



## Director Administrative Decision

Canyon County Zoning Ordinance (CCZO)  
§07-18-05, §07-18-07 & §07-18-09

Case Number: **AD2023-0020**

Parcel #'s: **R29887011, R29887011A, and R29887**

Property Owner/Applicant(s): **Jardine Trust, Teresa  
and Michael Jardine and  
Kurt & Christy Pancheri**

**Request:** The applicants are requesting (1) a non-viable agricultural farm ground land division legalizing the division that created Parcel R26156011A, and (2) amending a previously approved land division (LS2002-613/LS2020-0050) to allow the existing dwelling on Parcel R29887, approximately 37 acres, to be divided from the farm ground creating an agricultural parcel. The subject parcels are zoned “A” (Agricultural). See *Exhibits A & B for the proposed lot division and configuration*.

**Property History:** Parcel R29887 was originally approximately 39 acres on or before September 6, 1979. In 2002, the parcel was divided via an administrative land division to create a one-acre parcel, R29887011 (LS2002-613, See *Exhibit A for the survey*).

Parcel R29887011 was adjusted to approximately 1.74 acres in 2020 through a property boundary adjustment (AD2020-0050, See *Exhibit A for approved parcel configuration*). The same year, the owner of Parcel R29887011 was issued a building permit to construct a secondary dwelling per CCZO Section 07-10-27 and 07-14-25 (BP2020-0566). In 2020, a conditional rezone was submitted to rezone parcel R29887011 to an “R-1” (Single-Family Residential) Zone so it could be divided (CR2020-0011). The conditional rezone was denied by the Board of County Commissioners on June 30, 2021.

On October 21, 2020, Parcel R29887011 was divided creating Parcel R29887011A, approximately 0.74 acres, which relocated the secondary dwelling approved on Parcel R29887011 to Parcel R29887011A. The division was completed inconsistent with the Canyon County Code.

In 2023, a variance and land division request was submitted to abate the division creating Parcel R29887011A (AD2023-0019 and 0020). The variance to allow Parcel R29887011A to remain 0.74 acres was denied by the Director of DSD on March 23, 2023 (AD2023-0019).

### **Findings CCZO §07-18-05 - Application and Process:**

- Per CCZO §07-18-05(5), a pre-approval letter was sent to the applicant on May 1, 2024 (*Exhibit C*), finding the request can be approved subject to the submittal of a recorded record of survey per §07-18-05(5)A and evidence the proposed deed-restricted area of Parcel 2 be conveyed as a recorded agricultural easement.
  - The application submitted on March 15, 2023, and amended on April 18, 2024, demonstrated that Parcel R26156011A can meet the one-acre minimum lot size (CCZO 07-18-09(2)) while ensuring the request does not impact adjacent viable agricultural uses (CCZO 07-18-09(5)D).
- On August 29, 2024, the pre-approval expired. The request for compliance was e-mailed to the applicant on August 6, 2024, and August 30, 2024 (*Exhibit D*). The owner of Parcel R29887011 stated the owner of Parcel R28997 (Pancheri) is no longer interested in completing the division. Therefore, the request can no longer meet the one-acre minimum lot size (*Exhibit D*).

### **Finding CCZO §07-18-09 – Administrative Division of a Nonviable Parcel in an Agricultural Zone:**

The following was found inconsistent with CCZO §07-18-09:


- Per CCZO §07-18-09(2): *Minimum Parcel: The proposed parcel created and its remnant shall be at least one (1) acre in size.*
  - The request cannot meet the minimum parcel size of one acre. The application submitted on March 15, 2023, and amended on April 18, 2024, demonstrated that Parcel R26156011A can meet the one-acre minimum lot size (*Exhibit A & B*). The owner of Parcel R29887011 stated the owner of Parcel R28997 (Pancheri) is no longer interested in completing the division (*Exhibit D*). Therefore, the request can no longer meet the one-acre minimum lot size.

**Decision:** The application to complete the described land division per CCZO §07-18-05, §07-18-07 & §07-18-09 is **DENIED**.

Pursuant to Idaho Code §67-6519, the following actions may be taken to obtain approval:

- Reapply for an Administrative Division of a Nonviable Parcel in an Agricultural Zone (CCCO §07-18-05 & 09) and provide information demonstrating the proposed parcel can (1) meet the minimum lot size of one acre (CCZO §07-18-09(2), and (2) ensuring the request does not impact adjacent viable agricultural uses (CCZO §07-18-09(5)D).
- Combine the parcel with Parcel R29887011 and reestablish the dwelling as a secondary residence as approved by BP2020-0566.

Per CCZO §07-18-09(8): *Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.*

  
 \_\_\_\_\_  
 Carl Anderson, Planning Supervisor 9-24-24  
Date

State of Idaho )  
 )  
 SS  
 County of Canyon County )

On this 24<sup>th</sup> day of September, in the year of 2024, before me Pamela Dilbeck, a notary public, personally appeared Carl Anderson, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

Notary: Pamela Dilbeck

My Commission Expires: 10/14/2028

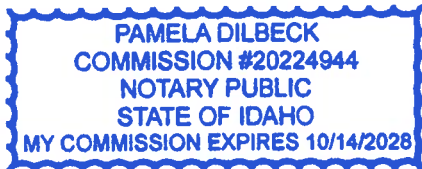
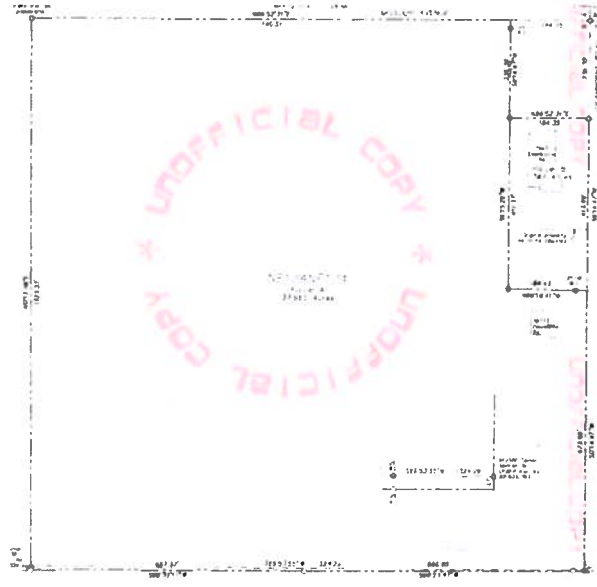
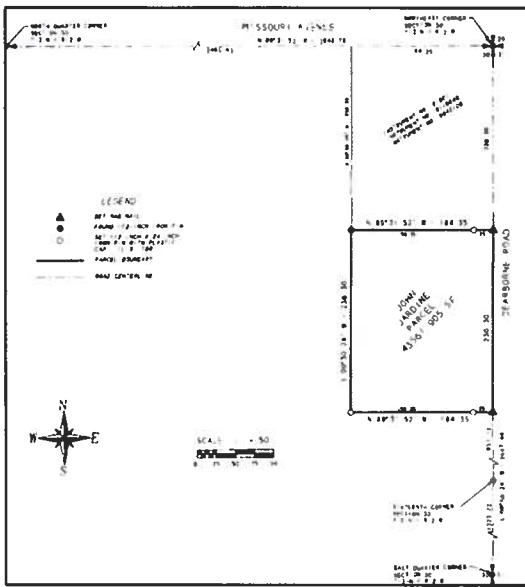


EXHIBIT A

1<sup>st</sup> Division (LS2002-613)

Existing (AD2020-0050)



Proposed

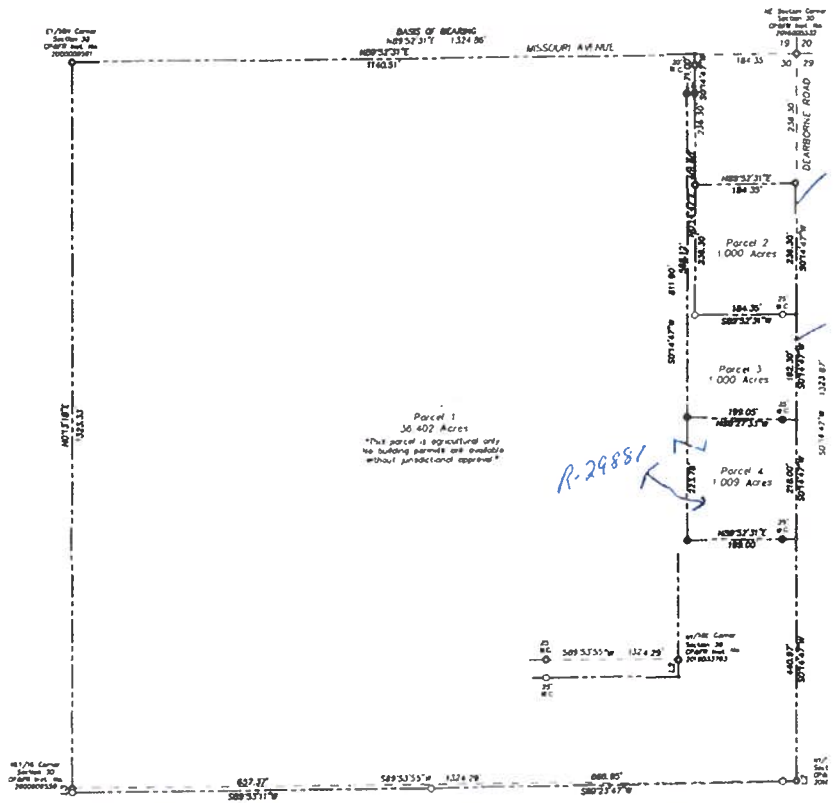


EXHIBIT B – Letter of Intent  
REVISED LETTER OF INTENT

April 15, 2024

We are requesting to facilitate making parcels 1, 2, 3, and 4 on attached map comply with Canyon County Ordinances. This will bring parcel 3 R29887011A, into compliance with the one acre minimum requirement. Parcel 4 R29887, will be created legally by labeling Parcel 1 as agricultural only. Parcel 2 R29887011 is already compliant.

Please approve this request.

Thank you,



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Alan Mills

For the Jardine and Pancheri families

11-1-2023


Updated LETTER OF INTENT

The purpose of this letter is to provide evidence demonstration that the result of the request, if approved, will minimize potential negative impacts to adjacent agricultural uses.

The facts are as follows:

1. The property will not change from prior use.
2. The same agricultural operator that has been farming the area shown in yellow on the attached Exhibit "A" will continue to farm the same yellow area. He also farms the adjoining property to the west.
3. There will be a deed restriction to restrict the yellow area to only agricultural use. This restriction will be in place until and if the ground is annexed, rezoned by the governing body or changed by court order.
4. There will be no impacts to any other agricultural operation in the area.
5. The owner/operator of the adjoining land attests to the above by the signature below.
6. A copy of the proposed deed is provided herewith.
7. This action, if approved, will clean up a long standing problem.

Thank you,



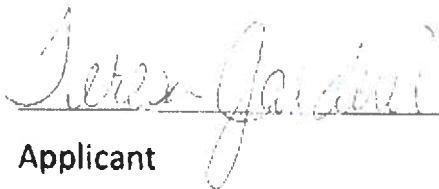
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Applicant



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Agricultural operator



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Applicant



RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO

Daniel W. Bower  
MORRIS BOWER & HAWS, PLLC  
1305 12<sup>th</sup> Ave. Rd.  
Nampa, Idaho 83686

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(Space Above For Recorder's Use)

## QUITCLAIM DEED

Kurt Pancheri and Christy Pancheri, husband and wife ("Grantors"), for good and valuable consideration, hereby convey, release, remise, and quitclaim unto Michael James Jardine and Teresa D. Jardine, husband and wife ("Grantees"), whose address is 7901 Dearborne Road, Nampa, Idaho 83686, the following described real property located in Canyon County, Idaho ("Subject Property"), more particularly described as follows:

### Parcel 1

This parcel is a portion of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 30 in Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  (NE Section Corner, Section 30), a found 5/8 inch diameter rebar,

thence South 00°14'47" West along the East boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a distance of 472.60 feet to the **TRUE POINT OF BEGINNING**, witnessed by a found  $\frac{1}{2}$  inch diameter rebar bearing South 89°52'31" West a distance of 25.00 feet;

thence continuing South 00°14'47" West along said East boundary a distance of 177.69 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 89°18'41" West a distance of 25.08 feet

thence North 89°18'41" West a distance of 201.45 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 00°14'47" East a distance of 647.43 feet to a point on the North boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing South 00°14'47" West a distance of 25.00 feet;

thence North 89°52'31" East, along the North boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a distance of 17.10 feet to a point on a line that is 184.35 feet west of and parallel with the East boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing South 00°14'47" West a distance of 20.00 feet;

thence South 00°14'47" West, along said line parallel with the East boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 472.60 feet to a found  $\frac{1}{2}$  inch diameter rebar;

thence North 89°52'31" East, parallel with the North boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 184.35 feet to the **TRUE POINT OF BEGINNING**, said parcel being 1.001 acres more or less, and being subject to any and all easements and rights of way of record or implied.

QUITCLAIM DEED - PAGE 1

This Deed is given on the condition that the Subject Property will be used only for farming purposes until the greater farmground portion adjacent to the subject property and more particularly described as follows, is no longer being farmed and/or is changed from being zoned for agricultural use.

Parcel 1

This parcel is a portion of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 30 in Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  (NE Section Corner, Section 30), a found 5/8 inch diameter rebar;

thence South 89°52'31" West along the North boundary of said NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a distance of 201.45 feet to the **TRUE POINT OF BEGINNING**, a point witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L. S. 15352 bearing South 00°14'47" West a distance of 25.00 feet;

thence South 00°14'47" West, parallel with the East boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 885.22 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L. S. 15352;

thence North 89°52'31" East, parallel with the North boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 201.45 feet to point on the East boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L. S. 15352 bearing South 89°52'31" West a distance of 25.00 feet;

thence South 00°14'47" West along said East boundary a distance of 458.65 feet to the Southeast corner of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a found 5/8 inch diameter rebar witnessed by a found 5/8 inch diameter rebar bearing South 89°53'55" West a distance of 24.97 feet;

thence South 00°14'47" West along the East boundary of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a distance of 1.00 foot to a point witnessed by a found  $\frac{1}{2}$  inch diameter rebar bearing South 89°23'47" West a distance of 25.00 feet;

thence South 89°23'47" West a distance of 666.95 feet to a found  $\frac{1}{2}$  inch diameter rebar;

thence South 89°53'11" West a distance of 657.37 feet to a point on the West boundary of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a found  $\frac{1}{2}$  inch diameter rebar;

thence North 00°02'46" East along said West boundary a distance of 6.99 feet to the Southwest corner of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a found 5/8 inch diameter rebar;

thence North 00°13'18" East along the West boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a distance of 1323.33 feet to the Northwest corner of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a found 5/8 inch diameter rebar;

thence North 89°52'31" East along the North boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a distance of 1123.11 feet to the **TRUE POINT OF BEGINNING**, said parcel being 36.410 acres more or less, and being subject to any and all easements and rights of record or implied.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this \_\_\_\_ day of November, 2023.

\_\_\_\_\_  
Kurt Pancheri

\_\_\_\_\_  
Christy Pancheri

QUITCLAIM DEED - PAGE 2



## LETTER OF INTENT

To Whom It May Concern,

March 8, 2023

In fall of 2019, we investigated the possibility of purchasing a vacant ½ acre lot from our brother and sister-in-law, Kurt and Christy Pancheri. The ½ acre lot lay between the Pancheri's house and our parent's house. Mike and Christy are brother and sister.

The lot was originally left vacant by the Pancheri's with the possibility of building a shop next to their home but that never happened and the lot had sat empty for 17 years at that time. There was no way to get water to the lot as the neighbor's house blocks the irrigation access to that small section, so it was simply a bare lot they had to maintain the weeds on.

We had lived in North Nampa for the last 36 years and for the last few years, we had been driving across town several times per week to help our parents with different things. Because Kurt and Christy farm several hundred acres in several locations, it had become increasingly harder for them to be there in case of emergencies or situations that required the help of an able-bodied person. Our father has had several joint replacements over the last several years and it is impossible for our mother to move or help him when needed so Mike was continually running out there to move him or help him with a project. It was an hour round trip each time.

When we sold our home in June of 2019, we had decided it would be better for us to look at property on the south side of town in order to be closer to our parents, especially as they aged and needed more and more help. We looked for suitable building lots for several months without luck. One day while visiting our parents we mentioned that it was too bad we couldn't build right next to them in that empty lot since it was useless farm ground and just a weedy nuisance for our brother and sister-in-law to maintain. They had not thought about selling it up until then but after talking it over, thought it would be a good solution for both parties.

Kurt contacted TJ Wellard with Skinner Land Surveying and TJ looked into the possibility of separating the ½ acre and building a home on it. This was about the time COVID shut down the entire country and we had a very difficult time moving things forward to see if we could obtain a conditional rezone. We did not understand the process very well, but TJ was working with Development Services and following their recommendations.

After several months of working to obtain the split, we were still dealing with the shutdown and things were not moving as we expected. The lot had to be resurveyed a couple of times, we had to apply for a variance to qualify for the split. In order to qualify for the variance, the lot needed to be at least ¾ of an acre. Rather than go out into farm ground, our parents donated 30 feet of their lot to make our lot large enough to qualify. It was suggested that Kurt and Christy quit claim the lot to our mom and dad and then have our mom and dad quit claim the lot including the 30' to us, rather than have each of them deed separate pieces to us. That way the entire lot was in one piece and in our name.

Due to the fact that it was taking so long to obtain the split, we needed to start our home as our rental lease was running out and we would be without a place to live. It was recommended that we apply for a secondary residence permit on our parent's lot to be able to start to build. Then once things were moving with the commissioner's office, we could go in and apply for the split. We went ahead with this proposal and built our home as a second residence on our parent's lot thinking the split would be done in a few months.

Unfortunately, at the hearing to split the lot off, we were made to feel that we had tried to pull the wool over the commissioner's eyes by building the house as a second residence and then try to sneak a split in on them. We were very surprised as we had done exactly as they had told us throughout the entire process, thinking we were doing things correctly.

We are still at a loss as to why they turned it down. We took a non-farmable lot and without affecting one foot of farm ground, built a home that added value for the county and solved the issue of being able to help our parents as well.

During the time we were going through the Conditional Re-zone process we have learned that the county has reinstated the non-viable provision for administrative splits. We feel our situation fits the required provisions perfectly and are applying for said split.

We have letters of support from all our neighbors and no known opposition from the residents in the notification area.

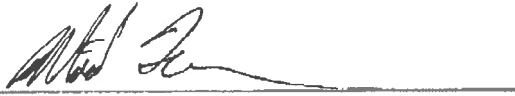
We feel strongly that the findings used to deny our request were faulty at best. The only findings used to arrive at a denial were: "Approval of the requested CR-RI (Conditional rezone/single family residential zone) would introduce an incompatible zoning district into a primarily agricultural area."

As a matter of record the following provision in our zoning ordinance has been used to approve past similar cases: "Designation of a parcel as CR shall not constitute "spot zoning" and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally re-zoned property should be re-zoned the same." See CCZO 07-06-07 (3)

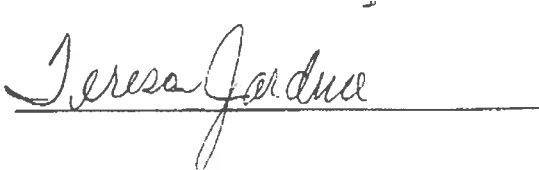
We would submit that using the non-viable split provisions to approve our request would serve the best interests of all parties.

Please feel free to correspond with our representative, Alan Mills, with any questions.

Thank you for your consideration,



A handwritten signature in cursive script, appearing to read "Alan Mills", written over a horizontal line.



A handwritten signature in cursive script, appearing to read "Teresa Jardine", written over a horizontal line.

To Whom it May Concern;

We live on parcel #29887 which is a 38.12 acre parcel. We farm most of it except for the area around our home and the 1/2-acre lot next to us which has not been utilized for farming in over 15 years. It sits empty and we maintain the weeds currently. We would like to obtain permission to sell that parcel to our brother and sister-in-law to build a home on.

Our parents are in their 80's and need assistance on a regular basis. Due to a very busy farm work schedule, it is sometimes hard to be available when they need us. As a retiree, our brother has much more free time than we do at this point and would be able to be there for our parents when we could not. Living next door would make it much easier than driving from their current home as he does now.

Since the lot between our home and our parents home is not being utilized at this time, placing a home on it would eliminate the need for us to maintain the property, make that lot more aesthetically in line with the others and provide our parents with the help they need. We feel a home on the lot would be the best utilization of the property.

We are available for questions at 208-941-9955.

Thank you,

Kurt Pancheri

June 24, 2021

\* 7873 Dearborne Rd, Nampa 83686

We have owned and farmed the ground surrounding the lot in question for over 23 years and plan to continue for the foreseeable future. The lot in question, now known as 7901 Dearborne Rd, Nampa, has not been farmed for 17 years. As there was no way to bring water to the lot and it was too small to farm. Therefore it has sat vacant all these years. So we felt there was no problem utilizing this lot for a home. Absolutely, no farm ground was sacrificed for the Jardines to build there home there.

- Kurt and Christy  
Pancheri

Christy Pancheri  
Kurt Pancheri

Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011


Jardine Trust proposal for County Commissioners to consider rezoning a  
¾ ac. Lot from Agricultural to Rural Residential

To Whom It May Concern;

We have been informed that the Jardine trust has requested a  
conditional rezone for a ¾ acre lot at 7901 Dearborne Rd. Nampa, ID.

We own property within 1 mile of the proposed property split and we  
have no objection to the proposed split or rezone to rural residential.

Thank you,

  
Mary A. Jodum  
Address of  
property: 7297 Dearborne Rd Nampa, ID 83686

Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011

Jardine Trust proposal for County Commissioners to consider rezoning a ¾ ac. Lot from Agricultural to Rural Residential

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We own property within 1 mile of the proposed property split and we have no objection to the proposed split or rezone to rural residential.

Thank you,



Address of

property: 7993 DEARBORNE ROAD, NAMPA ID 83686



Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011


Jardine Trust proposal for County Commissioners to consider rezoning a  
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We own property within 1 mile of the proposed property split and we  
have no objection to the proposed split or rezone to rural residential.

Thank you,

Dry Lake Dairy LLC,   
Ryan VanderStelt

Address of  
property: Corner of Rim Rd and Missouri R.



Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011

Jardine Trust proposal for County Commissioners to consider rezoning a  
¾ ac. Lot from Agricultural to Rural Residential

To Whom It May Concern;

We have been informed that the Jardine trust has requested a  
conditional rezone for a ¾ acre lot at 7901 Dearborne Rd. Nampa, ID.

We own property within 1 mile of the proposed property split and we  
have no objection to the proposed split or rezone to rural residential.

Thank you,

Darrel + Cheryl Rosti

Address of

property: 11621 Alamo Lane, Nampa, ID 83686

EXHIBIT C – Pre-Approval letter



# Development Services Department

Canyon County, 111 N. 11<sup>th</sup> Ave. Ste. 310 Albany Street, Caldwell, ID 83605  
(208) 454 7458 ▪ [ZoningInfo@canyoncounty.id.gov](mailto:ZoningInfo@canyoncounty.id.gov) ▪ [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

**Date:** May 1, 2024

**Re:** AD2023-0020 Jardine

**Subject:** Pre-Approval

Owner/Applicant,

Pursuant to Section 07-18-05(5) of the Canyon County Zoning Ordinance (CCZO), Case No. AD2023-0020 has been pre-approved by the Director of DSD. Case No. AD2023-0020 is NOT approved until an approval document is drafted and signed by the Director of DSD and the 15-day appeal period has passed.

An approval document cannot be signed until the following is submitted:

- 1) Pursuant to CCZO Section 07-18-05(5) A, *“a record of survey with metes and bounds descriptions of all lots that show access from each parcel complies with the requirements of Section 07-10-03 of this chapter, and that includes all existing and necessary easements.”*
  - a. The record of survey shall be prepared by a licensed surveyor and recorded at the County Recorder’s office. A copy of the recorded record of survey shall be submitted to DSD within 120 days from the date stated on this pre-approval letter. If not, the Director may deem the application abandoned and revoke the pre-approval.
- 2) The proposed deed-restricted area of Parcel 2 to protect agricultural operations on Parcel R29887 shall also be a recorded agricultural easement to ensure the irrigation line used by Parcel R29887 is protected and shown on the record of survey. Said easement shall be shown on the recorded record of survey.

Upon submittal of the recorded easement and record of survey, the approval document shall be drafted and signed within 10 days of submittal. Once the approval document is signed, notification will be sent to start the 15-day appeal period. Once passed, the applicant shall have the approval document recorded at the County Recorder’s Office at the applicant’s expense and a copy of the recorded approval shall be submitted to DSD.

Recording of deeds and selling of land solely based on the pre-approval violates the Canyon County Code and is subject to Code Enforcement Action (CCZO Chapter 7, Article 19).

If you have any questions, please contact the planner assigned to Case No. AD2023-0020, Dan Lister.

Sincerely,

  
Carl Anderson, DSD Planning Supervisor  
Development Services Department (DSD)

CC: AD2023-0020

**EXHIBIT D – Correspondence**  
**8/6/2024**



Tue 8/6/2024 3:55 PM

Jay Gibbons

Jardine documentation for Admin application

To: Dan Lister

Dan,

I last met with Alan Mills on May 31, 2024 to talk about & review the ag lease proposal for next door. On June 6, 2024 I sent him an email directing him to get the lease signed and submitted to you. That was the last I heard.



**Jay A. Gibbons, PLA ASLA**

Assistant Director

Canyon County Development Services Department

111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-5958

Mobile: 208-599-6738

Email: [Jay.Gibbons@canyoncounty.id.gov](mailto:Jay.Gibbons@canyoncounty.id.gov)

Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

Development Services Department (DSD)

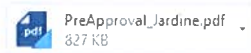


Fri 8/6/2024 3:08 PM

Dan Lister

RE: [External] Jardine

To: Alan Mills



Alan,

May 1, 2024, pre-approval of AD2023-0020 was provided subject to the submittal of a record of survey and deed restriction (attached).

On May 31, 2024, you met with Jay Gibbons regarding AD2023-0020. Since that meeting, the case has been inactive. Please provide an update or submit the missing information The pre-approval expires August 29, 2024 (120 days from the day the pre-approval was signed).

Sincerely,

**Dan Lister, Principal Planner**

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

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am - 5 pm

Wednesday

1 pm - 5 pm

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

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**8/30/2024**



Fri 9/6/2024 5:29 PM

Dan Lister

AD2023-0020 - Jardine Nonviable Division

To: jardineteresa@gmail.com (0/1) (1/1)



PreApproval\_Jardine.pdf  
8.27 KB

Teresa/Alan,

On May 1, 2024, the attached pre-approval was granted regarding Case No. AD2023-0020, a land division of non-viable agricultural land, subject to the submittal of a recorded record of survey and record agricultural easement with the deed restriction. The 120-day timeframe stated in the letter expired on August 29, 2024.

Case No. AD2023-0020 will be denied, if one of the following options is not submitted by September 16, 2024:

- Submit the requested documentation as stated in the preapproval letter dated May 1, 2024; or
- Request the application be withdrawn.

Contact me if you have any questions.

Sincerely,

**Dan Lister, Principal Planner**

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

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

9/11/2024

Wed 9/11/2024 11:25 AM

TJ

Teresa Jardine <jardineteresa2@gmail.com>

[External] Re: AD2023-0020 - Jardine: Phone Discussion

To: Dan Lister

Hi Dan,

Thank you for visiting with me and for responding so quickly. I will visit with my husband and with Alan Mills and make a decision on where to go from here. Thank you again for your time and knowledge on the subject. I appreciate the consideration and provided options.

Sincerely,  
Teresa Jardine

On Tue, Sep 10, 2024 at 4:43 PM Dan Lister <[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)> wrote:

Teresa,

Thank you for discussing Case AD2023-0020 with me including the history, concerns and options. During the discussion, it sounds like the creation of your parcel was based on advice to divide the secondary dwelling from the primary dwelling while working on a variance (AD2020-0134) and rezone process (CR2020-0011). Based on permit history, the variance was approved subject to rezone approval. The rezone application was denied June of 2021. The building permit for your house was finalized in February 2021 (BP2020-0566) as a secondary dwelling to the primary dwelling on Parcel R29887011). The property was deeded in March 2022 (Inst. No. 2022-014656).



A non-viable land division application was submitted March 15, 2023 (AD2023-0020). A variance application was also submitted to reduce the lot size to 0.75 acres which was denied (AD2023-0019). The land division case was amended to meet the minimum one acre lot size. On May 1<sup>st</sup>, 2024, a pre-approval was provided stating that AD2023-0020 could be approved subject to a recorded Record of Survey (ROS) and the deed-restriction area be shown as an easement on the ROS. The pre-approval expired August 29, 2024. Based on the neighbors not wanting to complete the deed-restriction, the property can not longer met the one acre minimum lot size.

One option discussed was to apply for the variance again. The variance application is \$600. Based on the decision for the same request in 2023, this will most likely be denied. This is due to the hardship created causing the lot size variation is due to the parcel being created outside of County Code. The hardship would not be there if the parcel was merged back into R29887011 where the house is a secondary dwelling to the primary dwelling. The denial can be appealed subject to submitting an appeal application within 15 days of the decision (CCZO Section 07-05-07; \$600 appeal fee).

The other option is to apply for a conditional rezone to R-2 (Medium Density Residential, 0.5 acre lot size). Application fee is \$1,400. The decision may not be approved without a comprehensive plan amendment since property and area are designated to promote and preservation agricultural uses and growth, not residential growth.

If the options above are not approved, the only other option is to merge the parcel back into R29887011 where the dwelling is approved as a secondary dwelling.

Attached are the applications for the variance and conditional rezone.

Contact me if you have any questions.

Sincerely,

**Dan Lister, Principal Planner**

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

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)