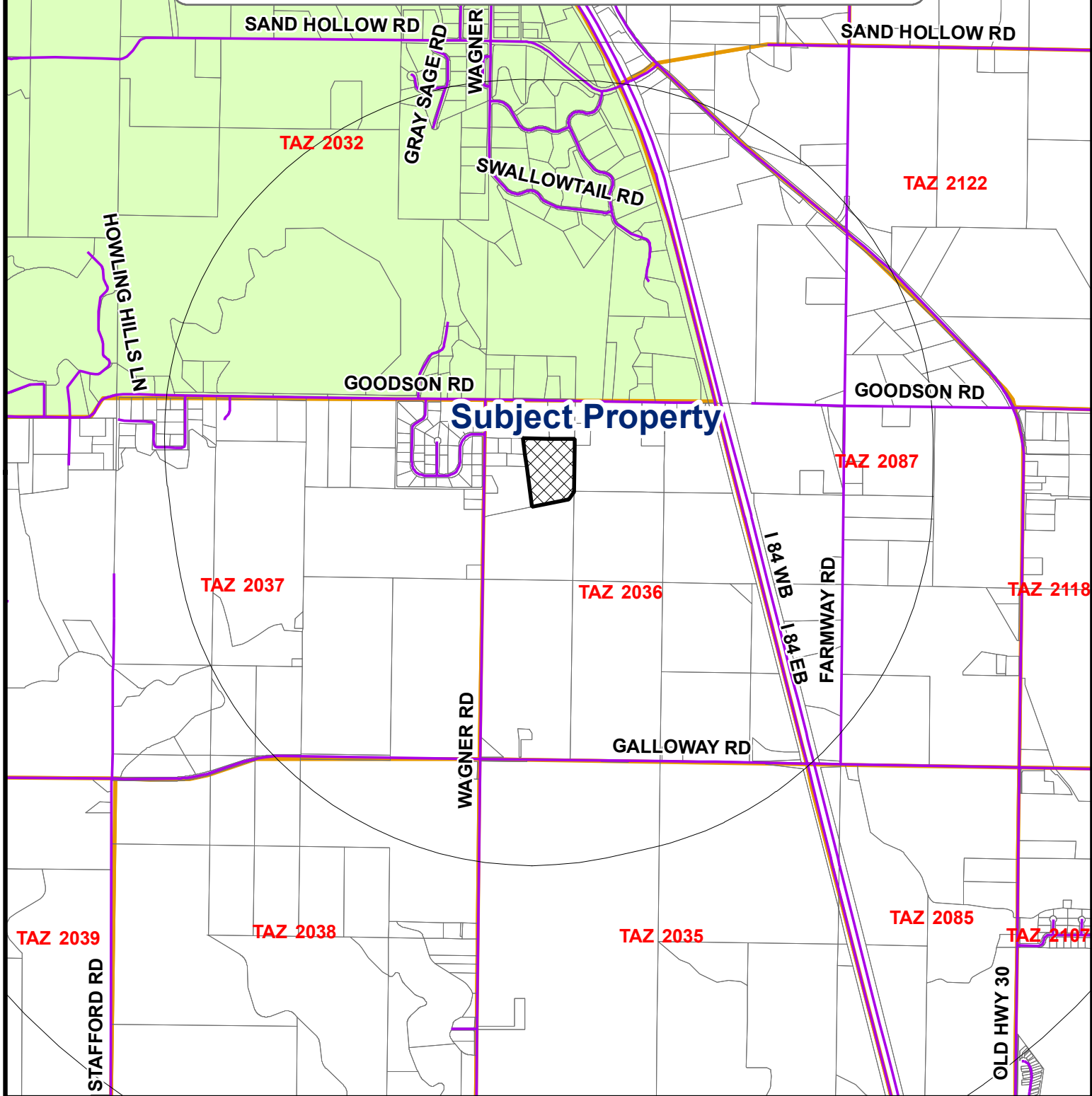
Legend

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- Scenic_Byway

EXHIBIT 5j



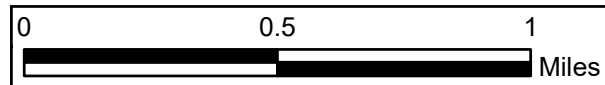
Edenbrook Estates Subdivision TAZ Household



House Hold 2025-2050

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

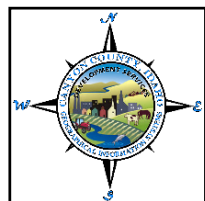
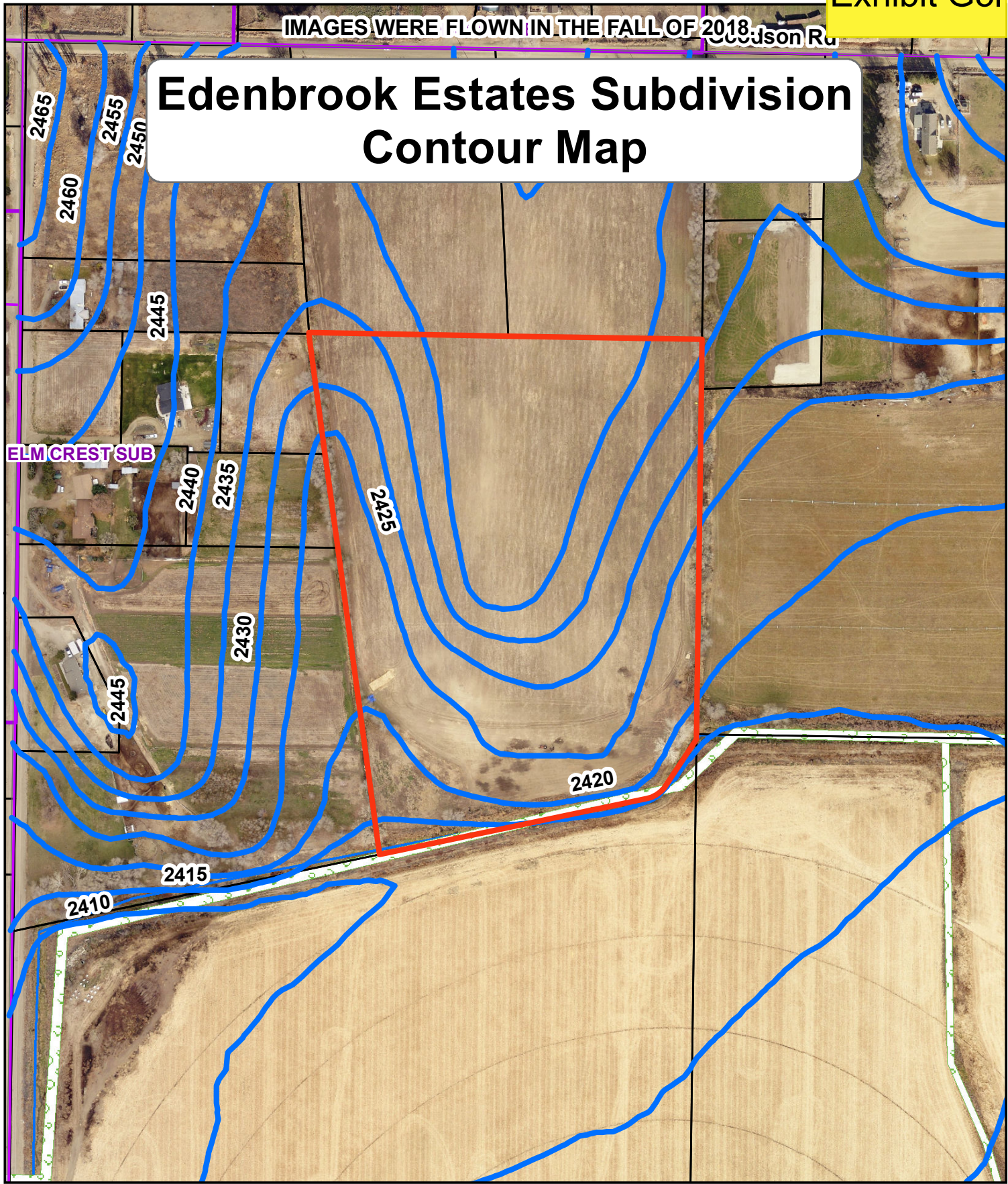
EXHIBIT 5k



IMAGES WERE FLOWN IN THE FALL OF 2018

Edenbrook Estates Subdivision Contour Map

ELM CREST SUB



Legend

- SUBJECT_PROPERTY
- TaxParcels
- SectionContours
- Wetlands

