



**Board of County Commissioners**  
**Hearing Date: November 19, 2024**  
*Canyon County Development Services Department*

**SD2021-0039 / Alyson Meadows Subdivision**

**APPLICANT/REPRESENTATIVE:** ELWIN BUTLER, PE - MATRIX ENGINEERING  
**PROPERTY OWNER:** CORY SWAIN - CS2, LLC

**REQUEST:** Preliminary Plat

**LOCATION:** Parcel # R35590  
0 Linden Road in the NW ¼ of Section 32, T4N, R3W, BM,  
Canyon County, Idaho.

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

**P&Z RECOMMENDATION:** Approval with Conditions

**SUMMARY:**

The applicant requests an approval of a Preliminary Plat. The applicant was submitted by Cory Swain, CS2, LLC and the applicant's representative is Elwin Butler, PE, Matrix Engineering. The Planning & Zoning Commission heard the case at a public hearing held on August 15, 2024. After deliberation the Planning & Zoning Commission recommended Approval with Conditions of the request (Exhibit I & II).

The applicant has requested a waiver of the City of Caldwell's subdivision requirements. The Planning and Zoning Commission recommended the City of Caldwell's requirements for this plat be waived by the Board. (Exhibit 1, Condition 6) Per Canyon County Ordinance 09-01-19(6): Waiver of City of Caldwell Ordinance Provisions: The requirements listed in the Caldwell ordinances, identified in subsections (2) and (3) of this section, may be waived by the Canyon County Board of Commissioners at its discretion.

The Staff report packet dated August 15, 2024, and all supporting material are contained in Exhibit III. Any additional agency & public comments received for the subject public hearing, or received as a late exhibit at the previous public hearing may be found in Exhibits IV & V. A draft version of the Board's Findings of Fact, Conclusions of Law & Order (FCO) may be found in Exhibit VI. Any Additional supporting documentation provided by the applicant to be considered by the Board of County Commissioners may be found in Exhibit VII.

**EXHIBITS:**

- I. Planning & Zoning Commission FCOs Dated: September 5, 2024
- II. Planning & Zoning Commission Minutes Dated September 19, 2024
- III. Staff Report Packet Dated: August 15, 2024
- IV. Agency Comments Received by: November 12, 2024 (due to Nov. 9 deadline falling on holiday weekend)
  - a. Caldwell Rural Fire Protection District; Received: October 16, 2024

- b. DSD GIS; Received October 23, 2024
  - c. City of Caldwell; Received November 1, 2024
- V. Public Comments Received by: November 12, 2024 (due to Nov. 9 deadline falling on holiday weekend)
  - a. John Starr and Surine Greenway; Received: September 30, 2024
  - b. Tranquil Place Letter of Concern; Received: November 8, 2024
  - c. Letter of Support by neighbors; Received: November 12, 2024
- VI. DRAFT – Findings of Fact, Conclusions of Law & Order (FCOs)
- VII. Application Materials Received by: November 12, 2024 (due to Nov. 9 deadline falling on holiday weekend)
  - a. Request for Waiver of City of Caldwell requirements



**Planning and Zoning Commission**  
**Alyson Meadows Subdivision Preliminary Plat SD2021-0039**

**FINDINGS, CONCLUSIONS LAW, AND ORDER**

**Findings of Fact**

1. The applicant, Cory Swain, CS2, LLC and representative Elwin Butler, PE, are requesting approval of a preliminary plat and irrigation plan for the Alyson Meadows Subdivision. This proposed subdivision will consist eighteen (18) residential lots and one (4) common lots.
2. The subject property was rezoned from "AG" agricultural to "CR-RR" rural residential in case RZ2021-0047 approved on October 3, 2023.
3. The subject property is also known as parcel R35590 and is located at 0 Linden Street, Caldwell and located in the NW ¼ of section 32 Township 4N 3W Canyon County, Idaho.
4. The property is located within the Caldwell Area of City Impact. The City of Caldwell Director of Planning and Zoning and the City of Caldwell Engineering department provided comment and recommended conditions for the development. (Exhibits 6f, 6g, 6h and 6i)
5. The subject property is located within Pioneer Irrigation District jurisdiction. The district provided comment on the Cooper drain located on the West border of the development. (Exhibits 6d and 6e)
6. The development will be served by individual wells and septic systems.
7. Access to the public road system will be via Linden Road from a private road named Wolverine Lane. A private road application has been submitted with this preliminary plat application.
8. The subject property is located within Highway District Number 4 jurisdiction. Comments and requirements were provided by the highway district. (Exhibits 6a, 6b and 6c)
9. Stormwater runoff shall be conveyed to the roadside ditches along the private road and contained within the stormwater retention easements. All stormwater facilities are the responsibility of the Homeowner's Association. If no homeowner's association exists maintenance both routine and non-routine maintenance will be the responsibility of the property owner.
10. The development is not located in a floodplain (Flood Zone X).
11. Notice of the public hearing was provided in accordance with CCZO §07-05-01. The impact agencies and City of Caldwell were notified on September 10, 2021. Agencies were noticed again on July 16, 2024. A newspaper notice was published on July 16, 2024. Property owners within 600' were notified by mail on July 12, 2024. The property was posted on July 16, 2024.
12. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2021-0039.
13. Due to the character of the area and the indefinite annexation timeline, the additional infrastructure required by the City of Caldwell may not be in compliance with City standards at the time of annexation.

**Conclusions of Law**

Pursuant to CCZO §07-17-09(4): Commission Action:

*"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."*



## Planning and Zoning Commission

### Alyson Meadows Subdivision Preliminary Plat SD2021-0039

#### Standard of Review for Subdivision Plat:

- A. Idaho Code, Sections 67- 6513 (Subdivisions);
- B. Idaho Code, Section 31-3805 & 67-6537 (Water Rights/Irrigation Water Delivery);
- C. Idaho Code, Section 22-4503 (Right-to-Farm Act);
- D. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- E. Canyon County Code of Ordinances (CCCO), Article 17 (Subdivision Regulations).
  - a. The preliminary plat was found to be complete by Centurion Engineering (Exhibit 6p) subject to conditions of approval.
- F. Canyon County Code Section 09-01-01, Caldwell – Area of City Impact Agreement.
  - a. The property is located within the Caldwell Area of City Impact. Pursuant to CCZO Section 09-01-01, Caldwell – Area of City Impact Agreement, the city had the opportunity to review the plat application and render an opinion and recommendation to the County. On April 17, 2023, the City of Caldwell was noticed regarding the plat application which included a copy of the plat. The City of Caldwell responded with recommended conditions for the proposed preliminary plat. (Exhibits 6f, 6g, 6h and 6i).

#### Conditions of Approval

- 1. Plat shall comply with Canyon County Code of Ordinances Article 17 (Subdivision Regulations). Conditions shall be complied with per County Engineer letter, Exhibit 6p.
- 2. Update the revision block.
- 3. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
- 4. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation entity.
- 5. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved (Exhibit 6p).
- 6. The City of Caldwell requirements for this plat will be waived.
- 7. Plat shall comply with the requirements of Highway District No. 4. Evidence of compliance shall be Highway District No. 4 signature on the final plat.
- 8. The development shall comply with Southwest District Health requirements. Evidence of compliance shall be Southwest District Health's signature on the final plat.
- 9. An Irrigation Water User's Maintenance Agreement for all lots within the development shall be recorded with the Canyon County Recorder's Office prior to the Board signing the final plat.
- 10. Prior to the Board signing the final plat, an easement or common lot shall be added to provide a United States Postal Service community mailbox unless waived by the United States Postal Service.
- 11. The Final Plat shall comply with the International Fire Code as administered through Caldwell Rural Fire District. Evidence of compliance shall be written approval from the Caldwell Rural Fire District to be submitted to DSD prior to signing of the final plat.
- 12. A Road User's Maintenance Agreement (RUMA) shall be recorded in accordance with CCZO Section 0-10-03(1)B3 prior to the signing of the final plat. All parties using Birchwood Lane shall be





**Planning and Zoning Commission**  
**Alyson Meadows Subdivision Preliminary Plat SD2021-0039**

subject to a RUMA or a new RUMA that includes all users for the construction and maintenance of the shared access/private road, including repairs, and necessary improvements to accommodate additional accesses in the future.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0039, the Planning and Zoning Commission **recommends approval** of the preliminary plat for Alyson Meadows Subdivision subject to conditions of approval as enumerated herein.

**APPROVED** this 5 day of Sept, 2024.



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

Robert Sturgill, Chairman

State of Idaho )

) SS

County of Canyon County )

On this 5<sup>th</sup> Day of September in the year of 2024, before me Amber Lewter, 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 executed the same.

Notary: Amber Lewter

My Commission Expires: 10/20/2029



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, August 15, 2024  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

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Commissioners Present : Robert Sturgill, Chairman  
Miguel Villafana, Commissioner  
Patrick Williamson, Commissioner  
Harold Nevill, Commissioner  
Geoff Mathews, Commissioner  
Brian Sheets, Commissioner

Staff Members Present: Jay Gibbons, Assistant Director of Development Services  
Michelle Barron, Principal Planner  
Dan Lister, Principal Planner  
Amber Lewter, Hearing Specialist

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

**Commissioner Villafana** read the testimony guidelines and proceeded to the first business item on the agenda.

**Item 1A:**

**Case No. SD2022-0005 / Bad River**– Approve revised FCO's.

**MOTION:** Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Order. Motion seconded by Commissioner Mathews. Chairman Sturgill and Commissioner Villafana abstained. Voice vote, motion carried.

**Item 2A:**

**Case No. CR2022-0022 / Vermaas:** The applicant, KM Engineering representing owner Bonnie Vance Vermaas, is requesting a conditional rezone of Parcels R37517 & R37519 from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone subject to a development agreement restricting development to 13 residential lots. The subject property is located at 9713 Galloway Road, Middleton; also referenced as a portion of the NW ¼ of Section 28, T5N, R2W, Canyon County, Idaho.

**Staff proposed to be tabled to a date certain of October 17, 2024.**

Commissioner Nevill asked if the applicant asked to postpone after seeing the recommendation of denial. Planner Dan Lister stated that Staff sent an email saying they thought a different zone would be more appropriate but if they didn't hear back from the applicant they would schedule the hearing. The applicant had some questions about rural residential zoning but never gave a solid answer about the hearing. The hearing was scheduled and then the applicant asked for a postponement so they could work on the application to a different zone. Planner Dan Lister explained if it gets heard as is and goes in front of the Board of County Commissioners then more than likely it will get remanded back to Planning and Zoning to be reheard. Commissioner Nevill asked how many people are present for the case. Chairman Sturgill advised there is the applicant and 12 in opposition.

Commissioner Williamson asked if the case is going off the 2020 Comp Plan or the 2030 Comp Plan. Planner Dan Lister advised it is the 2020 Comp Plan.

**MOTION:** Commissioner Sheets moved to postpone Case CR2022-0022 to a date certain of October 17, 2024. Motion seconded by Commissioner Villafana.

**Discussion on the Motion:**

Commissioner Nevill is not in favor because they often see the recommendation of denial and then want to change the application. He believes the best application should be brought forward first.

Commissioner Mathews agrees with Commissioner Nevill.

Roll call vote: 3 in favor, 3 opposed, motion failed.

**Planner Dan Lister** reviewed the Staff report for the record.

Commissioner Nevill asked if the applicant does change the zoning to RR where would they get the irrigation water. Planner Dan Lister advised each lot would have a half acre through their domestic well they could irrigate with or they would work with IDWR to get additional water rights. Commissioner Nevill asked about exhibit 2A if it would be more appropriate to call it developed for agriculture instead of undeveloped. Planner Dan Lister stated the applicant could better answer.

Commissioner Williamson asked about exhibit 3D if those subdivisions were approved before having to change the zoning maps. Planner Dan Lister stated a lot of the lots are still zoned agricultural and the subdivisions in question happened with conditional use permits in the past. Planner Dan Lister referred to exhibit 3E showing the decision years for the surrounding area.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Stephanie Hopkins (Representative) – IN FAVOR – 5725 N Discovery Way, Boise, ID 83713**

Ms. Hopkins stated the neighborhood meeting happened in 2022 and in the last 2 years there has been coordination with engineering a few others for changes to the preliminary plat, the first comments she remembers seeing about the zoning was this year in early July. It was her opinion that the hearing date was talked about but not scheduled and thought she had time to revise the preliminary plat. Ms. Hopkins stated at the time of submitting the applications rezones were being heard at the same time as the preliminary plats. Her client wanted to pursue the R1 zone because of the Kelley rezone approved in 2021. Ms. Hopkins stated they want to work with staff and that was the reason for asking for the continuance so they can revise the preliminary plat to fit a rural residential zoning. Ms. Hopkins responded to Commissioner Nevill's question and stated the term undeveloped just means the lot is undeveloped from homes. Ms. Hopkins stated the owner used to raise and train horses but has aged so her son is now trying to help her develop the property so she can live in her current lot and have money for retirement. Ms. Hopkins stated staff is recommending 2.5 acre lots which is above what RR zoning states so they are going to look at the preliminary plat design and see what they can do. Ms. Hopkins provided details on the current proposal of the preliminary plat.

Commissioner Williamson asked why they were focusing on the plat before the rezone. Ms. Hopkins stated in general they focus on the layout of the lots to see if it will work for the zone and that is how

clients will see if their project is viable.

Commissioner Nevill asked what the agricultural use is on the lot. Ms. Hopkins stated it hasn't been irrigated for about 20 years and is not prime farm ground. Commissioner Nevill asked if they have considered providing a school bus stop. Ms. Hopkins stated they haven't considered that yet. She believes this is a small project and the subdivisions to the west may be better suited to put one up but is willing to have those conversations.

Commissioner Sheets asked if it is her intent to rework the application and resubmit it after the hearing. Ms. Hopkins stated she was working with Staff to revise the preliminary plat to align with a rural residential zone. Her intent is to change the zoning request. Commissioner Sheets asked about the excess water rights. Ms. Hopkins stated she would need to speak with her engineer.

**Lyle Zufelt – IN OPPOSITION – 9965 Grand Tarahee, Middleton, ID 83644**

Mr. Zufelt stated he lives in the Grand Estates Subdivision to the west of the proposed development. His subdivision is zoned RR and would have no problem if this project was zoned RR. His current concern is there is a property to the east of the 18 acres and believes this to be a first phase to a two-part phase development. Mr. Zufelt stated his subdivision attempt to keep the watering to a half acre and the other acreage has natural grasses or goats. He knows of other locations where wells are running dry because houses are too close together and that is why he would be ok with an RR zone.

**Joe Strongone – IN OPPOSITION – 9617 Golden Willow St, Middleton, ID 83644**

Mr. Strongone stated his property is adjacent directly south of the proposed development. He moved to the area because of the master plan saying this is an area for Ag and open country and he would like to keep it that way. Mr. Strongone stated during the neighborhood meeting most of the neighbors expressed wanting a minimum of 2.5 acres. Mr. Strongone stated it would be unfair for him to say he wants no development so he would be comfortable with 2.5 acres because it would then be consistent with the area. Mr. Strongone agrees with all of Staff's recommendation. He is against using well water for landscaping and is concerned about the neighborhood needing to drop their wells in the future.

Commissioner Nevill asked how long Mr. Strongone has lived there. Mr. Strongone advised he has lived there for 3 years. Commissioner Nevill asked if the larger lots preserve the agricultural way of life. Mr. Strongone stated they do for example there is lots with cows, goats, sheep, and llamas.

**John McComb – IN OPPOSITION – 9612 Golden Willow, Middleton, ID 83644**

Mr. McComb stated he is in agreeance with Staff's recommendation. He is mostly concerned about the impact the schools will have. There is also concern with the water wells running dry and where the water drainage will go.

**Ted Todd – IN OPPOSITION – 9564 Golden Willow St, Middleton, ID 83644**

Mr. Todd stated the schools are full, the fire department is tapped and the area is left without paramedic services almost on a daily basis. Mr. Todd stated the irrigation water is less than adequate for the existing homes.

Commissioner Williamson asked for more information on the irrigation water. Mr. Todd stated Black Canyon Water Irrigation is who supplies the area and almost on a daily basis there is pressurization problems where they have to stagger watering times.

Chairman Sturgill asked if a Rural Residential with 2-acre minimum lots is better than 1 acre lots. Mr. Todd

stated people have the right to develop their property but the property should fit the area which are all 2 acres or more with livestock.

**Richard Trudeau – IN OPPOSITION – 9810 Grand Teton Trail, Middleton, ID 83644**

Mr. Trudeau stated he reviewed the application, staff report and comprehensive plan and knows that it doesn't meet two criteria. One the proposal doesn't meet the comprehensive plan and secondly it isn't consistent with the surrounding area. Mr. Trudeau is also concerned about the water. Recently there has been more intrusion on the aquifer than in the past. Mr. Trudeau stated he believes the rural residential zone would be acceptable in the area.

**Stephanie Hopkins (Representative) – REBUTTAL – 5725 N Discovery Way, Boise, ID 83713**

Ms. Hopkins stated she believes if the revision is made to the project changing it to rural residential the project will meet the surrounding area. Ms. Hopkins stated the irrigation concerns are related to the preliminary plat.

Commissioner Williamson asked if there was consideration for a communal water well for the development. Ms. Hopkins stated there wasn't for this development because that is usually considered for larger developments. Ms. Hopkins stated after speaking with her engineer it is her understanding that the wells will be dug deeper to not affect the surrounding wells.

**MOTION:** Commissioner Nevill moved to close public testimony on Case CR2022-0022, seconded by Commissioner Sheets, voice vote, motion carried.

**DELIBERATION:**

Commissioner Mathews stated there is already overcrowding of the schools in the area and he is concerned if they approve smaller developments they aren't helping the problem they would be exasperating it. Commissioner Mathews is in favor for denial and doesn't believe a change in zoning would change his mind.

Commissioner Nevill stated he agrees with staff's recommendation, that the proposal doesn't fit the surrounding area for question 4 and for question 8 the proposal would negatively impact the schools. Commissioner Nevill is in favor of denial.

Commissioner Mathews stated for question 8 the word not needs to be deleted in the first sentence.

Commissioner Williamson stated there was testimony about EMS services being rerouted and might want to add that in the findings. As well as the fire department being stretched.

Chairman Sturgill invited consideration to continue the case to allow the applicant to come back with what they plan to ultimately present to the Board of County Commissioners.

**MOTION:** Commissioner Williamson moved to table Case CR2022-0022 to a date certain of October 17, 2024. Seconded by Commissioner Sheets.

**Discussion on the Motion:**

Commissioner Sheets stated based upon the testimony and the intent of the applicant he doesn't see any other reasonable way to handle the case other than to continue it.

Roll call vote: 5 in favor, 1 opposed, motion passed.

**Item 2B:**

**Case No. SD2021-0039 / Alyson Meadows Subdivision:** A request by Elwin Butler, PE for Cory Swain, CS2, LLC, for approval of a Preliminary Plat, irrigation and drainage plan for Alyson Meadows Subdivision. The development consists of 18 residential lots and 4 common lots, including a private road lot on approximately 40.84 acres. The average lot size is 2.00 acres. The subject property, parcel number R35590, is located at 0 Linden Road in the NW ¼ of Section 32, T4N, R3W, BM, Canyon County, Idaho.

Commissioner Villafana disclosed he farms near the parcel but has had no contact with the owners.

**Planner Michelle Barron** reviewed the Staff report for the record.

Chairman Sturgill asked what events would have to occur before the parcel gets annexed into the City of Caldwell. Planner Michelle Barron stated it has to be touching the city, it would then be up to the City and the owner to work out the details. Chairman Sturgill asked currently how far away from the city is the property. Planner Michelle Barron stated she doesn't currently have that information. Chairman Sturgill asked if the water infrastructure was available could they connect to the city immediately. Planner Michelle Barron stated if the structures are available and a pre-annexation agreement was signed she believes they could.

Commissioner Williamson asked if the EMS access is granted if the property to the east has an easement recorded to have EMS go in and out. Planner Michelle Barron stated the property to the east, Tranquil Place does have a turn around.

Commissioner Nevill asked about condition 6. Planner Michelle Barron stated in the rezone process the city requested they put in the infrastructure and connect to city water, they will not be connecting to city water yet but they will be putting in the infrastructure.

Commissioner Sheets asked if the annexation in the future could be involuntary. Planner Michelle Barron stated she is unsure. Commissioner Sheets asked if there is an HOA planned for the project. Planner Michelle Barron deferred to the applicant. Commissioner Sheets asked who will be owning the private road lot. Planner Michelle Barron stated it will be maintained by the people on the Road User's Maintenance Agreement (RUMA). Commissioner Sheets asked who will own the private road lot. Planner Michelle Barron deferred to the applicant.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Elwin Butler (Representative) – IN FAVOR – 3122 Suntree St, Caldwell, ID 83605**

Mr. Butler stated he understands the neighbors are concerned with the project looking like city streets. The closest city utilities are located at Farmway Road which is still far away and would cost about \$500,000 to get the water lines to the property. Mr. Butler showed the future water lines from the City of Caldwell. Mr. Butler stated he wants to keep the project as a rural residential and to look rural. He has been working with the City of Caldwell to not require all the subdivision requirements such as putting in the dry line for the water. There is a ditch that feeds Pheasant Ridge Subdivision and he plans to pipe that line and the city will require that to be on a separate easement. Mr. Butler showed the location where the easement goes onto the property. There is an agreement with Rett's Acres to allow emergency vehicles onto Tranquil Place.



Chairman Sturgill asked for clarification on why the city would need to sign off. Mr. Butler stated he understands the City of Caldwell is on the final plat.

Commissioner Nevill asked if Mr. Butler agrees with the conditions of approval. Mr. Butler stated he does but would like to limit the amount of say the city has over the development. Commissioner Nevill asked who will own the road lot. Mr. Butler stated the plat says the HOA will own it.

Commissioner Williamson asked if the open ditch will be maintained by the irrigation district or privately maintained. Mr. Butler stated it will be privately maintained. Commissioner Williamson asked if the city has an idea of when they will have services there or will annex that area. Mr. Butler stated it is going to take a significant amount of effort.

Chairman Sturgill asked the estimated cost to install the dry lines. Mr. Butler stated roughly 1700 feet at about \$175 per feet.

Commissioner Sheets asked if the RUMA is going to be filed with the County or separate documentation. Mr. Butler stated it is a separate documentation.

**Gary Beers – IN FAVOR– 16840 W Linden St, Caldwell, ID 83607**

Mr. Beers stated he is in support of the proposed plan. Mr. Beers is wondering at what point during the process is the irrigation schedule done for joint responsibility and an enforcement process made. He is against the sewer extension requirement, the 12-inch water main, and the sidewalks. There are no sidewalks, sewer, water or anything down Linden Street. Mr. Beers feels like putting the city requirements on this project will make it stand out differently than the surrounding area. Mr. Beers doesn't see the area getting annexed for years.

Commissioner Nevill asked about the water lines. Mr. Beers stated he would like something in writing that says who is responsible for working with him and his subdivision on turning the water lines on and the water distribution between the proposed subdivision and his. Commissioner Williamson recommended speaking with a ditch rider. Commissioner Nevill asked if Mr. Beers is ok with the striping instead of sidewalks. Mr. Beers stated he just doesn't think sidewalks should be required. Commissioner Nevill confirmed it is striping and not sidewalks that is proposed.

**Elwin Butler (Representative) – REBUTTAL – 3122 Suntree St, Caldwell, ID 83605**

Mr. Butler stated he will deliver the water to the edge of his property at the same volume that historically been delivered and the HOA will be responsible for maintaining the pipeline and delivering the water to the property lines.

Chairman Sturgill asked about condition 6. Planner Michelle Barron explained the Board of County Commissioners previously waived the requirement to connect to city water. Chairman Sturgill asked for the list of what the city is asking from the developer. Commissioner Williamson found some information on exhibit 6G.

**MOTION:** Commissioner Williamson moved to close public testimony on Case SD2021-0039, seconded by Commissioner Villafana, voice vote, motion carried.

**DELIBERATION:**

Commissioner Sheets stated he would be supportive of the waivers on condition 6.



Chairman Sturgill suspects it would remain a rural area for a long period of time.

Commissioner Nevill believes they should recommend waiving the cities' requirements on water, sewer, irrigation and landscaping.

Planner Michelle Barron provided the ordinance for city requirements. Assistant Director of Development Services Jay Gibbons stated the ordinance is an agreement with the city and county in 2005. The city has had updates in their ordinance since then. Conversation ensued between Commissioners and Assistant Director of Development Services Jay Gibbons in regards to the waivers.

Commissioner Sheets recommends that the Commissioner recommend to the Board of County Commissioners that they waive the City of Caldwell requirements.

Conversation ensued between Commissioners in regards to the waiver condition and findings.

**MOTION:** Commissioner Sheets moved to recommend approval for Case SD2021-0039 with revised condition number 6 and an additional finding number 13. Seconded by Commissioner Mathews.

Roll call vote: 6 in favor, 0 opposed, motion passed.

**ACTION ITEM – APPROVAL OF MINUTES**

**MOTION:** Commissioner Nevill moved to approve July 11, 2024 minutes. Seconded by Chairman Mathews. Commissioner Sheets abstained. Voice vote, motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Assistant Director of Development Services Jay Gibbons stated they are finalizing updated staff reports and should start seeing them in September.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 9:38 PM.

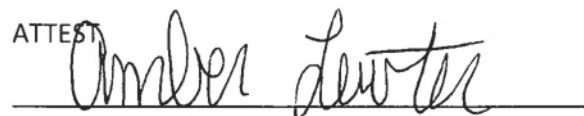
An audio recording is on file in the Development Services Departments' office.

Approved this 19<sup>th</sup> day of September, 2024



Brian Sheets, Acting Chairman

ATTEST



Amber Lewter – Hearing Specialist



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, September 5, 2024  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman  
Miguel Villafana, Commissioner  
Patrick Williamson, Commissioner  
Harold Nevill, Commissioner  
Geoff Mathews, Commissioner  
Brian Sheets, Commissioner  
Matt Dorsey, Commissioner

Staff Members Present: Jay Gibbons, Assistant Director of Development Services  
Michelle Barron, Principal Planner  
Dan Lister, Principal Planner  
Emily Kiester, Associate Planner  
Amber Lewter, Hearing Specialist

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

**Commissioner Villafana** read the testimony guidelines and proceeded to the first business item on the agenda.

**Item 1A:**

**Case No. SD2021-0039 / Alyson Meadows Subdivision**– Approve revised FCO’s.

**MOTION:** Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Order. Motion seconded by Commissioner Sheets. Voice vote, motion carried.

**Item 1B:**

**Case No. CU2023-0018 – Smith:** Scott and Denise Smith of Sol Invictus Winery request a conditional use permit to allow a special events facility on Parcel R33774015. The 9.98-acre property is located at 3690 Schmidt Lane, Star; also referenced as a portion of the NE¼ of Section 1, T4N, R2W, BM, Canyon County, Idaho.

On July 18, 2024 the Planning and Zoning Commission continued the case to a date certain of September 5, 2024.

**Staff proposed case to be tabled to a date certain of October 17, 2024**

**MOTION:** Commissioner Sheets moved to postpone Case CU2023-0018 to a date certain of October 17, 2024. Motion seconded by Commissioner Mathews.

**Discussion on the Motion:**

Commissioner Nevill asked how many people showed up to testify. Chairman Sturgill advised 4 people in favor and 2 people in opposition signed up to testify.

Roll call vote: 7 in favor, 0 opposed, motion passed.

**Item 2A:**

**Case No. CU2023-0022 – Rage Development – Kiewert:** The applicant, Rage Development, requests a conditional use permit to establish a telecommunication facility on parcel R32418, approximately 1.05 acres. The facility includes a 99' (104' with lighting rod) monopole with accessory structures within a fenced area (2,500 square feet). The subject property is zoned "A" (Agricultural) and located at 3406 E. Greenhurst Road, Nampa, also referenced as a portion of the SW¼ of Section 36, T3N, R2W, BM, Canyon County, Idaho.

**Planner Dan Lister** reviewed the Staff report for the record.

Commissioner Nevill asked if there is active code violation. Planner Dan Lister advised there is not a code violation but there is a condition for them to clean up the space.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Carly Nations (Representative) – IN FAVOR – 1352 Wallingford North, Seattle, WA 98133**

Ms. Nations stated she agrees with the findings and the conditions of approval. Ms. Nations stated the monopole proposed will have space for four carriers which will include T-Mobile. It is intended to improve services along Greenhurst and Southside Blvd and the surrounding residential areas. Ms. Nations stated it will improve about 7,000 residential properties. The proposal will benefit emergency communications in the area. Ms. Nations stated they originally found 12 properties to contact and out of the 12 only 2 responded, 1 of those chose not to move forward. Ms. Nations spoke to criteria 3 and 4, the proposal is taking advantage of the current vegetation to the surrounding area. Ms. Nations stated as the community grows they need the services to match and requests approval of the application.

Commissioner Nevill asked about making the monopole look like a pine tree. Ms. Nations stated they are most effective when they are tucked in the tall trees and wouldn't fit the proposed area.

Commissioner Williamson asked if they hire a service to make sure the weeds are under control. Ms. Nations stated typically they would maintain the site themselves.

Chairman Sturgill asked about the 7,000 residential properties. Ms. Nations stated she isn't sure how old the data is and it might also take into account who is a subscriber to T-Mobile as well.

**Ruben Santos – IN OPPOSITION – 3425 E Greenhurst Rd, Nampa, ID 83686**

Mr. Santos asked to consider the impact the proposed use will have to the neighborhood. He believes if the proposed use is approved it will have an impact for future development in the area such as the future road construction on Greenhurst Rd or Lexi Ln. Mr. Santos is concerned there would not be enough room to expand the road and put sidewalks in with the monopole along the road.

Commissioner Nevill asked if they expand Greenhurst Rd if they will be going into his property as well. Mr. Santos stated they would expand 25 feet into his property. Commissioner Nevill asked Staff how far the monopole is proposed to be from the road. Planner Dan Lister advised he believes it is about 125 feet away from Greenhurst Rd.

**Colleen Santos – IN OPPOSITION – 3425 E Greenhurst Rd, Nampa, ID 83686**

Ms. Santos stated her concern is for the daycare that is directly across from the monopole. Ms. Santos believes the tower will cause damage to the children in the daycare, her animals, and the neighbors.

**Carly Nations (Representative) – REBUTTAL – 13542 Wallingford North, Seattle, WA 98133**

Ms. Nations stated any future widening of Greenhurst Road should not be impacted with the facilities' location. She believes with the setback there should be enough space to widen the road.

**MOTION:** Commissioner Sheets moved to close public testimony on Case CU2023-0022, seconded by Commissioner Mathews, voice vote, motion carried.

**DELIBERATION:**

Commissioner Mathews stated he believes they have addressed the concerns.

**MOTION:** Commissioner Mathews moved to approve Case CU2023-0022 with an amendment to condition 2A. Seconded by Commissioner Williamson.

**Discussion on the Motion:**

Commissioner Nevill stated that because of the benefit to emergency services he is in favor of the proposal. Commissioner Nevill reminded that they cannot take into consideration any health concerns because it is against the federal law.

Roll call vote: 7 in favor, 0 opposed, motion passed.

**Item 2B:**

**Case No. CU2024-0012 – Nampa & Meridian Irrigation District:** The applicant, Nampa & Meridian Irrigation District, represented by Greg Curtis, is requesting a conditional use permit for a campus facility to relocate their administrative offices and operations/maintenance shop & equipment storage on approximately 20.15 acres in an "A" (Agricultural) zone. The subject property is located at 2619 S. McDermott Road, Nampa, ID 83686 also referenced as Parcel 28832, a portion of the NE quarter of Section 05, T2N, R1W, BM, Canyon County, Idaho.

Commissioner Sheets made a declaration that he works with irrigation districts at his firm.

**Assistant Director of Development Services Jay Gibbons** reviewed the Staff Report for the record.

Commissioner Williamson asked if the gravel pile will be a problem for the drain field. Assistant Director of Development Services Jay Gibbons stated there is room for adjustments and has confidence that when the district goes to construction the details will be worked out.

Commissioner Dorsey asked if condition 6 is a reach to require city landscaping in an agricultural area. Assistant Director of Development Services Jay Gibbons stated usually within a city impact area they require all the cities requirements. In this instance he suggested the applicant to go speak with the City of Nampa and reach an agreement so it is requiring tree plantings but not an entire landscaped area.

**Chairman Sturgill** affirmed the witnesses to testify.

## **Testimony:**

### **Greg Curtis (Applicant) – IN FAVOR – 5515 E Greenhurst Rd, Nampa, ID 83686**

Mr. Curtis introduced himself as the Water Superintendent for Nampa & Meridian Irrigation District. Mr. Curtis stated they cover water for 69,000 acres and growing. Mr. Curtis stated they have started doing pressurized irrigation and by doing that they are utilizing the surface water and saving billions from being pumped from the aquifer. Mr. Curtis stated they have been in their current building since 1910 and Greenhurst Rd has gotten so busy it is now difficult to get in and out. They have attempted for the past 15 years to purchase the land around their current location, recently they started looking elsewhere. In this proposed location they are already utilizing the road so Mr. Curtis doesn't believe there will be an impact to traffic. Mr. Curtis believes that the proposal aligns with the comprehensive plan by supporting the patrons and Ag land. Mr. Curtis stated with the proposal they have a lot of new room and can change things to the concept plan. Mr. Curtis met with the City of Nampa and they adjusted the landscape requirements.

Commissioner Nevill asked what will happen with the other 21 acres that is not part of the proposal. Mr. Curtis stated that he is assuming it will remain pasture but doesn't want to speak for the owner.

Commissioner Williamson asked what happens to the surface water rights. Mr. Curtis stated the rights stay with the property but gets shared to others if not used.

Commissioner Sheets asked if Mr. Curtis has read the conditions of approval and agrees with them. Mr. Curtis stated he has read them and can live with all the conditions.

Commissioner Villafana asked if the water used is less than before with development. Mr. Curtis advised that is not the case.

Commissioner Dorsey asked who is over watering. Mr. Curtis advised residential properties.

**MOTION:** Commissioner Sheets moved to close public testimony on Case CU2024-0012, seconded by Commissioner Williamson, voice vote, motion carried.

### **DELIBERATION:**

Commissioner Sheets believes condition 6 is sufficient to handle the needs of the city while not putting too much burden onto the applicant.

**MOTION:** Commissioner Sheets moved to approve Case CU2024-0012. Seconded by Commissioner Mathews.

### **Discussion on the Motion:**

Commissioner Dorsey stated he agrees with the motion but believes condition 6 is an overreach and shouldn't be a condition with the application.

Chairman Sturgill stated he is not in support of the application because the proposed use is a contractor shop and a staging area, he believes the concept plan is much more than that. He believes the scale makes it a commercial facility with the land use zoned agriculture and the future land use zoned agriculture. Chairman Sturgill doesn't believe the proposed application meets criteria 1 because the proposed use is not going to be owned privately, criteria 2 because the square footage of the buildings and the amount of parking availability this makes the use a commercial use, criteria 3 because the future

land use of the property is agriculture and the findings show this will be commercial which doesn't make it appropriate. Chairman Sturgill doesn't believe the project aligns with the comprehensive plan because the intensity of the project doesn't fall under an agricultural zone, he isn't convinced this project promotes conservation of agricultural land, due to the size of the operation it isn't compatible with the surrounding area, and the landscaping doesn't fall under rural landscaping.

Commissioner Sheets asked Chairman Sturgill if he would rather the property be rezoned to commercial. Chairman Sturgill stated he doesn't believe a facility of this magnitude should be in agriculture so agrees that it should be in a zone for commercial.

Commissioner Nevill stated there is always a concern to put something that resembles commercial in an agricultural zone because it is usually the beginning of more development. Commissioner Nevill believes this is an agricultural use because it supports the agricultural way of life, he doesn't like that it is being put on good farm land but can overlook it because it supports agriculture.

Commissioner Williamson asked Chairman Sturgill if he would still feel the same if it was a very large farm operation who wanted to put in an administrative office and maintenance office. Chairman Sturgill stated 194 parking spaces in his opinion is a commercial operation.

Commissioner Mathews stated he believes the benefits outweigh the deficits. He would also be concerned of a rezone because the area would then turn into commercial. He supports the project in the ag land. Chairman Sturgill stated he isn't convinced this is the proper location for the project due to the negative impacts.

Commissioner Dorsey stated he views the project as an agricultural facility, helping agriculture, in an agricultural zone. He doesn't feel like the size is a factor because the intent is agriculture and to help agriculture.

Commissioner Sheets doesn't believe that the project meets the conditions of approval and his motion still stands.

Roll call vote: 6 in favor, 1 opposed, motion passed.

#### **ACTION ITEM – APPROVAL OF MINUTES**

**MOTION:** Commissioner Nevill moved to approve July 18, 2024 minutes. Seconded by Commissioner Villafana. Commissioner Dorsey abstained for not being present. Voice vote, motion carried.

**MOTION:** Commissioner Nevill moved to approve August 1, 2024 minutes. Seconded by Commissioner Williamson. Chairman Sturgill, Commissioner Villafana and Commissioner Dorsey abstained for not being present. Voice vote, motion carried.

#### **DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Assistant Director of Development Services Jay Gibbons gave an update that DSD is meeting with the Board of County Commissioners for general business twice a week.

Commissioner Nevill asked for a workshop with the irrigation districts.

#### **ADJOURNMENT:**



**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 8:59 PM.

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

Approved this 17<sup>th</sup> day of October, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist





## Planning and Zoning Commission Canyon County Development Services Dept. Alyson Meadows Preliminary Plat: SD2021-0039

**HEARING DATE:** Thursday, August 15, 2024

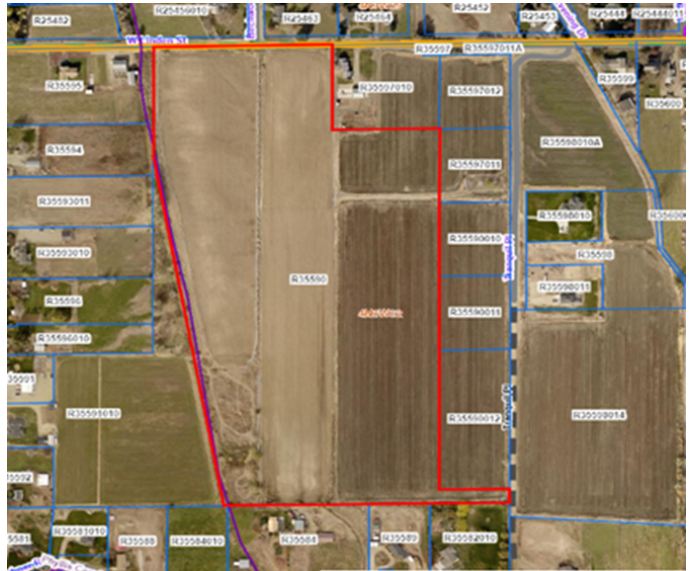
**OWNER:** CS2, LLC, Cory Swain

**APPLICANT/REP:** Elwin Butler, PE,  
Matrix Engineering

**PLANNER:** Michelle Barron  
Principal Planner

**CASE NUMBER:** SD2021-0039

**LOCATION:** R35590  
0 Linden Road, Caldwell  
(40.84 acres)



### PROJECT DESCRIPTION:

- A request by Elwin Butler for Cory Swain, CS2, LLC, for approval of a Preliminary Plat for Alyson Meadows Subdivision and irrigation plan (Exhibit 3g and 3h). The development consists of 18 residential lots and 4 common lots, including a private road lot on approximately 40.84 acres. The subject property, parcel number R35590, is located at 0 Linden Road in the NW ¼ of Section 32, T4N, R3W, BM, Canyon County, Idaho.

### PARCEL INFORMATION: Exhibit 1 (*Parcel Tool Info*)

### PROJECT OVERVIEW

- The applicant had submitted the Preliminary Plat to run concurrently with the Conditional Rezone. Staff separated the two applications and proceeded with the Conditional Rezone (RZ2021-0047, approved 10/3/23) under the applicant Bob Unger. The Preliminary Plat has been transferred to applicant Elwin Butler of Matrix Engineering per the owner/developer's request.
- The applicant is requesting approval for a Preliminary Plat on the subject parcel to create 18 buildable lots in the Rural Residential (R-R) Zone.
- The subject parcel is "CR-RR" and is located in Caldwell's Area of City Impact.
- The RR (Rural Residential) zoning designation for this parcel was approved on October 3, 2023 (RZ2021-0047). (Exhibit 4)
- A Development Agreement (Exhibit 5) was entered into at the time of rezone with the following conditions:
  1. *The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.*
  2. *The subject parcel shall be in subjection to the Canyon County Zoning Ordinance Chapter 7, Article 17 for platting with a maximum of 18 buildable lots with an average lot size of 2.00 acres.*

3. *The applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell Planning and Zoning Department letters as seen in Exhibit D, Attachment 7f and 7g with the exception of the requirement connecting to the Public Water System, which is waived.*
  4. *The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."*
- Conditions 1, 2, and 4 from the Development Agreement have been met and the applicant is working with the City of Caldwell on compliance with condition number 3 (Exhibit 6f).
  - There is a Private Road application running concurrently with this Preliminary Plat for RD2024-0003 for Wolverine Lane. The application is being reviewed by the GIS department for compliance.
  - The original submission of the Preliminary Plat was submitted along with the Conditional Rezone and was reviewed by the designated County Engineer, Keller Associates on March 8, 2022. (Exhibit 6o)
  - Changes were made by the project engineer (applicant) to address comments from the County Engineer and from various agencies.
  - The County Engineer, Centurion reviewed two further versions of the Preliminary Plat, with the last review for the plat with drainage and irrigation plans dated February 8, 2024 that has conditions that must be met for the Preliminary Plat to be approved. (Exhibit 6p).
  - The applicant responded with a letter dated March 5, 2024 and an updated Preliminary Plat reflecting changes required by the highway district, fire district and the irrigation district. There was information on the emergency access and the turnaround for the adjoining Rhett's Acres subdivision. (Exhibit 3e)
  - There has been no further review by the County Engineer completed on the most up to date Preliminary Plat that was submitted by the applicant dated March 29, 2024. The recommendation by staff is to approve with the conditions provided by the County Engineer in their February 8, 2024 review letter. (Exhibit 3p)

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**The Alyson Meadows Subdivision (Exhibit 3e) Summary:**

**Zoning:** "CR-RR" (Rural Residential, 2-acre average minimum)

**Acreage:** 40.84 acres

**Average residential lot size:** 2.00 acres

**Number of Residential lots:** 18

**Comprehensive Plan Alignment:**

- The Future Land Use from the 2020 Comprehensive Plan Future Land Use Map is Residential.

**Access and Traffic:**

- Access to the public road system will be via a Private Road (Wolverine Lane) off of Linden Road.
  - Highway District No. 4 submitted a comment letter dated January 12, 2023, (Exhibit 6c) with proposed conditions. These have been updated and addressed by the applicant since then and resubmitted to Highway District No. 4.
  - Highway District No. 4 approved the preliminary plat design on May 9, 2023 (Exhibit 6b) with a follow up email confirming approval still stands on April 10, 2024. (Exhibit 6a)

- Idaho Transportation Department commented that they have no concerns for this project. (Exhibit 6l)
- Several residents that live on Tranquil Place, a private road that has a hammerhead turn around on lot 12 of Alyson Meadows has concerns of the possible connection of the two private roads. There concerns are regarding the maintenance of Tranquil Place and the fact that the land owners within the Alyson Meadows subdivision will not be a part of the Tranquil Place Road Users Maintenance Agreement (RUMA) and therefore would have no cost share in repairing the road.

#### **Facilities:**

- Individual septic systems are requested for each lot. This parcel is within the Ada Canyon Nitrate Priority area. Sanitary Restrictions will be satisfied when Southwest District Health signs the final plat.
- Southwest District Health is requiring a Nitrate-Pathogen Study. (Exhibit 6q)
- The City of Caldwell is requiring the developer to provide funds to construct a force pressure sewer main from Birchwood Lane to the east boundary of the frontage, this is approximately 250 feet. (Exhibit 6f)
- Individual wells are requested for each lot. Notice was given to the Idaho Department of Water Resources of this Preliminary Plat, but no comments were received.
- The City of Caldwell is requiring the developer to place a 12" water main along the frontage of the property for future hook up to the City water after annexation. (Exhibit 6f) The Board of County Commissioners waived the requirement to hook up to City water during the Conditional Rezone process and made that part of the Development Agreement. See signed FCO's. (Exhibit 4)
- Irrigation facilities are proposed and have been approved by the irrigation district. (Exhibit 6d) At the time of annexation into the City of Caldwell, there will be a transfer of irrigation water rights to the city. (Exhibit 6f)
- The City of Caldwell is requiring a ribbon curb and marked walkways on the pavement but does not include curb and sidewalks. (Exhibit 6f)

#### **Essential Services:**

- All essential services were notified of the proposed subdivision.
- The parcel is served by Caldwell School District and Caldwell Rural Fire District.
- Caldwell School District did not comment.
- Caldwell Rural Fire submitted a comment letter dated April 17, 2023 with conditions of approval. (Exhibit 6n)
- Caldwell Rural Fire submitted a comment that the addition of plat note 15 will satisfy their requirements for flow rates and sprinklers. (Exhibit 6m)

#### **POTENTIAL IMPACTS:**

- Traffic will increase, but is not expected to reduce the Level of Service at nearby intersections or roadways below an acceptable level according to Highway District No. 4. They will not require a traffic impact study. (Exhibit 6b)

#### **COMMENTS:**

- Public:  
Property owners within 600 feet of the parcel were noticed on July 12, 2024.
  - Six residents that live on Tranquil Place submitted concerns regarding Alyson Meadows possible access to Tranquil Place. (Exhibit 7b)

- Gary Beers submitted comments regarding the Rural Residential nature of the request. (Exhibit 7a)
- Agencies:  
Agencies were noticed originally on September 10, 2021, they were noticed for the rezone application and again for this hearing on July 16, 2024.

#### **RECOMMENDATION:**

Staff is recommending approval of the application as conditioned and has provided draft findings of fact and conclusions of law for the Planning and Zoning Commission's consideration found in Exhibit 2.

#### **DECISION OPTIONS:**

- The Planning and Zoning Commission may recommend **approval** of the Preliminary Plat to the Board of County Commissioners as conditions and/or amended;
- The Planning and Zoning Commission may recommend **denial** of the Preliminary Plat to the Board of County Commissioners and direct staff to return with findings that support the decision; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

#### **ATTACHMENTS/EXHIBITS:**

Exhibit 1: Parcel Tool

Exhibit 2: Draft FCOs for Planning and Zoning Commission

Exhibit 3: Application

- a. Original Letter of Intent
- b. Letter reflecting some updates requested and new applicant information
- c. Vicinity Map
- d. Land Use Worksheet/Irrigation Plan Worksheet
- e. Updated letter from applicant with most current Preliminary Plat with drainage and irrigation plan dated March 5, 2024
- f. Alyson Meadows Subdivision Preliminary Plat with drainage and irrigation plan dated January 26, 2024 (last Centurion County Engineer reviewed plat)
- g. Email regarding PP addressing emergency access between Alyson Meadows and Rhett's Acres
- h. City proposed sewer lift station and typical City street sections from applicant.

Exhibit 4: Signed FCOs for RZ2021-0047

Exhibit 5: Signed Development Agreement for RZ2021-0047

Exhibit 6: Agency Comments

- a. Highway District No. 4 dated April 10, 2024 (sent from applicant on June 27, 2024)
- b. Highway District No. 4 dated May 9, 2023
- c. Highway District No. 4 dated January 12, 2023
- d. Pioneer Irrigation District dated May 15, 2024
- e. Pioneer Irrigation District dated April 18, 2023
- f. City of Caldwell dated August 5, 2024
- g. City of Caldwell dated July 17, 2024
- h. City of Caldwell dated June 9, 2023

- i. City of Caldwell Engineering dated March 9, 2022
- j. City of Nampa
- k. Idaho Department of Environmental Quality
- l. Idaho Transportation Department
- m. Caldwell Rural Fire (Caldwell Fire Department) dated April 15, 2024
- n. Caldwell Rural Fire (Caldwell Fire Department) dated April 17, 2023
- o. Keller Associates – County Engineer dated March 8, 2022 and Preliminary Plat review was based on from Unger Enterprises
- p. Centurion – County Engineer dated January 8, 2024 (3<sup>rd</sup> review by Centurion)
- q. Southwest District Health and email re: test pits from applicant

Exhibit 7: Public Comments

- a. Gary Beers
- b. Tranquil Place residents

**R35590**

**PARCEL INFORMATION REPORT**

8/5/2024 2:27:01 PM

**PARCEL NUMBER: R35590**

**OWNER NAME: SWAIN CORY**

**CO-OWNER:**

**MAILING ADDRESS: 1584 S LAKECREST WAY EAGLE ID 83616**

**SITE ADDRESS: 0 W LINDEN ST**

**TAX CODE: 0200000**

**TWP: 4N RNG: 3W SEC: 32 QUARTER: NW**

**ACRES: 40.84**

**HOME OWNERS EXEMPTION: No**

**AG-EXEMPT: Yes**

**DRAIN DISTRICT: NOT In Drain Dist**

**ZONING DESCRIPTION: CR-RR / CONDITIONAL REZONE - SINGLE FAMILY  
RESIDENTIAL**

**HIGHWAY DISTRICT: HIGHWAY DISTRICT #4**

**FIRE DISTRICT: CALDWELL RURAL FIRE**

**SCHOOL DISTRICT: CALDWELL SCHOOL #132**

**IMPACT AREA: CALDWELL**

**FUTURE LAND USE 2011-2022 : Res**

**FLU Overlay Zone Desc 2030:**

**FLU RR Zone Desc 2030:**

**FUTURE LAND USE 2030: Res**

**IRRIGATION DISTRICT: PIONEER IRRIGATION DISTRICT**

**FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0240F**

**WETLAND: Riverine**

**NITRATE PRIORITY: ADA CANYON**

**FUNCTIONAL Classification: Minor Arterial**

**INSTRUMENT NO. : 2021022480**

**SCENIC BYWAY: NOT In Scenic Byway**

**LEGAL DESCRIPTION: 32-4N-3W NW TX 21065 IN NW**

**PLATTED SUBDIVISION:**

**SMALL CITY ZONING:**

**SMALL CITY ZONING TYPE:**



**DISCLAIMER:**

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

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



## Planning and Zoning Commission

### Alyson Meadows Subdivision Preliminary Plat SD2021-0039

#### FINDINGS, CONCLUSIONS LAW, AND ORDER

##### Findings of Fact

1. The applicant, Cory Swain, CS2, LLC and representative Elwin Butler, PE, are requesting approval of a preliminary plat and irrigation plan for the Alyson Meadows Subdivision. This proposed subdivision will consist eighteen (18) residential lots and one (4) common lots.
2. The subject property was rezoned from "AG" agricultural to "CR-RR" rural residential in case RZ2021-0047 approved on October 3, 2023.
3. The subject property is also known as parcel R35590 and is located at 0 Linden Street, Caldwell and located in the NW ¼ of section 32 Township 4N 3W Canyon County, Idaho.
4. The property is located within the Caldwell Area of City Impact. The City of Caldwell Director of Planning and Zoning and the City of Caldwell Engineering department provided comment and recommended conditions for the development. (Exhibits 6f, 6g, 6h and 6i)
5. The subject property is located within Pioneer Irrigation District jurisdiction. The district provided comment on the Cooper drain located on the West border of the development. (Exhibits 6d and 6e)
6. The development will be served by individual wells and septic systems.
7. Access to the public road system will be via Linden Road from a private road named Wolverine Lane. A private road application has been submitted with this preliminary plat application.
8. The subject property is located within Highway District Number 4 jurisdiction. Comments and requirements were provided by the highway district. (Exhibits 6a, 6b and 6c)
9. Stormwater runoff shall be conveyed to the roadside ditches along the private road and contained within the stormwater retention easements. All stormwater facilities are the responsibility of the Homeowner's Association. If no homeowner's association exists maintenance both routine and non-routine maintenance will be the responsibility of the property owner.
10. The development is not located in a floodplain (Flood Zone X).
11. Notice of the public hearing was provided in accordance with CCZO §07-05-01. The impact agencies and City of Caldwell were notified on September 10, 2021. Agencies were noticed again on July 16, 2024. A newspaper notice was published on July 16, 2024. Property owners within 600' were notified by mail on July 12, 2024. The property was posted on July 16, 2024.
12. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2021-0039.

##### Conclusions of Law

Pursuant to CCZO §07-17-09(4): Commission Action:

*"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."*





## **Planning and Zoning Commission**

### **Alyson Meadows Subdivision Preliminary Plat SD2021-0039**

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#### **Standard of Review for Subdivision Plat:**

- A. Idaho Code, Sections 67- 6513 (Subdivisions);
- B. Idaho Code, Section 31-3805 & 67-6537 (Water Rights/Irrigation Water Delivery);
- C. Idaho Code, Section 22-4503 (Right-to-Farm Act);
- D. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- E. Canyon County Code of Ordinances (CCCO), Article 17 (Subdivision Regulations).
  - a. The preliminary plat was found to be complete by Centurion Engineering (Exhibit 6p) subject to conditions of approval.
- F. Canyon County Code Section 09-01-01, Caldwell – Area of City Impact Agreement.
  - a. The property is located within the Caldwell Area of City Impact. Pursuant to CCZO Section 09-01-01, Caldwell – Area of City Impact Agreement, the city had the opportunity to review the plat application and render an opinion and recommendation to the County. On April 17, 2023, the City of Caldwell was noticed regarding the plat application which included a copy of the plat. The City of Caldwell responded with recommended conditions for the proposed preliminary plat. (Exhibits 6f, 6g, 6h and 6i).

#### **Conditions of Approval**

- 1. Plat shall comply with Canyon County Code of Ordinances Article 17 (Subdivision Regulations). Conditions shall be complied with per County Engineer letter, Exhibit 6p.
- 2. Update the revision block.
- 3. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
- 4. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation entity.
- 5. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved (Exhibit 6p).
- 6. Plat shall comply with the City of Caldwell requirements. Evidence of compliance shall be signature on the final plat by the City of Caldwell.
- 7. Plat shall comply with the requirements of Highway District No. 4. Evidence of compliance shall be Highway District No. 4 signature on the final plat.
- 8. The development shall comply with Southwest District Health requirements. Evidence of compliance shall be Southwest District Health's signature on the final plat.
- 9. An Irrigation Water User's Maintenance Agreement for all lots within the development shall be recorded with the Canyon County Recorder's Office prior to the Board signing the final plat.
- 10. Prior to the Board signing the final plat, an easement or common lot shall be added to provide a United States Postal Service community mailbox unless waived by the United States Postal Service.
- 11. The Final Plat shall comply with the International Fire Code as administered through Caldwell Rural Fire District. Evidence of compliance shall be written approval from the Caldwell Rural Fire District to be submitted to DSD prior to signing of the final plat.
- 12. A Road User's Maintenance Agreement (RUMA) shall be recorded in accordance with CCZO Section 0-10-03(1)B3 prior to the signing of the final plat. All parties using Birchwood Lane shall be subject to a RUMA or a new RUMA that includes all users for the construction and maintenance of



**Planning and Zoning Commission**  
**Alyson Meadows Subdivision Preliminary Plat SD2021-0039**

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the shared access/private road, including repairs, and necessary improvements to accommodate additional accesses in the future.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0039, the Planning and Zoning Commission **recommends approval** of the preliminary plat for Alyson Meadows Subdivision subject to conditions of approval as enumerated herein.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

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

\_\_\_\_\_  
Robert Sturgill, Chairman

State of Idaho                    )  
  )   SS  
County of Canyon County    )

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

Notary: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

# UNGER ENTERPRISES

Exhibit 3a

TO: Canyon County Development Services  
111 N. 11<sup>th</sup> Ave.  
Caldwell, Idaho 83605

DATE: July 14, 2021

RE: Alyson Meadows Subdivision

On behalf of CS2, LLC, we are submitting this Preliminary Plat Application and Zoning Amendment (Map) Application for Alyson Meadows Subdivision. The site is 40 acres in size and located on Linden Street, Caldwell, Idaho parcel # R35590.

We are proposing to develop 20 single family lots. The property is currently zoned A. We are proposing to amend the zoning to a R-1 Zoning. The gross density for the project is .5 dwelling units per acre. Uses and zoning surrounding the site are; a 3 lot subdivision to the east zoned R-1 and agricultural land to the north, west, and south zoned A.

Access to the site is via Linden Street. Anticipated new traffic is 140 vehicle trips per day. All utilities are available to the site. We are proposing individual septic and wells with the approval of Southwest District Health and Department of Water Resources.

The property has surface water irrigation rights from the Pioneer Irrigation District, located on the southern boundary of the property, which will continue to be utilized. A pump station and pressurized irrigation system will be installed to meet the standards of The City of Caldwell.

A public street is proposed to access all lots with an Emergency Services access from Tranquil Place to the east.

## Zoning Amendment

We are requesting to be rezoned to R-1. The zoning to the west is A with large acre lots. The zoning to the east is R-1 with 2+ acre lots. Our proposal of 2 acre lots is compatible with the surrounding land uses and zones and the County Land Use Map and City Comprehensive Plan.

We look forward to working with you and your staff on this project and request your approval. If you have any questions or concerns please contact me at (208) 861-5220.

Sincerely,



Robert C. Unger  
Manager

*Handwritten notes in blue ink:*  
old attached  
See Amended letter  
in R2 file  
R2 zone

**UNGER  
ENTERPRISES**

TO: Canyon County Development Services  
111 N. 11<sup>th</sup> Ave.  
Caldwell, Idaho 83605

DATE: December 22, 2022

RE: Alyson Meadows Subdivision

On behalf of CS2, LLC, we are submitting this Conditional Zoning Amendment (Map) Application for Alyson Meadows Subdivision. The site is 40 acres in size and located on Linden Street, Caldwell, Idaho parcel # R35590.

We are proposing to develop 18 two acre single family lots. The property is currently zoned A. We are proposing to amend the zoning to RR Zoning. The gross density for the project is 2.22 dwelling units per acre. Uses and zoning surrounding the site are; a 3 lot subdivision to the east zoned RR and agricultural land to the north, west, and south zoned A.

Access to the site is via Linden Street. Sewer and water are not available to the project. We are proposing individual wells and individual septic with the approval of Southwest District Health and Idaho Department of Water Resources.

The property has surface water irrigation rights from the Pioneer Irrigation District, located on the southern boundary of the property, which will continue to be utilized. A pump station and pressurized irrigation system will be installed to meet County standards.

A private street is proposed to access all lots with an Emergency Services access from Tranquil Place to the east.

**Conditional Zoning Amendment**

We are requesting a Conditional Zoning to RR subject to conditions of a development agreement identifying 18 building lots. We would also request that any recommendations from The City of Caldwell pertaining to extension and connection to Caldwell water and public roads built to City of Caldwell standards not be imposed. The zoning to the west is A with large acre lots. The zoning to the east is RR with 2+ acre lots. Our proposal of 2 acre lots is compatible with the surrounding land uses and zones and the County Land Use Map.

We look forward to working with you and your staff on this project and request your approval. If you have any questions or concerns please contact me at (208) 861-5220.

Sincerely,



Robert C. Unger  
Manager



# Development Services Department

Canyon County, 111 North 11<sup>th</sup> Ave. Suite 310, Caldwell, ID 83605

(208) 454 7458 ▪ [zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov) ▪ [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

## Memo

**To:** SD2021-0039 Alyson Meadows file  
**From:** Michelle Barron  
**Date:** July 15, 2024  
**Re:** Change of Representative for Alyson Meadows

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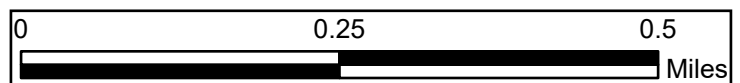
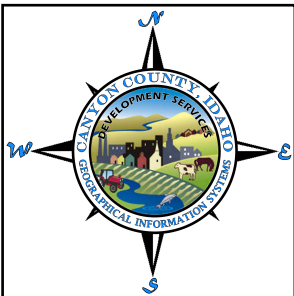
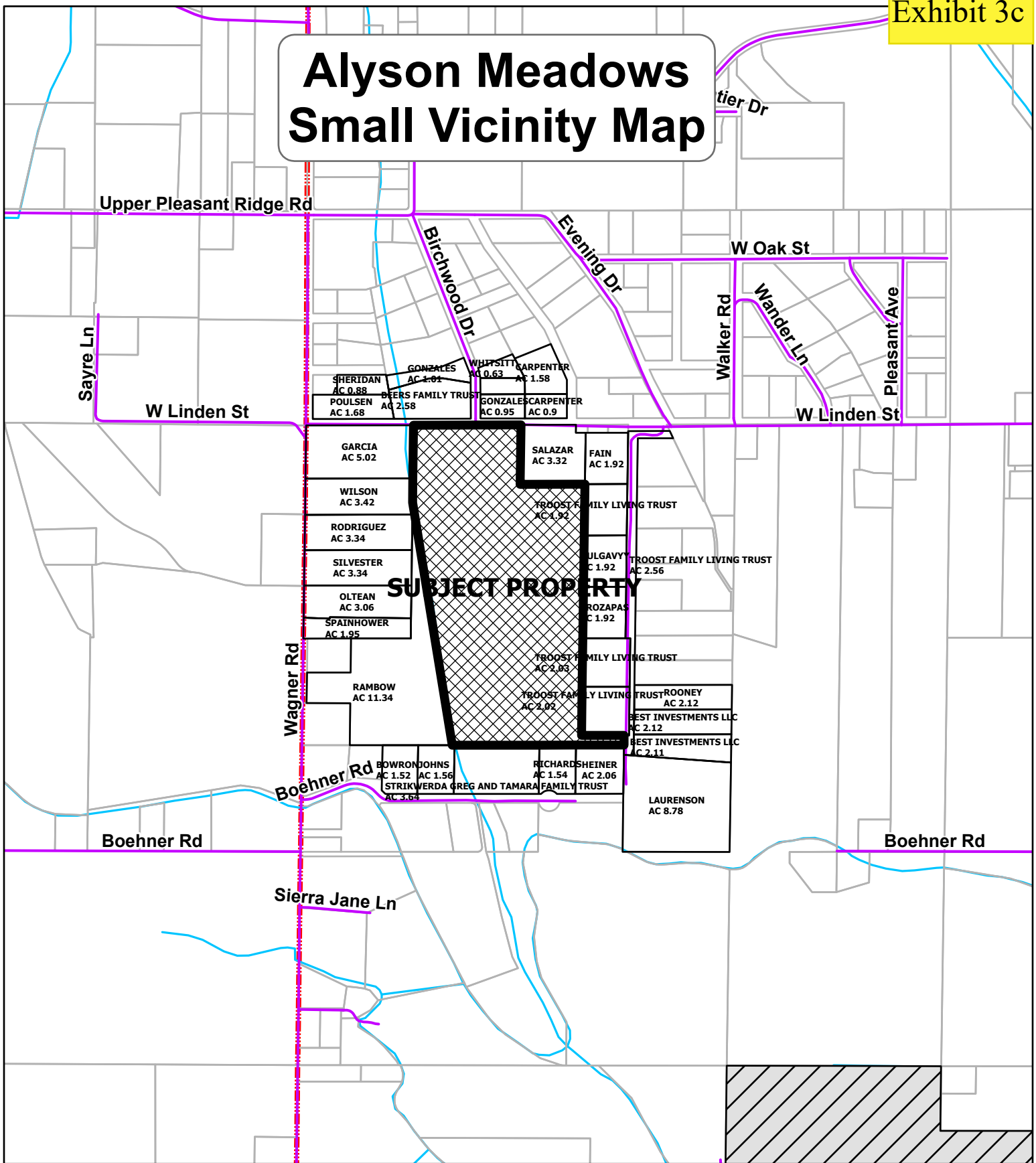
In October of 2023, at the time of the Rezone approval, the representative Bob Unger informed me that he would be handing off this case to a different Engineer as he has moved to France.

In January of 2024, I was informed by the applicant over the phone that the new contact will be Elwin Butler of Matrix Engineering.

**Planning • Zoning • Building • Code Enforcement**

*Dedicated to providing quality, efficient and equitable service to the citizens of Canyon County by planning for orderly growth and development through consistent administration and enforcement of County Ordinances.*

# Alyson Meadows Small Vicinity Map



**SUBDIVISION WORKSHEET****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633**GENERAL****1. HOW MANY LOTS ARE YOU PROPOSING?**Residential 20 18 Non-buildable 0 Common 4**2. AVERAGE LOT SIZE OF THE RESIDENTIAL PARCELS**2 ACRES**IRRIGATION****1. IRRIGATION WATER IS PROVIDED VIA:**☐ Irrigation Well ☒ Surface Water Pressurized Irrigation system to be installed**2. WHAT PERCENTAGE OF THE PROPERTY HAS WATER? 100 %****3. HOW MANY INCHES OF WATER ARE AVAILABLE TO PROPERTY? \_\_\_\_\_****4. HOW DO YOU PLAN TO RETAIN STORM AND EXCESS WATER ON EACH LOT?**Storm water will be retained in barrow ditches. With pressurized irrigation system and sprinklers, there should be no excess water.**5. HOW DO YOU PLAN TO PROCESS STORM WATER / EXCESS IRRIGATION WATER PRIOR TO IT ENTERING THE ESTABLISHED DRAINAGE SYSTEM?**See #4 above.**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 7 Partial 0 Non-Buildable 0 Common 0**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 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://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

**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633



Applicant(s)	Robert Unger	208-861-5220
	Name	Daytime Telephone Number
	9662 W Arnold Road, Boise, Idaho 83714	
	Street Address	City, State Zip

Representative Name	Robert Unger, Unger Enterprises, LLC	208-861-5220	bunger@ulcmanagement.com
	Daytime Telephone Number / E-mail Address		
Street Address	9662 W Arnold Road, Boise, Idaho 83714		
	City, State	Zip	

Location of Subject Property: Linden Street & Wagner Road, Caldwell

Two Nearest Cross Streets or Property Address City

Assessor's Account Number(s): R 35590 Section 32 Township 4N Range 3W

**This land:**

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

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

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

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

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

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

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

Irrigation: Pioneer Irrigation District

Drainage: None

3. How many acres is the property being subdivided? 40

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

5. How many inches of water are available to the property? 40"

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

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

Head gate and pump will be located on the southern property at current head gate.

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?

The subdivision will have a pressurized irrigation with all lots sprinklered. As such there should be no excess water from irrigation on the lots.

Storm drain retention will be in barrow ditches.

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)

See # 10 above.



**Date: March 5, 2024**

TO: Canyon County Development Services  
 Stephanie Hailey, CFM  
 208 454-7254

From: Matrix Engineering  
 Elwin T Butler, PE  
 208 739-8668

Re: Alyson Meadows,  
 Case Number: SD2021-0039, Parcel R35590, 40.84 Acres  
 By: J. Canning, PE/PLS  
 Centurion Engineers, Inc. - 208.343.3381  
 Preliminary Plat Review #3, Alyson Meadows Subdivision,  
 Below are the comments provided by Centurion Engineers, Inc.,  
 Dated January 8, 2024.  
 Received from the County February 9<sup>th</sup>, 2024

Comment black text below by Mr. Jone Canning, PE/PLS, Centurion Engineers, Inc.

"Comments 1, 3, 4, 5, 8, 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9J, 9K, 9L, 9M, 9N, 11 and 13 Pending".

**\*Comment Actions by Elwin T. Butler, PE, Matrix Engineering, Inc. (red text)**

### **Summary of Actions:**

Below is an effort to bridge the gaps between Centurion Engineers, Inc., Canyon County, Canyon Highway District 4, Pioneer Irrigation District, Caldwell Fire District, and Rhetts Acres. Many comments on this review deal with easements.

The revised plat clearly defines each easement providing priority to the different use easements and beneficiaries.

The revised plat shows an ingress/egress and utility easement on Lot 12 as shown on the approved and recorded Rhetts Acres final plat.

Lot 11 provides 30-foot easement as originally shown on the first preliminary plat review as required by Canyon County District 4. Lot 11 now shows the same type of easement as shown on Lot 12 and by Rhetts Acres approved final plat.

Rhetts Acres, Tranquill Place hammerhead turnaround is on Alyson Meadows property, Parcel R35590. In addition, there appears to be an error in the Tranquill Place private road application stating, "...providing access to all parcels fronting Tranquill Place..." but failed to include Parcel R35590.

This plat submittal includes easements granting access to Rhetts Acres for their private road, Tranquill Place, end of road turnaround located on parcel R35590 as well as to their irrigation main constructed

the spring of 2023 also located on Parcel R35590. **The Owner, CS2, LLC, is currently working with Rhetts Acres to provide documentation for recording these easements and access to Parcel R35590 from Tranquill Place.** It is hoped that Canyon County will not continue to delay Alyson Meadows preliminary plat approval due to oversites of Rhetts Acres.

**Bold text within the comments below is specific to this review. (Red text following each comment is the action and comment regarding this review.**

### **General Comments**

1. The original submittal we reviewed contained a review dated 10 November 2021 from the Canyon Highway District No. 4 (District). That review included a recommendation to provide them with a revised preliminary plat including revisions included in their letter. Has the revised preliminary plat been provided to them? **Please provide comments from the District when received. Will provide comments to the County as received. Revised plat and comments has been sent to the District.**
2. We also note that in the original submittal we reviewed, the internal road was to be public. The revised material for the road has been changed to a private road. Please provide the reason for the change. **Apparently, the original intent was for private roads. The county has no objection.**
3. The original review by Canyon County staff indicated the road name of "Birchwood Lane" was not available. Please address this comment. **Please provide an approval/acceptance of the new road name when received. Road name will be provided as soon as received, until then "TBD" is used.**
4. Has Pioneer Irrigation District provided comment on the project? **Please provide comments from the District when available. An acceptance of the plat email from District has been sent to the County. Revised plat has been sent to the District.**
5. Has the applicable fire entity provided comment on the project? **Per the comment response letter, the entity has provided comments and they have been addressed. Please provide the original comments and any updated responses to the revised preliminary plat. Comments have been addressed and notes added to the plat per the discussion with Fire District. Plat updates has been provided to the District for review.**

### **Preliminary Plat Comments**

6. Some of the lot numbers are difficult to read due to close conflicts with other text. Please revise the preliminary plat. **Addressed**
7. What are the boundaries, courses and distances of Lot 12? The lot label appears to be outside of the plat boundary. Please revise. **The response letter notes that Lot 12 is entirely in the subdivision boundary. That was not clear as the subdivision boundary line type/weight is very similar to the lot lines on the plat. This comment is addressed.**
8. Please add the overall and parts of the large delta curve of the culdesac. **The plat appears to contain the curves for each part of the curve for each lot, but not the overall curve for the entire curve around the culdesac. Additionally, the curve for the access easement to Lot 12 needs to be added. C16 appears to include the frontage of Lot 11 and does not address**

the access easement location. It seems the curve in Lot 11 should be three curves. The overall curve should be the sum of parts (C15, C16 and C17). The curve tag/identifier for the lots should be moved to the inside of the lots and then the overall curve may be placed on the inside of the culdesac.

1) Curve tags C15, C16, & C17 are lot curves and have been moved to the lot side of the curve.

2) Curve tags C4 & C5 are both road and lot curves and are located on the roadside of the curve.

3) Curve Tag C18 has been added to the roadside of the curve for the sum of curves C15, C16, & C17.

4) Lot 11 easement lines and curve tags have been added to the inside of the easements.

Lot 11 easement has been edited based on what has been understood from:

a) Fire Marshal, Alan Perry, emergency access not required by Fire District

b) Canyon Highway District 4, access is required as approved on original plat review.

c) Centurion Engineers, Inc., emergency access to Tranquill Place may not be granted to Alyson Meadows.

The revised easement width is shown as the original plat submittal, 30 feet wide. Emergency Services, and EMS has been removed from the easement to match the approved Rhetts Acres final plat wording of “ingress/egress and utility easement.”

9. Please review the preliminary plat notes from the version compiled by Unger Enterprises. Some of the notes on the original version may need to be carried over to the new version. **Addressed, however please see new comments for clarification. Notes have been reviewed and edited based on the following comments. Easement notes have been defined, prioritize, and beneficiary provided for each easement.**

9A. New Comment: Preliminary plat note 1 uses the word “including” for the easements along the private road. We would suggest that could be inferred to mean the internal roads are public. We suggest the word be changed to “and”. **Added an “and” in place of “including”. However, edited entire note to define easements.**

9B. New Comment: Preliminary plat note 2 identifies side lot easements. Please advise on where the terminate at the rear lot lines. Do they continue across the Cooper Drain to the west and the drainage and irrigation easement to the east? **Revised line work and edited note easement text providing definition to easement priority. Cooper Drain (“now “D” Drain) easement, cannot be encroached upon.**

**Irrigation easement east has been removed and is the same type of easement as the interior lot lines. The irrigation easement is not required.**

9C. New Comment: Preliminary plat note 3 refers to the Cooper Drain. Please be sure to provide the beneficiary of the easement as the Pioneer Irrigation District when the final plat is prepared. **Added Pioneer Irrigation District as beneficiary and changed name per District’s request to “D” Drain.**

9D. New Comment: Preliminary plat, Note 4 calls out an “irrigation” easement. The text in Lots 7 and 8 also calls out “drainage”. Does the plat note need to be revised? **Changed to standard 10-foot utility and fence**

**easement.**

- 9E. New Comment: Regarding preliminary plat note 4, who is the beneficiary of the easement? **Plat Note 4 has been removed. Boundary easements are traditional utility and fence easements as described in Note 2.**
- 9F. New Comment: The easement on the north boundary of Lot 3 is not identified as to its purpose. Is it a continuation of the easement along the lot's east boundary? What is the width of this easement? Is it intended to connect to the side lot easement on the north side of the lot extending from the road? What are its terminus points? **The purpose of easement, width and terminus points have been clearly addressed on plat.**
- 9G. New Comment: The easement on the south boundary of Lot 13 is 20 feet wide but is not identified as to its purpose. It is a continuation of the easement along the lot's west boundary. It intersects the Cooper Drain easement. Should the Cooper Drain easement be extended to the south boundary of the subdivision? And then where would the 20-foot-wide easement terminate? **This easement has been changed to 10 feet and is defined in Note 2, Boundary easements. The Cooper drain easement has been extended to the parcel boundaries. Agencies, Lot Owners, and Utilities are required to obtain a permit to encroach upon the Cooper Drain easement.**
- 9H. New Comment: The easement along the north boundary of Lot 11 intersects the access easement accessing Lot 12. The use of the two easements is not the same. Does the drainage and irrigation easement extend across Lot 11 or terminate at the west boundary of the access easement? **See Note 2 for Boundary lot line easement definition. Lot 12 is defined the same as defined in the Rhetts Acres approved final plat.**
- 9J. New Comment: As the internal roads are private, please add "Canyon County" to plat note 7. Canyon County will now also be reviewing the road drainage. **Canyon County added to Note.**
- 9K. New Comment: Plat note 8 states that the pressure irrigation system will be owned/operated by the HOA. Please be sure to include a pressure irrigation design report and pump station design when construction plans are submitted to the county for review. **Understood.**
- 9L. New Comment: There are easements shown on Lots 1 and 21 that are common lots. What are the easements for? Who is the beneficiary? Are they necessary? Could they be blanket easements? **These are typical utility easements required along public roads. A beneficiary has been provided.**
- 9M. New Comment: There are 10-foot-wide easements shown on the north side of Lots 2 and 20. What are the easements for? Who is the beneficiary? **These are typical interior lot line easements. Lines have been corrected to 5 feet wide as they are interior lot line easements. See Note 2.**
- 9N. New Comment: There is an easement along the east side of Lot 2. What is the easement for? Who is the beneficiary? What is the width? **This is a typical boundary lot line 10 feet wide easement. See Note 2.**
10. The preliminary plat includes "Retention Easements". Please

describe/define what these are to retain. **Addressed**

### **Wells/Septic Comment**

11. We note specific locations on sheet PP101 for wells and septic drainfields. Have these locations been shown based upon field testholes? **Based upon the comment response, is an approval from the Southwest District Health available? No, reports and approvals are in progress. These are 1<sup>st</sup> steps toward completing this process.**

### **EMS Access Comments**

12. EMS access, is that also available to fire and police services? **Addressed Please note, access note has been changed based on the Fire Marshal's review, Centurion Engineers comments concerning no access rights on Tranquill Place, and the requirement by Canyon Highway District 4 of retaining this access. Access note now matches the approved Rhetts Acres final plat note for Lot 12. See Comment 13.**
13. Part of the EMS access route to Tranquill Place is outside of the boundary of Alyson Meadows. Is there an off-site easement available to make the connection? **Our comment was also intended to include the portion of the easement in Tranquill Place. More specifically, does the easement in Tranquill Place allow an "expansion" of use to include Alyson Meadows? Or was it only intended to serve Rhetts Acres? We want to be sure the access connection will be allowed. In regard to this comment:**

1) An existing ingress/egress and utility easement existed prior to the Tranquill Place private road application. This existing easement text is shown on the approved final plat of Rhetts Acres. Not sure why the private road application was approved without providing access for Parcel R35590? This should be historical access. The County should require Rhetts Acres to correct this error providing access to Parcel R35590.

2) It appears in the language of the private road RUMA, the intent was to provide access to all lots fronting Tranquill Place. The application failed to acknowledge Parcel R35590 which does front Tranquill Place.

3) Fire Department does not require this second access, this access would only be required if development is over 30 lots.

4) The Tranquill Place end of road hammer head turn-a-round is located on Parcel R35590. At this point in time documented permission to build the hammerhead on Parcel R25590 has not been given. This version of the preliminary plat provides this easement to Rhetts Acres, however, until the final plat is recorded, emergency access turnaround for Tranquill Place is no located on Rhetts Acres property and does not have an access easement.

Alyson Acres will provide a gated easement for lot 12 and the easement of Lot 11.



Matrix Engineering has reached out to the Engineer and Surveyor of Rhetts Acres to attempt to resolve these concerns. The Owner CS2, LLC has also reached out to Rhetts Acres negotiating access from Tranquill Place private road.

Matrix Engineering requests conditional approval of the preliminary plat of Alyson Acres requiring the access and easement documents to be recorded prior to final plat submittal.

This will also allow Rhetts Acres to negotiate, if they desire, to have their turnaround on Parcel R35590, Alyson Meadows or to move the turnaround to a different location located on their property. Alyson Meadows' progress will not be stalled while Rhetts Acres addresses the oversites of placing their road turn around on others property and placing their irrigation main on others property without an easement.

Again, this preliminary plat version corrects these oversites except access to Parcel R35590 from Tranquill Place.

Above are written responses to each comment as well as additional concerns addressed by oversites of Rhetts Acres.

Items included with this submittal are:

- 1) PP100, preliminary plat, and.
- 2) PP101, Engineering Concept Plat.

Please contact me at 208 739-8668 if you have any questions, comments, or need additional information associated with the Alyson Meadows Subdivision project.

Regards,  
Elwin T. Butler, PE



# PRELIMINARY PLAT ALYSON MEADOWS SUBDIVISION NW 1/4 SECTION 32, T4N, R3W, BM CANYON COUNTY, IDAHO 2024

Latest plat/not reviewed by Centurion

OWNERS/DEVELOPERS  
CS2, LLC  
3363 E. PRESIDENTIAL DRIVE  
MERIDIAN, IDAHO 83642  
(208) 629-7333

PLANNER  
BOB UNGER  
UNGER ENTERPRISES, LLC  
901 N 29TH STREET  
BOISE, IDAHO 83702  
(208) 861-5220

SURVEYOR  
SKINNER LAND SURVEY  
17842 SANDHOLLOW ROAD  
CALDWELL, IDAHO, 83607  
(208) 459-0933  
www.skinnerlandsurvey.com

ENGINEER  
ELWIN T. BUTLER, PE  
MATRIX ENGINEERING, INC.  
1020 W MAIN, SUITE 100J  
BOISE, IDAHO 83702  
(208) 739-8668  
ebutler@mat-eng.com

## PRELIMINARY PLAT DEVELOPMENT FEATURES

TOTAL ACRES..... 40.84 ACRES  
TOTAL LOTS..... 22  
SINGLE-FAMILY LOTS..... 18  
COMMON LOTS..... 4  
MINIMUM LOT SIZE..... 87,159 SF  
AVERAGE LOT SIZE..... 89,328 SF  
TOTAL SINGLE FAMILY DENSITY ..... 2.27 UNITS/AC.  
PROPOSED ZONING..... CR-RR  
PHASING..... ONE PHASE  
SETBACKS RR ZONE  
FRONT 20'  
REAR 20'  
SIDE 10'  
CORNER 20'

## CURVE TABLE

CURVE #	RADIUS	LENGTH	DELTA	CH BEARING	CH DISTANCE
C1	200.00'	35.07'	10°02'50"	S4°14'16"E	35.03'
C2	170.00'	29.81'	10°02'50"	S4°14'16"E	29.77'
C3	230.00'	40.33'	10°02'50"	N4°14'16"W	40.28'
C4	28.00'	25.13'	51°24'59"	S34°58'11"E	24.29'
C5	28.00'	25.14'	51°26'37"	N16°27'37"E	24.30'
C7	100.00'	172.64'	98°54'31"	S40°34'26"E	151.98'
C15	65.00'	100.10'	88°14'10"	N16°33'36"W	90.50'
C16	65.00'	136.11'	119°58'42"	N87°32'51"E	112.57'
C17	65.00'	84.65'	74°36'55"	S4°50'45"W	78.79'
C18	65.00'	320.86'	282°49'58"	S80°44'19"W	81.08'
C19	70.00'	120.84'	98°54'44"	S40°34'23"E	106.39'
C20	65.00'	32.23'	28°24'24"	S61°16'17"E	31.90'
C21	65.00'	16.57'	14°36'16"	N39°45'56"W	16.52'

## SCALE:

HORIZONTAL: 1 IN. = 100 FT.

SCALE for 24" X 36" SHEET

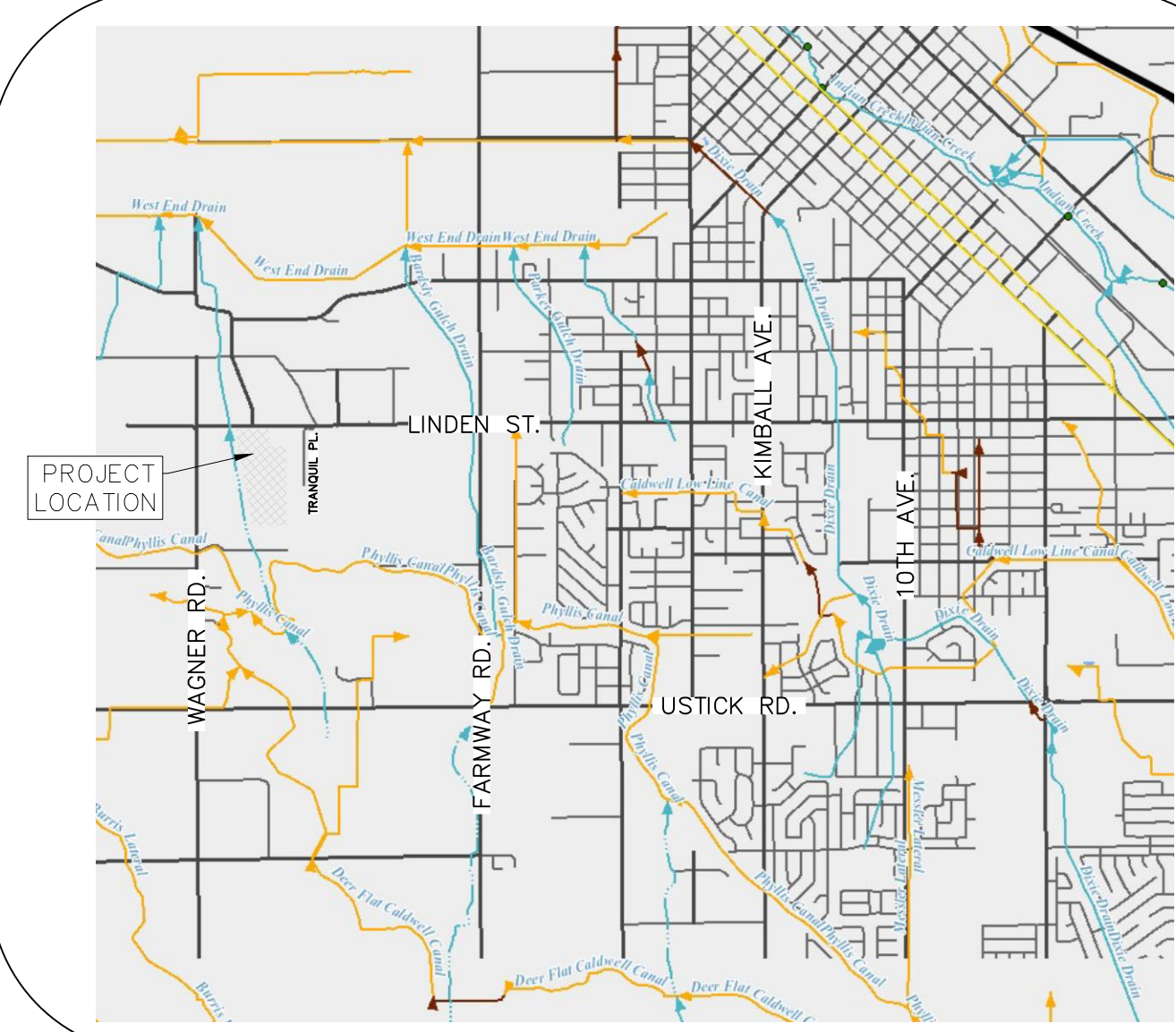
( FEET )

1 INCH = 100 FT

## PRELIMINARY PLAT NOTES:

IN THE FOLLOWING NOTES THE WORD "UTILITY" SHALL INCLUDE IRRIGATION AS A UTILITY. IF IRRIGATION IS MENTIONED IT IS TO EMPHASIZE THIS UTILITY. EASEMENT WITH THE HIGHEST PRIORITY OR RIGHTS EXTEND TO THE BOUNDARY. EASEMENT WITH EQUAL PRIORITY OR RIGHTS END AT THE EASEMENT INTERSECTION.

- LOT LINES COMMON TO LINDEN ROAD HAVE A 10' UTILITY EASEMENT. UTILITY AGENCIES SHALL NOT LIMIT OR RESTRICT USES FOR IRRIGATION STRUCTURES, DRAINAGE, OR LANDSCAPE BUFFER. LOT LINES COMMON TO LOT 22, A PRIVATE ROAD, HAVE A 10' UTILITY, AND DRAINAGE EASEMENT. THE UTILITY EASEMENTS IN THIS NOTE ARE FOR THE BENEFIT OF ALYSON MEADOWS SUBDIVISION.
- UNLESS OTHERWISE NOTED, INTERNAL LOT LINES HAVE A 5' UTILITY AND FENCE EASEMENT. UNLESS OTHERWISE NOTED, BOUNDARY LOT LINES HAVE A 10' UTILITY AND FENCE EASEMENT. THESE UTILITY AND FENCE EASEMENT ARE FOR THE BENEFIT OF THE SUBJECT AND ADJACENT LOT OWNERS OF EACH EASEMENT.
- WEST BOUNDARY OF LOTS 13 THROUGH 21 HAVE A PIONEER IRRIGATION DISTRICT 25' WIDE "D"-DRAIN EASEMENT STARTING AT THE FROM TOP OF BANK, ANY ENCROACHMENT OF THIS EASEMENT REQUIRES WRITTEN PERMISSION FROM PIONEER IRRIGATION DISTRICT PRIOR PER IDAHO CODE 42-1209. THIS EASEMENT IS FOR THE BENEFIT OF PIONEER IRRIGATION DISTRICT.
- ALL LOTS ARE SINGLE FAMILY RESIDENTIAL EXCEPT LOTS 1, 12, 21, & 22 WHICH ARE COMMON LOTS MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA). LOTS 1 & 21 ARE LANDSCAPE BUFFER LOTS. LOT 12 IS AN INGRESS/EGRESS AND UTILITY EASEMENT FOR THE BENEFIT OF ALYSON MEADOWS, RHETTS ACRES, EMERGENCY, AND SERVICE VEHICLES. EASEMENT IS TO BE GATED. LOT 22 IS A PRIVATE ROAD LOT FOR INGRESS/EGRESS, UTILITIES, AND DRAINAGE FOR THE SOLE BENEFIT OF ALYSON MEADOWS.
- A 30 FOOT EASEMENT AT THE EAST BOUNDARY OF LOT 12 IS GRANTED FOR THE BENEFIT OF RHETTS ACRES FOR TRANQUILL PLACE, HAMERHEAD TURNAROUND. RHETTS ACRES HOA IS RESPONSIBLE FOR ALL MAINTENANCE AND COST OF TURNAROUND.
- SOUTH SIDE EASEMENTS OF LOT 11 ARE DESIGNATED INGRESS/EGRESS, UTILITIES, AND IRRIGATION FACILITIES EASEMENTS. IRRIGATION FACILITIES INCLUDE PUMPING STATION, DISTRIBUTION MAIN LINES, AND IRRIGATION DITCH. THIS EASEMENT IS FOR THE BENEFIT OF ALYSON MEADOWS, RHETTS ACRES, EMERGENCY, AND SERVICE VEHICLES. EASEMENT IS TO BE GATED.
- DRAINAGE SHALL BE REMOVED VIA ROADSIDE SWALES / SWALES / SUBSURFACE FACILITIES AND / OR DISCHARGING RUNOFF INTO EXISTING DRAINS AS HISTORIC RATES AS APPROVED BY THE HIGHWAY DISTRICT AND CANYON COUNTY.
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER. IRRIGATION WATER IS PROVIDED BY PIONEER IRRIGATION DISTRICT. THE HOA WILL BE SUBJECT TO DISTRICT ASSESSMENTS. EACH LOT WILL RECEIVE PRESSURIZED IRRIGATION WATER VIA A PUMPING STATION AND IRRIGATION FACILITIES MAINTAINED AND OPERATED BY THE HOA.
- EXISTING IRRIGATION OPEN DITCH DELIVERY TO PHEASANT RIDGE WILL BE PIPED.
- POTABLE WATER WILL BE PROVIDED BY INDIVIDUAL WELLS LOCATED ON EACH LOT AS APPROVED BY THE DEPARTMENT OF WATER RESOURCES.
- SANITARY SEWER WILL BE PROVIDED BY INDIVIDUAL SEPTIC AND DRAIN FIELDS ON EACH LOT AS APPROVED BY SOUTHWEST DISTRICT HEALTH.
- THIS DEVELOPMENT RECOGNIZES IDAHO CODE 22-4503, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NON-AGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION BEGAN; PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROVER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATION IN EFFECT AT THE TIME OF RE-SUBDIVISION.
- LOT DIRECT ACCESS ONTO LINDEN ROAD (A MAJOR COLLECTOR) IS PROHIBITED. LOT ACCESS SHALL BE ONTO PRIVATE OR LOCAL ROADS.
- NEPA 13 D (FIRE SPRINKLERS) SYSTEMS AND FIRE FLOW RATES FOR EACH SINGLE FAMILY DWELLING SHALL BE DETERMINED BY THE CALDWELL FIRE DEPARTMENT BASED ON THE CURRENT FIRE CODE AT THE TIME OF BUILDING PERMIT APPLICATION.

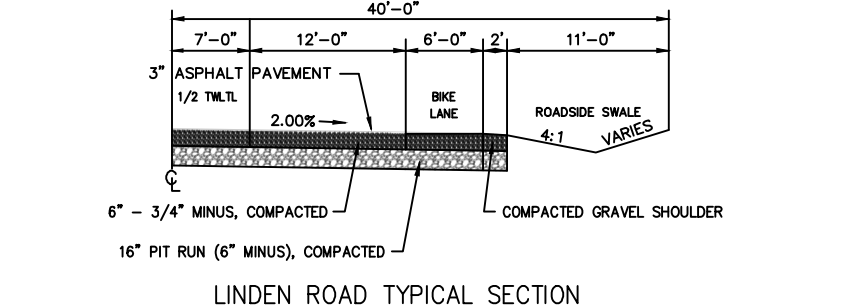
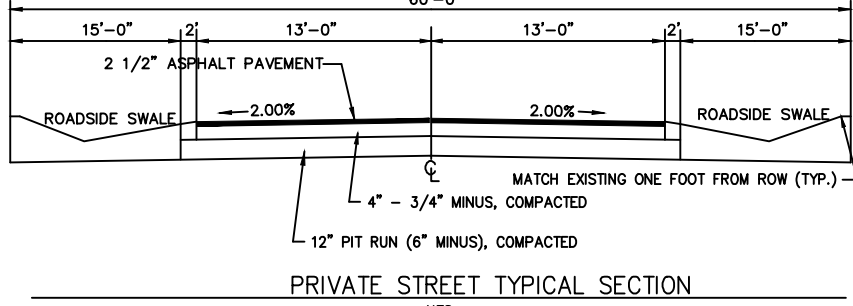


VICINITY MAP

NTS

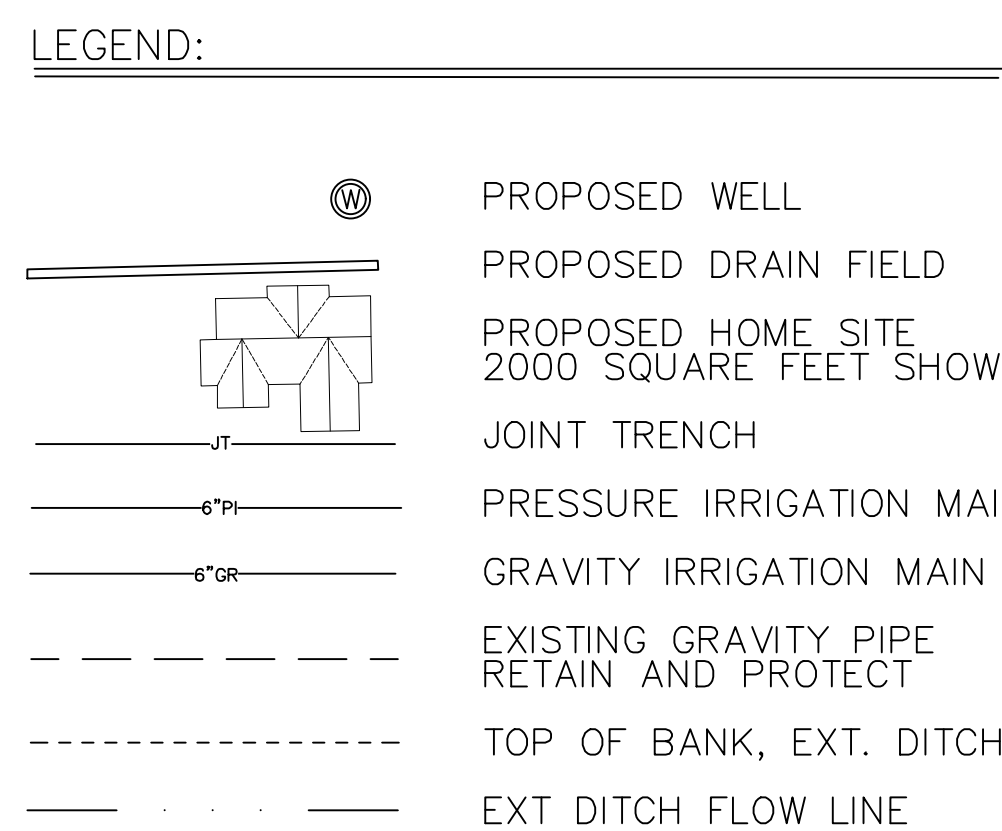
## LEGEND:

- MONUMENT (FOUND)
- SECTION LINE
- PROPERTY BOUNDARY
- ROAD CENTER LINE
- ROW /ROAD EASEMENT
- EASEMENT
- PARCEL LINE (NOT SURVEYED)
- 15 PERCENT GRADE AREA





NW Section Corner  
Section 32  
CP&FR Inst. No.  
2003072747



- ## ENGINEERING NOTES:
- 1) RETAIN AND PROTECT EXISTING IRRIGATION MAIN PROVIDING GRAVITY IRRIGATION TO RHETTS ACRES.
  - 2) REMOVE EXISTING DITCH PROVIDING OVERFLOW AND IRRIGATION TO PLEASANT RIDGE SUBDIVISION.
  - 3) NOT USED
  - 4) NOT USED
  - 5) NOT USED
  - 6) CONSTRUCT IRRIGATION STAND PIPE WITH DISCHARGE AND LID.
  - 7) CONSTRUCT 12" GRAVITY IRRIGATION MAIN PROVIDING OVERFLOW AND IRRIGATION TO PLEASANT RIDGE SUBDIVISION NO 2.
  - 8) CONSTRUCT PRESSURE IRRIGATION MAIN.
  - 9) CONSTRUCT PUBLIC & PRIVATE ROAD PER TYPICAL SECTIONS.
  - 10) CONSTRUCT ROADSIDE SWALES PER ACHD BMP 03 (SEE DETAIL THIS SHEET).
  - 11) RETAIN & PROTECT EXISTING VEGETATION ON SLOPES GREATER THAN 8 PERCENT AS SHOWN ON PLANS.
  - 12) CONSTRUCT IRRIGATION PUMP STATION WITH CLEARWATER SCREEN.
  - 13) PROVIDE PRESSURE IRRIGATION SERVICE TO EACH LOT (NOT SHOWN).
  - 14) CONSTRUCT 20-FOOT WIDE ALL WEATHER ROAD (PENDING AGREEMENT WITH RHETTS ACRES).
  - 15) CONSTRUCT GATES WITH LOCKS AT INGRESS/EGRESS ACCESS ENDS.
  - 16) POTABLE WATER WILL BE PROVIDED BY INDIVIDUAL WELL AS APPROVED BY THE DEPARTMENT OF WATER RESOURCES. 100-FOOT RADIUS FOR WELLS ARE SHOWN.
  - 17) SANITARY SEWER WILL BE PROVIDED BY INDIVIDUAL SEPTIC AND DRAIN FIELDS AS APPROVED BY SOUTHWEST DISTRICT HEALTH. DRAIN FIELDS LOCATIONS AND ALTERNATE DRAIN FIELDS LOCATIONS ARE SHOWN.
  - 18) JOINT TRENCH LOCATION SHOWN FOR UNDERGROUND POWER AND UTILITIES.
  - 19) TOPO LINES SHOWN AT 2-FOOT INTERVALS.
  - 20) GRADING AT PERIMETER TO MATCH EXISTING ELEVATION AND GRADES.
  - 21) RETAIN AND PROTECT ALL EXISTING BOUNDARY FENCES.

PAVEMENT

2' WIDE GRAVEL SHOULDER

GRASS BUFFER

2' COMPOST TILLED INTO 6' OF NATIVE SOIL

COLLECTOR DITCH (2' MAX.)

MATCH EXISTING

ROAD BALLAST

NATIVE SOIL

R/W ESM

2' 6' 16' 2' 6'

[illegible]



PRELIMINARY PLAT  
ALYSON MEADOWS SUBDIVISION  
NW 1/4 SECTION 32, T4N, R3W, BM  
CANYON COUNTY, IDAHO 2024

Version from Centurion review dated January 8, 2024

PRELIMINARY PLAT DEVELOPMENT FEATURES

TOTAL ACRES..... 40.84 ACRES  
TOTAL LOTS..... 22  
SINGLE-FAMILY LOTS..... 18  
COMMON LOTS..... 4  
MINIMUM LOT SIZE..... 87,159 SF  
AVERAGE LOT SIZE..... 89328 SF  
TOTAL SINGLE FAMILY DENSITY ..... 2.27 UNITS/AC.  
PROPOSED ZONING..... CR-RR  
PHASING..... ONE PHASE

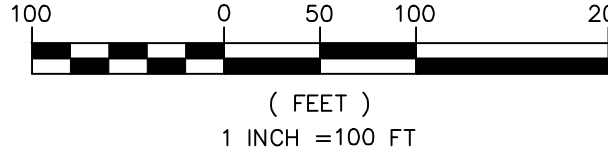
SETBACKS RR ZONE

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

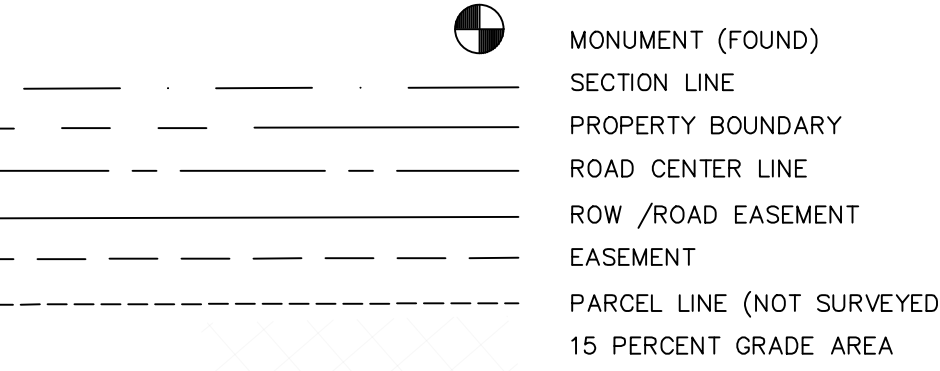
SCALE:

HORIZONTAL: 1 IN. = 100 FT.

SCALE for 24" X 36" SHEET



LEGEND:

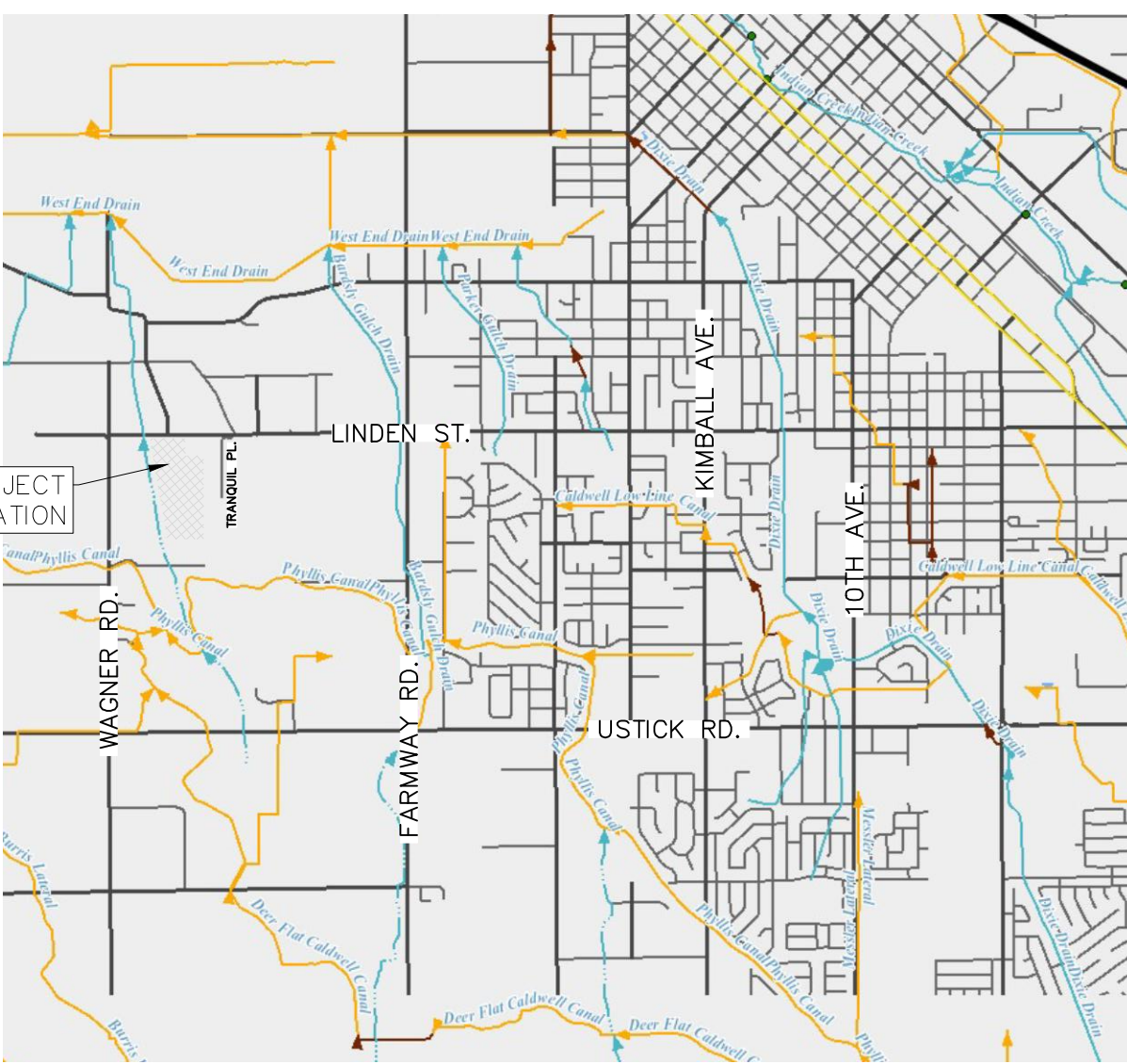


CURVE TABLE

CURVE #	RADIUS	LENGTH	DELTA	CH BEARING	CH DISTANCE
C1	200.00'	35.07'	10°02'50"	S4°14'16"E	35.03'
C2	170.00'	29.81'	10°02'50"	S4°14'16"E	29.77'
C3	230.00'	40.33'	10°02'50"	S4°14'16"E	40.28'
C4	28.00'	25.13'	51°24'59"	S34°58'11"E	24.29'
C5	28.00'	25.14'	51°26'37"	N16°27'37"E	24.30'
C6	40.00'	69.05'	98°54'44"	S40°34'23"E	60.79'
C7	100.00'	172.63'	98°54'44"	S40°34'23"E	151.98'
C15	65.00'	100.10'	88°14'10"	N16°33'36"W	90.50'
C16	65.32'	135.67'	119°00'30"	N87°34'09"E	112.56'
C17	64.93'	84.61'	74°39'43"	S4°50'37"W	78.75'

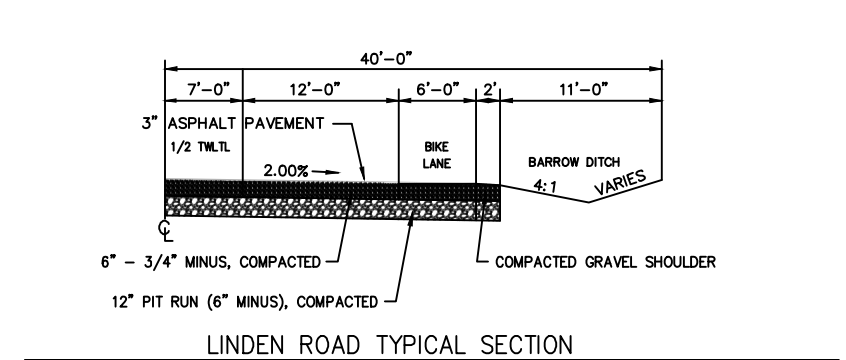
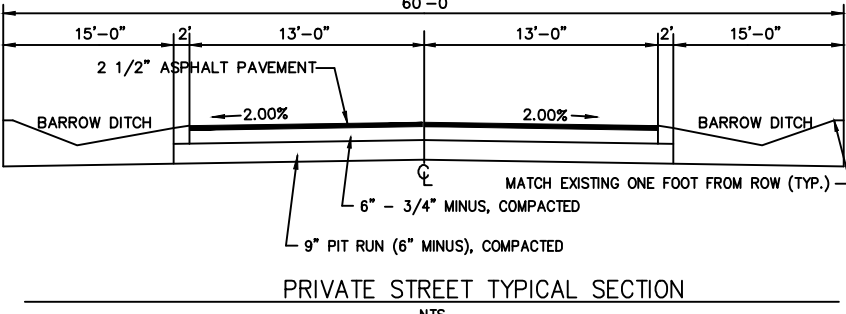
PRELIMINARY PLAT NOTES:

- ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY, INCLUDING LOT 22, HAVE A 10' UTILITY, DRAINAGE, IRRIGATION, LANDSCAPE, AND FENCE EASEMENT.
- ALL SIDE YARD LOT LINES HAVE A 5' PROPERTY DRAINAGE, IRRIGATION, AND FENCE EASEMENT.
- LOTS 13 THROUGH 21 INCLUDE A 25' WIDE COOPER DRAIN EASEMENT FROM TOP OF BANK, ANY ENCROACHMENT OF THE COOPER DRAIN REQUIRES WRITTEN PERMISSION FROM PIONEER IRRIGATION DISTRICT PRIOR PER IDAHO CODE 42-1209.
- LOTS 3 THROUGH 11 INCLUDES A 20' WIDE IRRIGATION EASEMENT.
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- LOT 12 INCLUDES A DESIGNATED EASEMENT FOR AN EMERGENCY SERVICES ACCESS AND IRRIGATION FACILITIES EASEMENTS. IRRIGATION FACILITIES INCLUDE PUMPING STATION, MAIN LINE TO RHETTS ACRES, AND MAIN LINE FOR ALYSON MEADOWS.
- DRAINAGE SHALL BE REMOVED VIA BARROW DITCHES / SUBSURFACE FACILITIES AS APPROVED BY THE HIGHWAY DISTRICT AND / OR DISCHARGING RUNOFF INTO EXISTING DRAINS AS HISTORIC RATES.
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VICINITY MAP

NTS



OWNERS/DEVELOPERS

CS2, LLC  
3363 E. PRESIDENTIAL DRIVE  
MERIDIAN, IDAHO 83642  
(208) 629-7333

PLANNER

BOB UNGER  
UNGER ENTERPRISES, LLC  
901 N 29TH STREET  
BOISE, IDAHO 83702  
(208) 861-5220

SURVEYOR

SKINNER LAND SURVEY  
17842 SANDHOLLOW ROAD  
CALDWELL IDAHO, 83607  
(208) 459-0933  
www.skinnerlandsurvey.com

ENGINEER


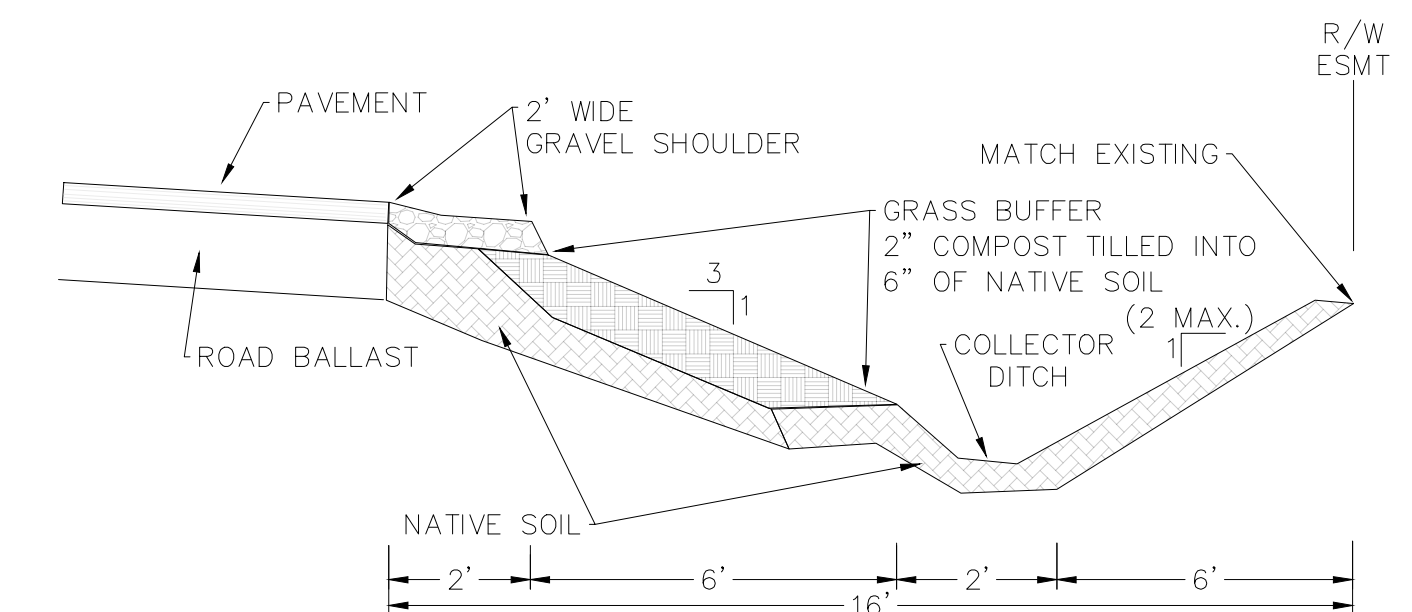
ELWIN T. BUTLER, PE  
MATRIX ENGINEERING, INC.  
1020 W MAIN, SUITE 100J  
BOISE, IDAHO 83702  
(208) 739-8668  
ebutler@mat-eng.com





- ENGINEERING NOTES:

- BMP 03, ACHD DESIGN MANUAL:

[illegible]

CS2, LLC  
3363 E. PRESIDENTIAL DRIVE  
MERIDIAN, ID 83642  
PARCEL R35590

ALYSON MEADOWS  
SUBDIVISION  
PARCEL R35590  
CANYON COUNTY, ID

DATE  
11/26/2024

SHEET  
P101

**Michelle Barron**

---

**From:** Elwin Butler <ebutler@mat-eng.com>  
**Sent:** Friday, April 5, 2024 11:27 AM  
**To:** Stephanie Hailey; Michelle Barron  
**Cc:** jdcanning@centengr.com; kwartman@canyonhd4.org; Doug Unger; Bob Unger; Alan Perry; Dave Watkins; Kirk Meyers; Cory Swain  
**Subject:** [External] Alyson Meadows Preliminary Plat, Version 3  
**Attachments:** Alyson Meadows 3rd Comment Actions.pdf; AM-P-PLAT-3-PP-101.pdf; AM-P-PLAT-3-PP-100.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Stephanie and Michelle,

Attached are the revised preliminary plat drawings for Alyson Meadows, AM-P-Plat-3-PP-100, Engineering Concept, AM-P-Plat-3-PP-101, and the Comment/Action Narrative of Review 3. Matrix Engineering and CS2, LLC have been working the past month attempting to resolve access and easement issues related to Rhetts Acres. It is hoped that preliminary plat may be approved with the condition that access and the lack of easements for Rhetts Acres will be resolved prior to final plat submission.

**Note:** This version of the plat resolves easement concerns for Rhetts Acres for their irrigation main line and Tranquill Place end of road turnaround located on Parcel R35590. These easements may be recorded with the final plat of Alyson Meadows. The lack of access to Parcel R35590 appears to have been an oversight in the Road Maintenance Agreement not providing access to a parcel that fronts the private road. This is discussed in more detail in the attached narrative.

It is requested that each of the agencies, Canyon County Highway District 4, City of Caldwell Fire District, and Pioneer Irrigation District receiving this email verify their individual concerns are still met by this version of the preliminary plat by a return email.

Thank you,  
Elwin T. Butler, PE  
Matrix Engineering, Inc.  
208 739-8668

**Michelle Barron**

---

**From:** Elwin Butler <ebutler@mat-eng.com>  
**Sent:** Monday, August 5, 2024 4:04 PM  
**To:** Michelle Barron  
**Subject:** [External] Alyson Meadows  
**Attachments:** PRR-2008-2024.pdf; Street Sections R810 Revis 6.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Michelle,

Attached are two files.

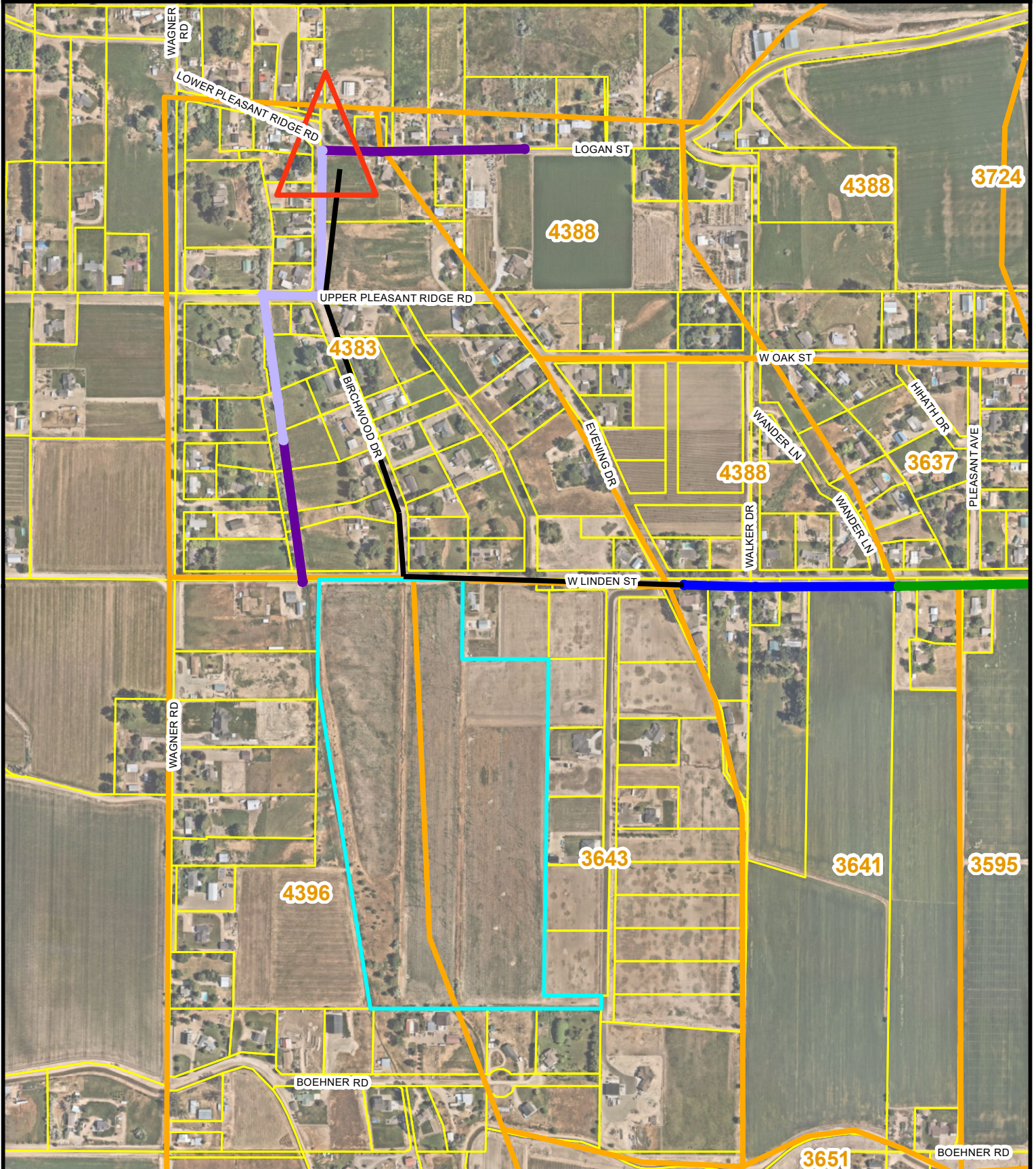
1) shows the City proposed sewer lift station in this area.

2) shows the typical City street section. We have specified to construct R-810E-3 keeping the street looking like a rural street.

Thank you,

Elwin





City  
of  
Caldwell

## Legend

- Subject Property
- Service Area
- Taxlots

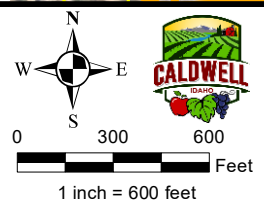
## Master Plan Pipe Size

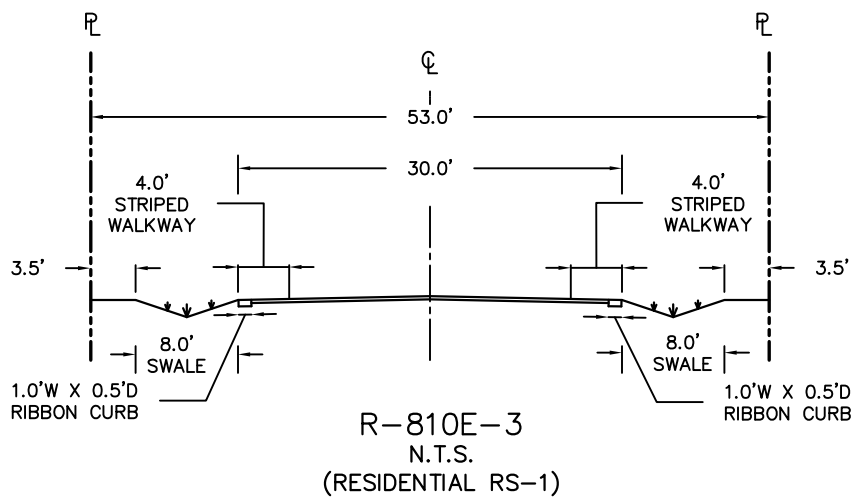
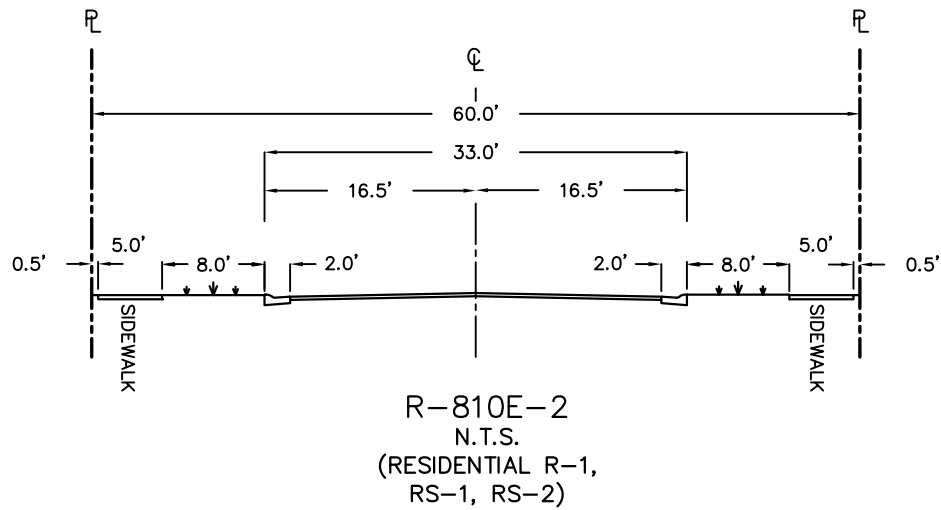
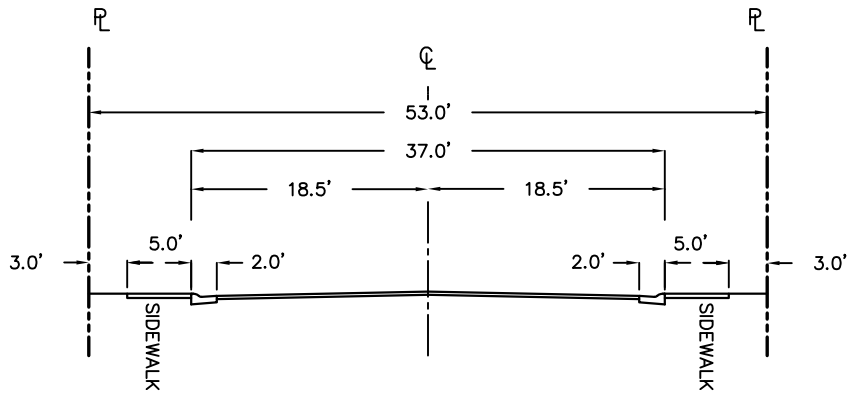
- 10-inch
- 12-inch

- 15-inch
- 18-inch
- Lift Station
- Force Main

## DISCLAIMER

The information represented on this map results from the compilation of a variety of source materials. Its intended use is as a reference for the City of Caldwell Staff. The City of Caldwell makes no representation or warranty as to the accuracy of this product, and in particular, its accuracy as to labeling, dimensions, property boundaries, or placement or location of any map features thereon. THE CITY OF CALDWELL DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE, EXPRESS OR IMPLIED, WITH RESPECT TO THIS PRODUCT. Any use of this product accepts the same AS IS, WITH ALL FAULTS, and assumes a responsibility for the use thereof.





DATE: 5/1/2018

SCALE: AS SHOWN

## STANDARD STREET SECTIONS RESIDENTIAL

STANDARD DRAWING NO.

R-810 E





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

In the matter of the application of:

**CS2 LLC – Case RZ2021-0047**

The Canyon County Board of County Commissioners considers the following:

- Conditional Rezone of the subject parcel, approximately 40.84 acres, from A (Agricultural) zone to CR-RR (Conditional Rezone - Rural Residential) zone, and
- Development Agreement with conditions that restricts the development to 18 residential lots.

Case RZ2021-0047, 0 Linden Street, Caldwell (Parcel Number: R35590), a portion of the NW¼ 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 RZ2021-0047.

### Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-01-25 (Area of City Impact Agreement).
  - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
  - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
  - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-06-07.
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).

**The application RZ2021-0047 was presented at a public hearing before the Canyon County Board of Commissioners on October 3, 2023. 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 eight (8) policies and four (4) goals:

##### Chapter 1. Property Rights:

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

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

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

##### Chapter 2. Population:

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

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

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

##### Chapter 4. Economic Development:

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

##### Chapter 5. Land Use:

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

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

Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.

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.

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 18.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

**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 D Attachment 6e) as well as being located within the City of Caldwell Area of City Impact.
  - (2) Property Owners within the area show their support of the application via a Letter of Support as seen in Exhibit D Attachment 8c.
  - (3) There are 29 platted subdivisions within the vicinity, see Exhibit D Attachment 6c.
  - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

**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 D Attachment 6e) as well as the property is located within the City of Caldwell Area of City Impact.
  - (2) Property Owners within the area show their support of the application via a Letter of Support as seen in Exhibit D Attachment 8c.
  - (3) There are 29 platted subdivisions within a mile radius with the average lot size .84 acres, see Exhibit D Attachment 6c.
  - (4) The applicant is proposing keeping the lots at an average of 2 acre minimum making it more compatible with surrounding land uses.
  - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

**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. Property to the east have lots that are approximately 1.92 acres in size. The character of the area is primarily residential with 29 platted subdivisions within the vicinity (Exhibit D Attachment 6c)
  - (2) The zoning in the surrounding vicinity is primarily "A" agricultural, however, the use is predominantly residential and the public support letter agrees that the rezone is aligned with the surrounding area (Exhibit D Attachments 6d and 8c)

- (3) Notice of the public hearing was provided per CCZO §07-05-01.  
Affected agencies were noticed on August 23, 2023.  
Newspaper notice was published on August 23, 2023.  
Property owners within 600' were notified by mail on August 23, 2023.  
Full political notice was provided on August 23, 2023.  
The property was posted on August 31, 2023.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

**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) The subject parcel has communication with the City of Caldwell a Municipal Services agreement with the City of Caldwell would be required if the proposed development will connect to the City water source. The development will utilize individual septic systems until services can be provided. (Exhibit D Attachment 7f and 7g)
  - (2) Notice of the public hearing was provided per CCZO §07-05-01.  
Affected agencies were noticed on August 23, 2023.  
Newspaper notice was published on August 23, 2023.  
Property owners within 600' were notified by mail on August 23, 2023.  
Full political notice was provided on August 23, 2023.  
The property was posted on August 31, 2023.
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

**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 frontage off of Linden Rd, per Canyon Highway District comments in Exhibit D Attachment 7c, 7d, and 7e, the proposed development has legal access, and no concerns were stated by Idaho Transportation Department (Exhibit D Attachment 7k).
  - (2) Future Right of Way dedication along Linden Street will be required at time of platting. (Exhibit D, Attachment 7c)
  - (3) Notice of the public hearing was provided per CCZO §07-05-01.  
Affected agencies were noticed on August 23, 2023.  
Newspaper notice was published on August 23, 2023.  
Property owners within 600' were notified by mail on August 23, 2023.  
Full political notice was provided on August 23, 2023.  
The property was posted on August 31, 2023.
  - (4) Evidence includes the application, support materials submitted by the applicant, public

testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

**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 frontage off of Linden Rd, per Canyon Highway District comments in Exhibit D Attachment 7c, Exhibit D Attachment 7d, and Exhibit D Attachment 7e the proposed development has legal access, and no concerns were stated by Idaho Transportation Department (Exhibit D Attachment 7k).

Notice of the public hearing was provided per CCZO §07-05-01.

Affected agencies were noticed on August 23, 2023.

Newspaper notice was published on August 23, 2023.

Property owners within 600' were notified by mail on August 23, 2023.

Full political notice was provided on August 23, 2023.

The property was posted on August 31, 2023.

(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

**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 no comments of concern were received. The proposed development will be serviced by Caldwell School District, Canyon County Sheriff, Caldwell Rural Fire and Canyon Ambulance District.

Notice of the public hearing was provided per CCZO §07-05-01.

Affected agencies were noticed on August 23, 2023.

Newspaper notice was published on August 23, 2023.

Property owners within 600' were notified by mail on August 23, 2023.

Full political notice was provided on August 23, 2023.

The property was posted on August 31, 2023.

(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

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

**Conclusion:** The property is located within the Caldwell Area of City Impact. A notice was sent to the City of Caldwell per Canyon County Code Section 09-01-25.

**Findings:** (1) The City of Caldwell was provided notice on June 08, 2023, pursuant to Canyon County Code Section 09-01-25. The City of Caldwell provided comments regarding the case and requested conditions be placed on this development that can be found in Exhibit D Attachment 7f and Attachment 7g.



- (2) The City would prefer this parcel be annexed into the City, however, the parcels are not contiguous to any incorporated parcels at this time. The conditions requested by the City are:
- The development shall comply with the City of Caldwell landscaping requirements within City of Caldwell Municipal Codes, Chapter 10, Article 7; and
  - The development shall comply with the City of Caldwell subdivision requirements within the City of Caldwell Municipal Codes, Chapter 11; and
  - A Municipal Services Agreement shall be required for if any city utilities will be provided to service the site (including water, sewer, and/or irrigation). (Exhibit D, Attachment 7g)
- (3) The proposed development does fit within the Comprehensive Plan for City of Caldwell as Residential Estates designation. (Exhibit D, Attachment 7g)
- (4) The City of Caldwell Engineering Department letter stated that water availability would be determined during review of improvement plans. They will require the development to comply with the Water Master Study and the 6 requirements listed in Exhibit D, Attachment 7h.
- (5) Sanitary sewer is currently unavailable. The City of Caldwell Engineering Department requests a Municipal Services Agreement when the City deems it appropriate to connect. (Exhibit D, Attachment 7h)
- (6) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

### Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners recommends **approval** of Case #RZ2021-0047, a conditional rezone of R35590 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

  
 Commissioner Leslie Van Beek

  
 Commissioner Brad Horton

  
 Commissioner Zach Brooks

Attest: Chris Yamamoto, Clerk

By:   
 Deputy

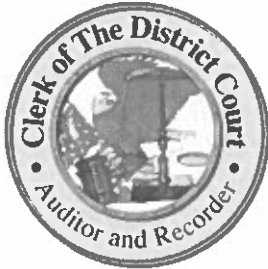
Yes	No	Did Not Vote
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date: 10-3-23

## **ATTACHMENT A**

### **P & Z RECOMMENDED DRAFT CONDITIONS OF APPROVAL**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel shall be in subjection to the Canyon County Zoning Ordinance Chapter 7, Article 17 for platting with a maximum of 18 buildable lots with an average lot size of 2.00 acres.
3. The applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell Planning and Zoning Department letters as seen in Exhibit D, Attachment 7f and 7g with the exception of the requirement connecting to the Public Water System, which is waived.
4. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."



**2023-033002**

RECORDED

**10/11/2023 11:50 AM**



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CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=10 ZBLAKESLEE

NO FEE

AGR

CANYON COUNTY

**Canyon County  
Recorder's Office  
Document  
Cover Sheet**





## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

www.canyoncounty.id.gov

### DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 23-136

**THIS AGREEMENT**, made and entered into this 11 day of Oct., 2023, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and CS2, LLC, 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 (RZ2021-0047), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

**WHEREAS**, Parcel R35590, approximately 40.84 acres, is owned by the Applicant; and

**WHEREAS**, on the 3 day of October, 2023, 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 RZ2021-0047 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 Properties 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 Properties 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 11<sup>th</sup> 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: CS2, LLC (Cory Swain)  
Street Address: 3363 E Presidential Drive, Suite 201  
City, State, Zip: Meridian, ID 83642

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**

  
\_\_\_\_\_  
Commissioner Leslie Van Beek

  
\_\_\_\_\_  
Commissioner Brad Holton

  
\_\_\_\_\_  
Commissioner Zach Brooks

ATTEST: Chris Yamamoto, Clerk

BY:   
\_\_\_\_\_

Deputy

DATE: 10-11-23



APPLICANT



Cory Swain, CS2, LLC  
Property Owner

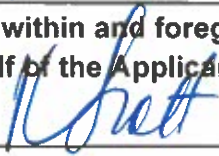
(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO )

) ss.

County of Canyon )

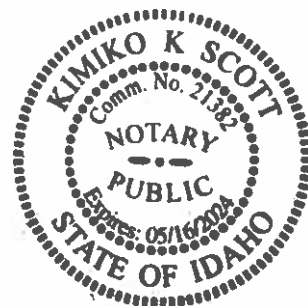
On this 4 day of October, 2023, before me, a notary public, personally appeared Cory Swain, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.



Notary Public for Idaho

Residing at: Meridian, Idaho

My Commission Expires: 05/16/2024



## EXHIBIT "A"

### LEGAL DESCRIPTION

This parcel is a portion of the Northwest  $\frac{1}{4}$  of Section 32 in Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Commencing at the Northwest corner of said Northwest  $\frac{1}{4}$ , (Northwest Section Corner, Section 32), a found brass cap monument; thence

North  $89^{\circ}51'2r$  East, along the North boundary of the Northwest  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a distance of 664.27 feet to the TRUE POINT OF BEGINNING, said point being the Northwest corner of the East  $\frac{1}{2}$  Northwest  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , witnessed by a found  $\frac{5}{8}$  inch diameter rebar bearing South  $00^{\circ}45'45''$  West, a distance of 25.00 feet; thence

North  $89^{\circ}51'2r$  East, along the North boundary of the East  $\frac{1}{2}$  Northwest  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a distance of 664.35 feet to the Northeast corner of the East  $\frac{1}{2}$  Northwest  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a found  $\frac{5}{8}$  inch diameter rebar, thence

South  $00^{\circ}46'24''$  West, along the East boundary of the East  $\frac{1}{2}$  Northwest  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a distance of 368.06 feet to a found  $\frac{1}{2}$  inch diameter rebar; thence

North  $89^{\circ}51'27''$  East, parallel with the North boundary of the Northeast  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a distance of 400.62 feet to a found  $\frac{1}{2}$  inch diameter rebar; thence

South  $00^{\circ}47'09''$  West, a distance of 1554.62 feet to a point on a line that is sixty feet North of and parallel with the South boundary of the Northwest  $\frac{1}{4}$  Southeast  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a  $\frac{5}{8}$  x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

North  $89^{\circ}58'15''$  East, along said parallel line a distance of 263.52 feet to a point on the East boundary of the Northwest  $\frac{1}{4}$  Southeast  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a  $\frac{5}{8}$  x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

South  $00^{\circ}47'09''$  West, along said East boundary, a distance of 60.00 feet to the Southeast corner of the Northwest  $\frac{1}{4}$  Southeast  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a  $\frac{5}{8}$  x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

South  $89^{\circ}58'15''$  West, along the South boundary of the Northwest  $\frac{1}{4}$  Southeast  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a distance of 663.78 feet to a  $\frac{5}{8}$  x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

South  $89^{\circ}57'59''$  West, along the South boundary of the North  $\frac{1}{2}$  Southwest  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a distance of 399.13 feet to a  $\frac{5}{8}$  x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

North  $9^{\circ}15'41''$  West, a distance of 1521.31 feet to a point on the West boundary of the East  $\frac{1}{2}$  Northwest  $\frac{1}{4}$  Northwest  $\frac{1}{4}$ , a found  $\frac{5}{8}$  inch diameter rebar; thence

North  $00^{\circ}45'45''$  East, along said West boundary, a distance of 478.84 feet to the TRUE POINT OF BEGINNING.

## 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 18 buildable lots with an average lot size of 2.00 acres.
3. The applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell Planning and Zoning Department letters as seen in Exhibit D, Attachment 7f and 7g with the exception of the requirement connecting to the Public Water System, which is waived.
4. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."

**Michelle Barron**

---

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>  
**Sent:** Thursday, June 27, 2024 4:01 PM  
**To:** Michelle Barron  
**Subject:** [External] Fwd: Alyson Meadows Preliminary Plat, Version 3

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Highway District 4 confirmation and approval of the preliminary plat for Alyson Meadows.

Thanks,  
Elwin

----- Forwarded message -----

**From:** **Kraig Wartman** <[kwartman@hwydistrict4.org](mailto:kwartman@hwydistrict4.org)>  
**Date:** Wed, Apr 10, 2024 at 3:55 PM  
**Subject:** RE: Alyson Meadows Preliminary Plat, Version 3  
**To:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>

HD4 does not need to review the preliminary plat. Our approval still applies.

Regards,

Kraig Wartman

Sr. Engineering Tech.

[kwartman@hwydistrict4.org](mailto:kwartman@hwydistrict4.org)



Highway District No. 4

[Highway District No. 4 \(hwydistrict4.org\)](http://hwydistrict4.org)

15435 Hwy 44

Caldwell, ID 83607

Phone: (208) 454-8135

Fax: (208) 454-2008

*HD4 Hours - Mon- Thurs 7 till 5:30*

---

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>  
**Sent:** Wednesday, April 10, 2024 1:03 PM  
**To:** Kraig Wartman <[kwartman@hwydistrict4.org](mailto:kwartman@hwydistrict4.org)>  
**Subject:** Re: Alyson Meadows Preliminary Plat, Version 3

Yes, and Thank you

Sent from my iPhone

On Apr 10, 2024, at 10:51 AM, Kraig Wartman <[kwartman@hwydistrict4.org](mailto:kwartman@hwydistrict4.org)> wrote:

Was this just a courtesy submittal, Not intended for review/approval?

I will verify it does not need to be re-presented to HD4 Board.

Regards,

Kraig Wartman

Sr. Engineering Tech.

[kwartman@hwydistrict4.org](mailto:kwartman@hwydistrict4.org)

<image001.png>

Highway District No. 4

[Highway District No. 4 \(hwydistrict4.org\)](http://hwydistrict4.org)

15435 Hwy 44



Caldwell, ID 83607

Phone: (208) 454-8135

Fax: (208) 454-2008

*HD4 Hours - Mon- Thurs 7 till 5:30*

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>  
**Sent:** Wednesday, April 10, 2024 10:45 AM  
**To:** Kraig Wartman <[kwartman@hwydistrict4.org](mailto:kwartman@hwydistrict4.org)>  
**Cc:** Chris Hopper <[chopper@hwydistrict4.org](mailto:chopper@hwydistrict4.org)>  
**Subject:** Re: Alyson Meadows Preliminary Plat, Version 3

Good Morning Kraig,

This plat has already been submitted, reviewed, and approved by the District board. We are addressing comments from the County. As you recall, there has been significant discussion about the easement to Tranquill Place. This plat provides the same easement as your Board has previously reviewed and approved. However, this plat has removed the words "EMS" from the plat as Tranquill Place, private road, did not list Parcel R35590, Alyson Acres, as having access, however, they did state that all properties fronting Tranquill Place did have access.

Please advise if you would like a full sized copy of the plat for this plat change and I will get it printed and delivered to you this week.

Thank you,

Elwin

208 739-8668

On Wed, Apr 10, 2024 at 9:34 AM Kraig Wartman <[kwartman@hwydistrict4.org](mailto:kwartman@hwydistrict4.org)> wrote:

Elwin,

If you have not already submitted, we require a full-size hard copy of plans and final plat for review, in addition to the electronic copies of the same and any other project submittals.

We count the submittal as received and eligible to be placed in the review queue when the hard copy submittal has been delivered to our offices.

Please see HSDP **2030.060-.061.** submittal requirements, for HD4 to log this as an official submittal.

Once reviewed and acceptable the preliminary plat will be presented to our board of commissioners for acceptance Per ACCHD Policy

**2010.070.** Submittal and Time Requirements:

Regards,

Kraig Wartman

Sr. Engineering Tech.

[kwartman@hwydistrict4.org](mailto:kwartman@hwydistrict4.org)

<image002.png>

Highway District No. 4

[Highway District No. 4 \(hwydistrict4.org\)](http://hwydistrict4.org)

15435 Hwy 44

Caldwell, ID 83607

Phone: (208) 454-8135

Fax: (208) 454-2008

*HD4 Hours - Mon- Thurs 7 till 5:30*

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>

**Sent:** Wednesday, April 10, 2024 8:59 AM

**To:** Kraig Wartman <[kwartman@hwydistrict4.org](mailto:kwartman@hwydistrict4.org)>

**Subject:** Fwd: Alyson Meadows Preliminary Plat, Version 3

Good Morning Kraig,

It appears that you changed your email and I did not update my addresses.

Attached are the revised Preliminary Plat, Comments by Mr. Canning and Actions by Matrix Engineering. Also included in the attachments is the Engineering Concept.

I am looking for an okay from you to the County so we may start submitting construction plans.

Please let me know if your received the attachments,

Thanks,

Elwin

208 739-8668

----- Forwarded message -----

From: **Elwin Butler** <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>

Date: Fri, Apr 5, 2024 at 11:26 AM

Subject: Alyson Meadows Preliminary Plat, Version 3

To: Stephanie Hailey <[stephanie.Hailey@canyoncounty.id.gov](mailto:stephanie.Hailey@canyoncounty.id.gov)>, Michelle Barron

<[michelle.barron@canyoncounty.id.gov](mailto:michelle.barron@canyoncounty.id.gov)>

Cc: <[jdcanning@centengr.com](mailto:jdcanning@centengr.com)>, <[kwartman@canyonhd4.org](mailto:kwartman@canyonhd4.org)>, Doug Unger <[dunger@mat-eng.com](mailto:dunger@mat-eng.com)>,

Bob Unger <[ungerbob134@gmail.com](mailto:ungerbob134@gmail.com)>, Alan Perry <[Aperry@cityofcaldwell.org](mailto:Aperry@cityofcaldwell.org)>, Dave Watkins

<[davew@pioneerirrigation.com](mailto:davew@pioneerirrigation.com)>, Kirk Meyers <[kirk@pioneerirrigation.com](mailto:kirk@pioneerirrigation.com)>, Cory Swain

<[Cory.Swain@pmlrloans.com](mailto:Cory.Swain@pmlrloans.com)>

Stephanie and Michelle,

Attached are the revised preliminary plat drawings for Alyson Meadows, AM-P-Plat-3-PP-100, Engineering Concept, AM-P-Plat-3-PP-101, and the Comment/Action Narrative of Review 3. Matrix Engineering and CS2, LLC have been working the past month attempting to resolve access and easement issues related to Rhetts Acres. It is hoped that preliminary plat may be approved with the condition that access and the lack of easements for Rhetts Acres will be resolved prior to final plat submission.

**Note:** This version of the plat resolves easement concerns for Rhetts Acres for their irrigation main line and Tranquill Place end of road turnaround located on Parcel R35590. These easements may be recorded with the final plat of Alyson Meadows. The lack of access to Parcel R35590 appears to have been an oversight in the Road Maintenance Agreement not providing access to a parcel that fronts the private road. This is discussed in more detail in the attached narrative.

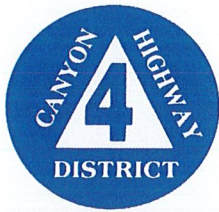
It is requested that each of the agencies, Canyon County Highway District 4, City of Caldwell Fire District, and Pioneer Irrigation District receiving this email verify their individual concerns are still met by this version of the preliminary plat by a return email.

Thank you,

Elwin T. Butler, PE

Matrix Engineering, Inc.

208 739-8668



May 9, 2023

Canyon County P&Z Commission and  
County Commissioners  
111 N. 11<sup>th</sup> Ave Suite 140  
Caldwell, Idaho 83605  
Attention: Samantha Hammond, Planner

Unger Enterprises, LLC  
9662 W Arnold Road  
Boise, ID 83714  
Attention: Bob Unger

**RE: RZ2021-0047/SD2021-0039**  
**Alyson Meadows Subdivision**  
**Parcel Number: R35590**

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has received the agency notice for rezone and preliminary plat for Alyson Meadows Subdivision, approximately 40 acres lying south of Linden Rd in the NW ¼ Section 32, T4N R3W, and provides the following comments:

#### **General**

The subject property has approximately 665-feet of frontage on Linden Rd along the north boundary. Linden Rd is the only public highway or right-of-way adjacent to or within the subject property. Linden Rd is classified as a collector road on the functional classification maps adopted by CHD4 and Canyon County. Existing right-of-way width along the subject property is a 25-foot prescriptive easement, centered on the existing roadway. Ultimate right-of-way width for a collector is 40-foot half-width, measured from the section line. The development is proposing 20 residential lots, to be served by a single private road access located opposite existing Birchwood Lane on Linden Rd.

#### **Access**

The private road access (Birchwood Lane) proposed to serve the development is consistent with access spacing standards for a collector roadway, and the proposed location has adequate intersection sight distance. No direct lot access to collector roads is allowed. A 30-foot wide emergency access easement is proposed along the south boundary of the subject property connecting to

#### **Traffic Impacts**

The proposed 20 residential lots does not meet the minimum threshold of 500 trips/day or 50 peak hour trips to require a traffic impact study, and are not anticipated to reduce Level of Service (LOS) at nearby intersections or roadways below an acceptable level. Traffic impacts from the development will be mitigated through dedication of public right-of-way, frontage improvements to Linden Rd, and traffic impact fees if they are in effect for the area at the time of access permit issuance.

#### **Preliminary Plat**

Canyon Highway District No. 4 (CHD4) has reviewed the revised preliminary plat for Alyson Meadows Subdivision dated December 26, 2022 received from Canyon County. This plat appears to generally meet the requirements for development described in the Highway Standards and Development Procedures Manual (HSDP Manual), and may be recommended for consideration by the CHD4 Board of Commissioners subject to the following conditions:

1. Under Idaho Code Section 54-1215(3)(b), effective July 1, 2007, if prepared by a professional engineer or a professional land surveyor, Preliminary Plats and Preliminary Road Plans that are "intended to be

relied upon to make policy decisions important to the life, health, property or fiscal interest of the public" must be sealed, signed and dated.

2. Add a note to the preliminary plat: "No direct lot access to Linden Rd is allowed".

#### **Roadway Improvements**

1. Provide a 40-foot right-of-way for Linden Rd as shown.
2. Provide frontage improvements for Linden Rd to include pavement widening and drainage facilities to accommodate the south half of ACCHD SD-101A Three Lane Rural Road Section (20-ft paved half-width plus 7-foot gravel shoulder. This is less than the 27-foot paved width shown on the plat.
3. Structural section for Linden Rd to be a minimum of 3" plant mix pavement, 6"  $\frac{3}{4}$ " crushed aggregate, and 19" pit run unless a lesser section is demonstrated to be adequate for a Traffic Index of 8.0 based on in-place subgrade R-value tests.
4. Construction and acceptance of Linden Rd frontage improvements is required prior to final plat approval.

All other platting and improvement requirements to be in accordance with the Highway Standards and Development Procedures Manual (HSDP Manual) available on at <https://www.canyonhd4.org/resources/forms-and-maps>.

CHD4 appreciates the opportunity to provide comment on this proposed development, and requests the Commission make all comments above conditions of approval for the project. Please feel free to contact me with any questions on this request.

Respectfully,



Chris Hopper, P.E.  
District Engineer

File: Linden Rd- Alyson Meadows Subdivision



**Michelle Barron**

---

**From:** Chris Hopper <CHopper@canyonhd4.org>  
**Sent:** Thursday, January 12, 2023 9:42 AM  
**To:** Michelle Barron; Bob Unger  
**Cc:** Kraig Wartman  
**Subject:** FW: [External] Linden-Alyson Meadows Pre-Plat  
**Attachments:** Preliminary Plat Base 12-16-22 Layout1 (1).pdf; Linden Rd- Alyson Meadows pplat  
Conditional Approval 1.12.23.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Michelle & Bob-

After review of the prelim plat for Alyson Meadows dated 12/26/22 (attached), the revised layout including private streets is conditionally acceptable to CHD4, and may be brought to the CHD4 Board for final approval after the county completes its review. Please let us know if you will require any revisions that materially affect the plat or the Linden Rd right-of-way.

Respectfully,

**Chris Hopper, P.E.**  
District Engineer

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

---

**From:** Michelle Barron <Michelle.Barron@canyoncounty.id.gov>  
**Sent:** Wednesday, January 11, 2023 1:07 PM  
**To:** Kraig Wartman <KWartman@canyonhd4.org>  
**Cc:** Chris Hopper <CHopper@canyonhd4.org>  
**Subject:** RE: [External] Linden-Alyson Meadows Pre-Plat

Kraig,

Glad you asked. I am having them go back to their original plan. I have talked to the client and told him to go with the original plan. I do have an updated plat that he has submitted if you would like me to send that over to you. It has changed significantly enough that we are requiring an additional review from our engineering department.

Let me know if you need anything else on this one.

If you would like to look at your list of items that you have for review and let me know what you have and a date that is on it, I can verify that you have current documents. I know there is another one that will be in the same boat with several changes. We are looking at processes to change that will keep that from continually happening, so hopefully it will be less time consuming.



Thanks,

*Michelle Barron*

*Planner III*

*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](mailto:Michelle.Barron@canyoncounty.id.gov)

Website: [www.canyonco.org/dsd](http://www.canyonco.org/dsd)

\*\*\*NEW public office hours\*\*\*

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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**From:** Kraig Wartman <[KWartman@canyonhd4.org](mailto:KWartman@canyonhd4.org)>

**Sent:** Wednesday, January 11, 2023 12:53 PM

**To:** Michelle Barron <[Michelle.Barron@canyoncounty.id.gov](mailto:Michelle.Barron@canyoncounty.id.gov)>

**Cc:** Chris Hopper <[CHopper@canyonhd4.org](mailto:CHopper@canyonhd4.org)>

**Subject:** [External] Linden-Alyson Meadows Pre-Plat

Michelle,

I have the Alyson Meadows pre-plat 3<sup>rd</sup> review revisions

The submitted has changed considerably from the initial two submittals, from a 20 lot sub with rural road section (swales) to a 33 lot sub with curb/gutter/sidewalk road section.

Is that consistent with what is submitted/reviewing at the county?

Do you have any additional comments other than the original(attached)

Regards,

Kraig Wartman

Sr. Engineering Tech.

[kwartman@canyonhd4.org](mailto:kwartman@canyonhd4.org)

Canyon Highway District No. 4

15435 Hwy 44

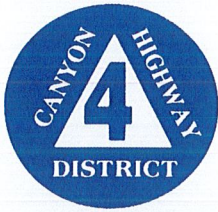
Caldwell, ID 83607

Phone: (208) 454-8135

Fax: (208) 454-2008







**CANYON HIGHWAY DISTRICT No. 4**

15435 HIGHWAY 44  
CALDWELL, IDAHO 83607

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

January 12, 2023

Canyon County Development Services  
111 N. 11<sup>th</sup> Ave Suite 140  
Caldwell, Idaho 83605  
Attention: Michelle Barron, Planner

Unger Enterprises, LLC  
9662 W Arnold Road  
Boise, ID 83714  
Attention: Bob Unger

**RE: RZ2021-0047**  
**Alyson Meadows Subdivision- 3<sup>rd</sup> Submittal**  
**Parcel Number: R35590**

Dear Michelle:

Canyon Highway District No. 4 (CHD4) has reviewed the revised preliminary plat for Alyson Meadows Subdivision dated December 26, 2022 received from Canyon County. This plat appears to generally meet the requirements for development described in the Highway Standards and Development Procedures Manual (HSDP Manual), and may be recommended for consideration by the CHD4 Board of Commissioners subject to the following conditions:

**Preliminary Plat**

1. Under Idaho Code Section 54-1215(3)(b), effective July 1, 2007, if prepared by a professional engineer or a professional land surveyor, Preliminary Plats and Preliminary Road Plans that are "intended to be relied upon to make policy decisions important to the life, health, property or fiscal interest of the public" must be sealed, signed and dated.

**Roadway Improvements**

1. Provide a 40-foot right-of-way for Linden Rd as shown.
2. Frontage improvements for Linden Rd to include pavement widening and drainage facilities to accommodate the south half of ACCHD SD-101A Three Lane Rural Road Section (20-ft paved half-width plus 7-foot gravel shoulder. This is less than the 27-foot paved width shown on the plat.
3. Structural section for Linden Rd to be a minimum of 3" plant mix pavement, 6"  $\frac{3}{4}$ " crushed aggregate, and 19" pit run unless a lesser section is demonstrated to be adequate for a Traffic Index of 8.0 based on in-place subgrade R-value tests.

All other platting and improvement requirements to be in accordance with the Highway Standards and Development Procedures Manual (HSDP Manual) available on at <https://www.canyonhd4.org/resources/forms-and-maps> at time of improvement drawing submittal. Please provide CHD4 with an electronic copy of the preliminary plat once it is acceptable to Canyon County so that it may be placed on a Board agenda for final approval, and let me know if you have any questions on these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Hopper', is written over a horizontal line.

Chris Hopper, P.E.  
District Engineer

File: Linden Rd- Alyson Meadows Subdivision

**Michelle Barron**

---

**From:** Dave Watkins <davew@pioneerirrigation.com>  
**Sent:** Wednesday, May 15, 2024 3:48 PM  
**To:** Elwin Butler; Stephanie Hailey; Michelle Barron  
**Cc:** jdcanning@centengr.com; kwartman@canyonhd4.org; Doug Unger; Bob Unger; Alan Perry; Kirk Meyers; Cory Swain  
**Subject:** [External] RE: Alyson Meadows Preliminary Plat, Version 3

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Elwin,

Apologies for the delayed response.

Pioneer Irrigation District is satisfied with the “D” Drain Easement location and restriction of encroachment language included in the drawings. Please forward a recorded copy to PID when possible for inclusion into our records.

Please feel free to contact me if you have further questions.

Respectfully,

Dave Watkins  
 Assistant Superintendent  
 Pioneer Irrigation District  
 Cell (208) 249-2509  
 Office (208) 459-3617

---

**From:** Elwin Butler <ebutler@mat-eng.com>  
**Sent:** Friday, April 5, 2024 11:27 AM  
**To:** Stephanie Hailey <stephanie.Hailey@canyoncounty.id.gov>; Michelle Barron <michelle.barron@canyoncounty.id.gov>  
**Cc:** jdcanning@centengr.com; kwartman@canyonhd4.org; Doug Unger <dunger@mat-eng.com>; Bob Unger <ungerbob134@gmail.com>; Alan Perry <Aperry@cityofcaldwell.org>; Dave Watkins <davew@pioneerirrigation.com>; Kirk Meyers <kirk@pioneerirrigation.com>; Cory Swain <Cory.Swain@pmrloans.com>  
**Subject:** Alyson Meadows Preliminary Plat, Version 3

Stephanie and Michelle,

Attached are the revised preliminary plat drawings for Alyson Meadows, AM-P-Plat-3-PP-100, Engineering Concept, AM-P-Plat-3-PP-101, and the Comment/Action Narrative of Review 3. Matrix Engineering and CS2, LLC have been working the past month attempting to resolve access and easement issues related to Rhett's

Acres. It is hoped that preliminary plat may be approved with the condition that access and the lack of easements for Rhetts Acres will be resolved prior to final plat submission.

**Note:** This version of the plat resolves easement concerns for Rhetts Acres for their irrigation main line and Tranquill Place end of road turnaround located on Parcel R35590. These easements may be recorded with the final plat of Alyson Meadows. The lack of access to Parcel R35590 appears to have been an oversight in the Road Maintenance Agreement not providing access to a parcel that fronts the private road. This is discussed in more detail in the attached narrative.

It is requested that each of the agencies, Canyon County Highway District 4, City of Caldwell Fire District, and Pioneer Irrigation District receiving this email verify their individual concerns are still met by this version of the preliminary plat by a return email.

Thank you,  
Elwin T. Butler, PE  
Matrix Engineering, Inc.  
208 739-8668

**Samantha Hammond**

---

**From:** Kirk Meyers <kirk@pioneerirrigation.com>  
**Sent:** Tuesday, April 18, 2023 9:46 AM  
**To:** Samantha Hammond  
**Cc:** Dave Watkins  
**Subject:** [External] Agency Notice CS2 Alyson Meadows RZ2021-0047 SD2021-0039

Samantha,

Pioneer Irrigation District owns and operates the Cooper drain located on the West border of this development. The Cooper Drain has an easement of 25' from top of bank on both sides of the Drain.

Per Idaho Code, 42-1209, written permission must be obtained from Pioneer Irrigation District, prior to any modification or encroachment of the Cooper Drain or corresponding easements.

Thanks,

Kirk Meyers  
Superintendent  
Cell (208) 250-8223  
Office (208) 459-3617

**Michelle Barron**

---

**From:** Steve Pendleton <spendleton@cityofcaldwell.org>  
**Sent:** Monday, August 5, 2024 8:44 AM  
**To:** Elwin Butler  
**Cc:** T.J. Frans; Doug Unger; Michelle Barron; Hallie Hart  
**Subject:** [External] RE: Alyson Meadows Subdivision, County Development

Elwin,

Your understanding is correct for water and sewer for this site. Irrigation for this development will not be taken until this site is annexed to the city.

Thanks



205 South 6<sup>th</sup> Ave. Caldwell, ID 83605  
P: (208) 455-4683 | F: (208) 455-3012  
[spendleton@cityofcaldwell.org](mailto:spendleton@cityofcaldwell.org)

---

**From:** Elwin Butler <ebutler@mat-eng.com>  
**Sent:** Monday, August 5, 2024 8:35 AM  
**To:** Steve Pendleton <spendleton@cityofcaldwell.org>  
**Cc:** T.J. Frans <tjfrans@cityofcaldwell.org>; Doug Unger <dunger@mat-eng.com>; Michelle Barron <michelle.barron@canyoncounty.id.gov>; Hallie Hart <hhart@cityofcaldwell.org>  
**Subject:** Re: Alyson Meadows Subdivision, County Development

Good Morning Steve,

From your last response, I am understanding the following:



- 1) that even though the County waived water, the City will not sign off unless a 12" main is installed along the frontage of the property. It is also my understanding that an internal main will not be required.
- 2) The Development will provide funds to construct a force pressure sewer main from Birchwood Lane to the east boundary of the frontage, this is approximately 250 feet. It is also my understanding that an internal sewer main will not be required.
- 3) It is my understanding that the City will accept the street section, R-810-3, (Residential RS-1). This does include ribbon curb and marked walkways on the pavement but does not include curb and sidewalks.
- 4) City requires all irrigation water to be transferred over to the City. We plan to build a pump station to provide the one inch per acre to the development, but have concerns about transferring water rights and maintenance over the the City until these properties are annexed. Please explain if the City is willing to wait for the transfer of water rights until annexation?

Please confirm my understanding of water, sewer, and street section, and help with our understanding of irrigation water rights.

Thank you,  
Elwin  
208 739-8668  
Matrix Engineering, Inc.

On Fri, Aug 2, 2024 at 9:34 AM Steve Pendleton <[spendleton@cityofcaldwell.org](mailto:spendleton@cityofcaldwell.org)> wrote:

Elwin,

I have had a few discussions in our office with the City Engineer and Public Works Director about requirements for this development. Please see below for water and sewer requirements for this development below.

- Sewer: This development is to provided an estimated cost for the extension of the master planned sewer force main that is proposed to extend through the frontage of this development. This development shall provide monies in-lieu of construction for the cost of extending this through the frontage.
- Water: This development is not required to connect to City water at this time or install water lines within this development, however this development is required to install the 12" dry main line through the frontage of this development to comply with the Water Master plan for main line to be installed within all section and ¼ section lines. This particular roadway requires the 12" dry line be installed through the frontage at this time. This is a part of City code for all development within the City impact area.

If you have further questions please let me know.

Thanks



*Steven Pendleton*

Plans Examiner II

205 South 6<sup>th</sup> Ave. Caldwell, ID 83605

P: (208) 455-4683 | F: (208) 455-3012

[spendleton@cityofcaldwell.org](mailto:spendleton@cityofcaldwell.org)

---

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>

**Sent:** Tuesday, July 23, 2024 4:45 PM

**To:** Steve Pendleton <[spendleton@cityofcaldwell.org](mailto:spendleton@cityofcaldwell.org)>

**Cc:** T.J. Frans <[tjfrans@cityofcaldwell.org](mailto:tjfrans@cityofcaldwell.org)>; Doug Unger <[dunger@mat-eng.com](mailto:dunger@mat-eng.com)>; Michelle Barron <[michelle.barron@canyoncounty.id.gov](mailto:michelle.barron@canyoncounty.id.gov)>

**Subject:** Re: Alyson Meadows Subdivision, County Development

Steve,

I received a one page map representing the Dixie Sewer Master Plan today. This project area is split between service area 3643 and 4396, per the note received from the City Mapping Superintendent, and is not included in either of these two services areas. It is very clear that the City does not have capacity at this time for this development and that this parcel is not included in the Sewer Master Plan service areas. It is also my understanding that once a City commits to annex a service area, the City is required to reserve treatment capacity. I assume that based on this information, there will be no requirements for sanitary sewer. Each lot will be provided with individual septic systems per Southwest District Health.

The County Commission passed the rezone "waiving requirement for the provision of city water." Each lot will be provided water by individual wells per Southwest District Health and Idaho Department of Water Resources. Each building permit will be reviewed by the Caldwell Fire Department, providing sprinkler systems to homes as required by the Fire Department. I assume, based on this waiver, that installing future water mains is not required.

This is my current understanding of water and sewer requirements based on letters, emails, and the one page Dixie Sewer Master Plan received from the City. If this is not correct, then I suggest a face to face discussion to see if I can reach a better understanding.

Thank you,

Elwin

Elwin T. Butler, PE

208 739-8668

Matrix Engineering, Inc

On Thu, Jul 18, 2024 at 3:47 PM Steve Pendleton <[spendleton@cityofcaldwell.org](mailto:spendleton@cityofcaldwell.org)> wrote:

Elwin,

Dry line should be water line not sewer as stated in my first paragraph. I am hoping this is just a typo on your part. Sewer requirements were specified in the Staff report that you had attached to your original email. Once you receive the Master Plan information you can reach out with additional questions if you have some.

Thanks



*Steven Pendleton*

Plans Examiner II

205 South 6<sup>th</sup> Ave. Caldwell, ID 83605

P: (208) 455-4683 | F: (208) 455-3012

[spendleton@cityofcaldwell.org](mailto:spendleton@cityofcaldwell.org)

---

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>

**Sent:** Thursday, July 18, 2024 3:22 PM

**To:** Steve Pendleton <[spendleton@cityofcaldwell.org](mailto:spendleton@cityofcaldwell.org)>

**Cc:** T.J. Frans <[tjfrans@cityofcaldwell.org](mailto:tjfrans@cityofcaldwell.org)>

**Subject:** Re: Alyson Meadows Subdivision, County Development

Hi Steve,

Each 2 acre lot will be served with a well and septic system. I am revising the construction plans using Section R-810E-3 typical road section. I have completed the design of the sewer dry line on the property, are there any off site requirements? I have completed a public records request for the Dixie Sewer Master Plan, I assume, as you said, expansion requirements will be clearly spelled out in the master plan.

Will get back with you after reviewing the sewer master plan.

Thank you,

Elwin

208 739-8668

On Wed, Jul 17, 2024 at 10:26 AM Steve Pendleton <[spendleton@cityofcaldwell.org](mailto:spendleton@cityofcaldwell.org)> wrote:

Elwin,

Sorry for the delay getting back to you this week I have been trying to track down what requirements were waived. Yes, water extension requirement was waived. City engineer would like to know how each dwelling unit will be served if you do not extend water. Will each lot have a well or a community well? City engineer would still like dry water lines installed within the development with meter tub locations provided. This way the development can be connected to city water when it is available out here.

Please do a public records request for the Sewer Master plan lines in this location. The staff report is very clear on how this is to be done. Typically it would be monies in-lieu of construction but you may be required to build the dry line. This is to be determined at time of construction drawing submittal. Typically

it would be the first option and you will need to provide a cost estimate for that installation for approval by the City. This will need to be submitted and approved prior to issuance of any building permits. Please just provide a note on the front sheet of construction drawings stating the this.

Street sections for the site is to be per City Standard detail R-810 E for rural development. All other requirements for this site is to comply with City Code as this development is within the City impact area. Please let me know if you have more specific questions.

Thanks



*Steven Pendleton*

Plans Examiner II

205 South 6<sup>th</sup> Ave. Caldwell, ID 83605

P: (208) 455-4683 | F: (208) 455-3012

[spendleton@cityofcaldwell.org](mailto:spendleton@cityofcaldwell.org)

---

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>  
**Sent:** Monday, July 15, 2024 1:50 PM  
**To:** Steve Pendleton <[spendleton@cityofcaldwell.org](mailto:spendleton@cityofcaldwell.org)>  
**Cc:** T.J. Frans <[tjfrans@cityofcaldwell.org](mailto:tjfrans@cityofcaldwell.org)>  
**Subject:** Alyson Meadows Subdivision, County Development

Good Afternoon Steve,

I attempted to call you last Friday to discuss if we could meet and discuss how The City sees Alyson Meadows Subdivision to look like based on the attached review letters by the City to Canyon County. I was understanding that the City requirements had been waved until last Friday. I now understand that only the water requirements were waved. I have several questions how to make a rural development with rural roads will look like and how the requirements of the sanitary sewer will look like. I have been on line to see if I could read the Dixie Sewer Master Plan but was unable to find it.

If possible let me know when we could meet to discuss what the City anticipates this rural subdivision in the County will look like.

Attached below are the City's letters to the County and the Proposed Preliminary Plat of Alyson Meadows.

Please email or call with a time we may briefly discuss.

Thank you,

Elwin

Elwin T. Butler, PE

208 739-8668

Matrix Engineering, Inc.



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**JAROM WAGONER**  
*Mayor*

208.455.3011  
(f) 208.455.3003

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

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

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Council members, visit:  
**Website**  
[www.cityofcaldwell.org](http://www.cityofcaldwell.org)

# CITY OF *Caldwell, Idaho*

Exhibit 6g

July 17, 2024

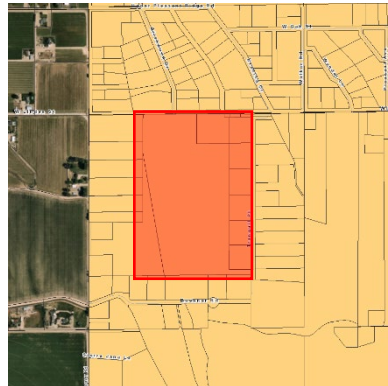
Michelle Barron  
Staff Planner  
Canyon County Development Services Dept.  
111 North 11<sup>th</sup> Ave. Ste. 340  
Caldwell, Idaho 83605

Re: CU2020-0004-RFE  
SD2021-0039  
R35590  
Caldwell, Idaho

Dear Ms. Barron,

Our office received a notification regarding a Preliminary Plat (SD2021-0039) for Elwin Butler, PE on behalf of Cory Swain, CS2 LLC consisting of 18 residential lots on 40.84 acres. Our records do not indicate that the City of Caldwell has submitted comments on this application previously.

This parcel is located at the western edge of the City of Caldwell's Area of City Impact and is approximately 1-mile west from City of Caldwell's incorporated limits.



## **Map Legend:**

Light Brown = Residential Estates  
No Color = Unincorporated County Land

The subject parcel is currently designated as Residential Estates in the City of Caldwell's Comprehensive Plan. However, the City of Caldwell is in the process of updating its comprehensive plan and future land use map and the anticipated designation for this property may change to Neighborhood 1 which is equivalent to Low Density Residential/Residential Estates.

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Therefore, the City finds the proposed preliminary plat with an average lot size of 2 acres to be consistent with the existing and proposed future land use designations. In order to ensure consistent development patterns along classified roadways, the City requests that a landscape street buffer be installed along Linden in accordance with the City of Caldwell landscaping ordinances. This would include a minimum 15' foot wide landscape buffer located outside of the right-of-way along the Linden Road (collector street) frontage. The buffer should include a minimum of seventy percent (70%) grass sod, 2" caliper trees every thirty-five linear feet, and one shrub for every seven linear feet of buffer area.

Sincerely,

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



**JAROM WAGONER**  
Mayor

208.455.3011  
(f) 208.455.3003

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# CITY OF *Caldwell, Idaho*

June 9, 2023

Samantha Hammond  
Case Planner  
Canyon County Development Services Dept.  
111 North 11<sup>th</sup> Ave. Ste. 340  
Caldwell, Idaho 83605

Re: **Case No. RZ2021-0047** – CS2, LLC. is requesting a Rezone of approximately 40.84 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The subject property, parcel no. R35590 is located on the south side of W. Linden St., approximately 673 ft. east of the intersection of Wagner Rd. and W. Linden St., Caldwell, ID, in a portion of the NW ¼ of Section 32, T4N, R3W, B.M., Canyon County, Idaho.

Dear Ms. Hammond,

Our office received your letter regarding the rezone application of approximately 40.84 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone.

This parcel is within the City of Caldwell’s Area of City Impact but is not contiguous to the City of Caldwell incorporated area.

The applicant’s proposed zone of R-R (Rural Residential) is consistent with the City of Caldwell’s 2040 Comprehensive Plan future land use designation of RE (Residential Estates), with the intent being to provide areas that protect and enhance single-family living areas that are rural in character, at the outer edge of the city or beyond the area of city impact, or otherwise transitional in relationship to the more urbanized residential areas of higher density.

The City would prefer this parcel be annexed into the City, however, the parcels are not contiguous to any incorporated parcels at this time.

The City would request the following conditions be placed on development:

- The development shall comply with the City of Caldwell landscaping requirements within City of Caldwell Municipal Codes, Chapter 10, Article 7; and

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- The development shall comply with the City of Caldwell subdivision requirements within the City of Caldwell Municipal Codes, Chapter 11; and
- A Municipal Services Agreement shall be required for if any city utilities will be provided to serve the site (including water, sewer, and/or irrigation).

Sincerely,

Robin Collins  
Director  
City of Caldwell Planning and Zoning Department

City of Caldwell Engineering Department  
Staff Report

---

**To:** Jennifer Almeida  
Canyon County Development Services

**From:** TJ Frans, Project Manager  
Steven Pendleton, Plans Examiner II  
City of Caldwell, Engineering Department

**CC:** Debbie Root, Senior Planner  
City of Caldwell Planning and Zoning Department

**Re:** Alyson Meadows Subdivision (SD2021-0039)

**Date:** March 9, 2022

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The City of Caldwell Engineering Department provides the following preliminary staff report on the proposed Alyson Meadows Subdivision. Said parcel R3559000000 is comprised of 40.84 acres. The proposed development lies within the City of Caldwell impact area, is not contiguous to City boundaries and cannot be annexed at this time.

All comments made within this staff report are intended to be in harmony with good development practices, meet all City of Caldwell development requirements, codes and policies and be in the best interest of Caldwell, Canyon County, and Canyon Highway District No. 4. The City of Caldwell recommends that the more stringent of any conflicting requirements be met by the developer.

**Development Plans**

1. Development Plans – Prior to commencing construction, plans must be prepared by the developer's engineer and approved by the City Engineering Department which shall include the following items:
  - a. Street section and alignment (including curb and gutter);
  - b. Sidewalk (sidewalk width based on street classification);
  - c. Sanitary sewer (per City and DEQ requirements);
  - d. Potable water (per City and DEQ requirements);
  - e. Storm water facilities (per City requirements/storm water manual);
  - f. Street lighting (per City standards);
  - g. Street signage (per City and MUTCD requirements);

h. Vertical Datum based on NAVD 88 Datum.

### **General**

1. Easements for Public Utilities shall be 10 feet wide minimum along all dedicated rights-of-way. A minimum 10 feet wide easement (or larger if deemed necessary by the City Engineer in order to facilitate future maintenance operations of utilities) may be required.
2. Appropriate easements for emergency access, transmission lines and/or other utilities shall be clearly indicated, with recorded instrument numbers provided for said easements, on the civil infrastructure improvement drawings and on the face of the final plat (visually and in writing).
3. All utilities on and within the boundaries of the development shall be located and/or relocated underground.
4. All street, sewer, water, fire protection, and street light facilities must be dedicated to the City. Some conveyance facilities for storm water drainage may be eligible for dedication to the City.
5. Construction of facilities to be dedicated and/or within public right-of-way shall be performed by an appropriately licensed public works contractor and shall be inspected by and constructed to City of Caldwell specifications.
6. Prior to commencement of construction in any dedicated right-of-way, or construction of any improvement intended for dedication to the City or connected to a City facility, the City Engineering staff is to be notified. This preferably will take place in a pre-construction conference scheduled by the engineer of record in which all appropriate personnel and utilities are present. Appropriate City personnel are to be notified in advance of all testing (including compaction, pressure and coliform, etc.) and given opportunity to be present during conduct of the testing. The engineer of record or his designated representative is to witness all tests (not covered by City inspectors) and a log of inspection visits and testing results is to be kept by the engineer of record or his representative.
7. The developer is to employ a responsible design professional, preferably the engineer of record, to oversee and inspect construction, to perform and/or observe all requisite testing of completed facilities, and to certify that improvements have been constructed according to approved plans and in compliance with applicable City, County, State, and Federal standards.
8. The engineer of record shall be held responsible to ensure that development improvements are in substantial compliance with said engineer's design. Following the construction of the development improvements, the developer's engineer shall provide the City of Caldwell Engineering Department with electronic (.dwg) format record drawings spatially referenced to the Idaho State Plane Coordinate System-West Zone, North America Datum (NAD) 83. Vertical control shall be referenced to the North America Datum (NAVD) 88 for future reference and to establish that the engineer of record has caused construction to occur in substantial compliance with the design of said engineer of record.
9. Any note, item or drawing element on the construction drawings, engineering drawings and/or design drawings related to the property inconsistent with City Codes, Policies and/or

Ordinances shall not be construed as approved unless specifically addressed and granted by City Council.

### **Rights-of-Way**

1. Linden Street is classified as a Collector Roadway. The applicant shall dedicate as public right-of-way a minimum thirty-five (35) foot half width right-of-way (from centerline) along the entire Linden Street alignment (per City Standard R-810C), or meet Canyon Highway District No. 4 right-of-way requirements, whichever is greater.
2. Applicant shall dedicate to Canyon Highway District No. 4 any right-of-way along Linden Street within 90 days of a written request for right-of-way from the City of Caldwell or Canyon Highway District No. 4.
3. All interior local streets classified as residential shall be dedicated to the City. The applicant shall dedicate as public right-of-way a minimum fifty-three (53) foot full width right-of-way (per City Standard R-810 E).
4. A note shall be placed on the final plat indicating that all rights-of-way are to be dedicated to the public.

### **Street**

1. Full frontage half street improvements shall be completed to all classified roads adjacent to the proposed preliminary plat in accordance with all City of Caldwell standards and specifications. Improvements shall include (but are not limited to) curb, gutter, sidewalk, asphalt, streetlights, joint trench, spare communication conduit along classified roadways, storm drainage facilities, etc.
  - a. If the development is phased, these frontage improvements should be completed with the first phase of development.
2. Linden Street lies within the Canyon Highway District No. 4 (CHD4) jurisdiction. Applicant shall comply with all requirements set forth by CHD4. Should CHD4 and City of Caldwell requirements conflict applicant is required to meet the more stringent of the two.
3. All private driveways or emergency access drive isles, if applicable, shall fully comply with City of Caldwell standards and be approved by the Caldwell Fire Marshall.
4. Applicant shall install street lighting per City of Caldwell standards.
5. No lot shall have direct access to/from Linden Street.



## **Water**

1. The location of water service, including sizing of mains, providing of easements, frontage construction, and offsite construction are to be decided during review of improvement plans. This development will be required to comply with the Water Master Study and extend a 12" mainline to this development.
2. Applicant shall comply with the Water Master Study and shall construct a 12" water mainline in Linden Street from the intersection of Farmway Road and Linden Street to the proposed project site and along the entire project frontage.
3. Each buildable lot shall be supplied with potable water. If buildings/lots are constructed to include individual units that could feasibly or will be sold separately, each unit shall be serviced separately.
4. All on site internal mainline sizing and construction plan approval, will be dependent upon the availability of fire flow and shall be determined at the time of plan review. Minimum fire flow requirements shall be per Caldwell Fire Department standards in place at the time of construction (currently 1,500gpm).
5. Each home constructed within this development may be required to be equipped with a fire sprinkling system to be reviewed and approved by the Fire Marshall at the time of review of each individual building permit.
6. Developer may be required to extend a water stub to Tranquil Place located east of the development for future looping of the water main to provide a future redundant system to meet the needs of fire flow and water quality requirements.

## **Sanitary Sewer**

1. Sanitary sewer is currently unavailable. An appropriate pathway for annexation is not in place at this time. Applicant shall enter into a Municipal Services Agreement with the City of Caldwell Said agreement shall obligate the development to connect to city sewer within 12 month of said service becoming available or, when the City of Caldwell deems it appropriate to connect. Said Municipal Services Agreement shall include a request to annex into the City of Caldwell city limits as soon as said property/ies become contiguous. Costs of annexation shall be borne by the development, or individual landowners owning properties at that time.
2. All buildings shall construct their sanitary sewer systems in a manner that facilitates a "ready connection" to the future City sewer system. Applicant shall demonstrate to the City Engineering Department how each building constructed will meet this requirement.
3. Applicant shall comply with the Dixie Sewer Master Plan. Said mainline shall be constructed with the first phase of development for this project.
  - a. Applicant *may* be able to, at the discretion of the City Engineer, enter into a deferral agreement for the construction of said sewer trunk line/s and provide the City with funds in lieu of construction (to be determined at the time of civil improvement drawing plan review)

## **Irrigation**

1. Existing easements and/or right-of-ways for any irrigation facility shall be determined and clearly indicated on the construction plans (excluding prescriptive easements). Construction across or re-routing of these facilities is subject to approval by the governing Irrigation District and at their discretion, their assigns.
2. The Developer shall maintain any existing upstream drainage rights and downstream irrigation rights across the property. During the design phase of this project, the developer or his engineer is to contact the appropriate irrigation district to help ascertain these rights. Appropriate facilities shall be provided by the developer to convey irrigation and drainage water across the property to take care of these offsite needs. There is to be no discharge of gravity/pressure irrigation return water into the development storm water system.
2. The subdivision is to include a non-potable water pressure irrigation system. The design of this pressure irrigation system is to be reviewed and approved by the Caldwell Municipal Irrigation District prior to construction plan approval. It shall be required that the system will be operated and maintained by the Caldwell Municipal Irrigation District at the time of annexation.
3. Pressure irrigation pump stations shall be located within a platted common lot with a recorded perpetual easement sufficient for convenient access and maintenance of said pump station. The lot shall be owned and maintained by the home owners association.
4. Each platted lot shall be provided with a pressure irrigation service sized to deliver no more than that property's water right.
5. All pressure irrigation mainlines shall be located in the public right-of-way, and within a public utility easement of a minimum of 10 feet in width centered over said mainlines as per current City standards.
6. The subject parcel is within the Pioneer Irrigation District. Applicant shall ensure that an adequate continuous irrigation supply flow is available to meet the pressure irrigation system requirements of CMID. If surface water is not available (or inadequate to meet CMID requirements), applicant shall be required to provide/construct a secondary source of irrigation water per CMID specifications.
7. The applicant shall transfer a proportionate share of any existing water right(s), except those held in trust by an irrigation district, to the City of Caldwell for both irrigation and domestic water supply for the subject development. If this should occur, The City shall assist in registering the transfer.
8. All plans and construction drawings submitted to the City of Caldwell for review and approval for any out-of-season irrigation work to be performed shall be submitted to the Caldwell Engineering Department no later than August 15<sup>th</sup>. Submittal of plans after this date may result in Applicant not receiving plan approval in time to complete out-of-season work.

## **Storm Drain**

1. As noted previously, provision is to be made for the disposal of storm water drainage in accordance with the City Storm Water Management Manual and any updates adopted subsequent to this application. It is to be noted that retention designs will be denied in most instances. A copy of this policy is available upon request. The engineer of record is to provide calculations, which indicate that the assumptions in his storm water drainage plan comply with the requirements of the storm water manual. In this case, if a storm water system is existing, the burden of proof is on the developer to verify the capacity is sufficient for the proposed subdivision.
2. The applicant shall identify and retain all historical drainage discharge points from the property for the purpose of draining on-site storm water detention facilities.
3. The construction drawing should indicate that storm water detention basins are to be placed in accordance with the referenced Storm Water Policy. A note should be placed on the drawings indicating that all areas designated as common areas are to be operated and maintained by the home owners association.
4. There is to be no discharge of storm water overflow into any irrigation water return/discharge facility/ditch/pipe/etc.
5. All storm water runoff from improved half street sections adjacent to this development shall be retained on site in a storage facility to be maintained by the home owners association.

**Samantha Hammond**

**From:** Doug Critchfield <critchfielddd@cityofnampa.us>  
**Sent:** Friday, June 9, 2023 12:19 PM  
**To:** Samantha Hammond  
**Cc:** Rodney Ashby; Caleb Laclair  
**Subject:** [External] RE: Legal Notice of Hearing Date CS2, LLC / RZ2021-0047

Samantha – Nampa Planning and Zoning has no comments about this proposal. Thanks - Doug

**From:** Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>  
**Sent:** Thursday, June 8, 2023 2:04 PM  
**To:** '3tjj@frontiernet.net' <3tjj@frontiernet.net>; Media - KBOI Radio News <670@kboi.com>; Addressing <Addressing@cityofnampa.us>; 'admin1@kunalibrary.org' <admin1@kunalibrary.org>; 'admin2@kunalibrary.org' <admin2@kunalibrary.org>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; AJ Mondor <AJ.Mondor@canyoncounty.id.gov>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'ann\_jacops@hotmail.com' <ann\_jacops@hotmail.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'Aubrie.hunt@dhw.idaho.gov' <Aubrie.hunt@dhw.idaho.gov>; Daniel Badger <BadgerD@cityofnampa.us>; 'BKINNEY@IDAHOPOWER.COM' <BKINNEY@IDAHOPOWER.COM>; 'bobw@gghd3.org' <bobw@gghd3.org>; Brandon Flack <brandon.flack@idfg.idaho.gov>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'brentc@brownbuscompany.com' <brentc@brownbuscompany.com>; Brian Graves Kuna SD <bgraves@kunaschools.org>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'brock.cornell@isda.idaho.gov' <brock.cornell@isda.idaho.gov>; Bryce Farris - Drain District 2 <bryce@sawtoothlaw.com>; Canyon Highway District Land Division <Iriccio@canyonhd4.org>; Canyon Hill Irrigation District <office@idcpas.com>; 'CARL@BLACKCANYONIRRIGATION.COM' <CARL@BLACKCANYONIRRIGATION.COM>; 'cdillon@usbr.gov' <cdillon@usbr.gov>; 'cenww-rd@usace.army.mil' <cenww-rd@usace.army.mil>; Char Tim <timc@cityofnampa.us>; City of Greenleaf <amy@civildynamics.net>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'clerk@greenleaf-idaho.us' <clerk@greenleaf-idaho.us>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; Cortney Stauffer <cstauffer@nsd131.org>; 'craigbrown@cwidaho.cc' <craigbrown@cwidaho.cc>; Doug Critchfield <critchfielddd@cityofnampa.us>; Dan Everhart <dan.everhart@ishs.idaho.gov>; Danielle Horras (drhorras@kunaschools.org) <drhorras@kunaschools.org>; Darlene Leon <dleon@nsd131.org>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'deb0815@yahoo.com' <deb0815@yahoo.com>; Destination Caldwell <info@destinationcaldwell.com>; 'dholzhey@marsingschools.org' <dholzhey@marsingschools.org>; Diana Little <Diana.Little@canyoncounty.id.gov>; 'djarrold@frontier.com' <djarrold@frontier.com>; dpopoff@rh2.com; Drainage District 2 <drain.dist.2@gmail.com>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'edward\_owens@fws.gov' <edward\_owens@fws.gov>; Elections Clerk <electionsclerk@canyoncounty.id.gov>; Erika Olvera <eolvera@nmid.org>; 'facjhill@gmail.com' <facjhill@gmail.com>; 'farmerhouston@gmail.com' <farmerhouston@gmail.com>; 'farmers.union.ditch@gmail.com' <farmers.union.ditch@gmail.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'GMPRDJENNIFER@GMAIL.COM' <GMPRDJENNIFER@GMAIL.COM>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; Homedale Ambulance Service <tryska7307@gmail.com>; Homedale Fire District <homedalefd@gmail.com>; 'horner.marci@westada.org' <horner.marci@westada.org>; Joe Huff <huffj@cityofnampa.us>; ID Agricultural Aviation Assn <idahoaas@gmail.com>; 'IDL\_jurisdictional@idl.idaho.gov' <IDL\_jurisdictional@idl.idaho.gov>; 'info@parmacityid.org' <info@parmacityid.org>; 'info@snakerivercanyonscenicbyway.org' <info@snakerivercanyonscenicbyway.org>; 'irr.water.3@gmail.com' <irr.water.3@gmail.com>; 'irrigation.mm.mi@gmail.com' <irrigation.mm.mi@gmail.com>; ITD Division of Aeronautics <airport.planning@itd.idaho.gov>; 'ITDD3PERMITS@ITD.IDAHO.GOV' <ITDD3PERMITS@ITD.IDAHO.GOV>; 'jdillon@wilderschools.org' <jdillon@wilderschools.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'johnmcavoy48@yahoo.com' <johnmcavoy48@yahoo.com>;

Joseph Palmer <joseph.palmer@vallivue.org>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'kchamberlain.fcdc@gmail.com' <kchamberlain.fcdc@gmail.com>; Kenny Hoagland <kenny.hoagland@melbafire.id.gov>; 'khinkle@kunafire.com' <khinkle@kunafire.com>; 'krantz@notusschools.org' <krantz@notusschools.org>; Media - KTVB News <ktvbnews@ktvb.com>; 'kunacemetery@gmail.com' <kunacemetery@gmail.com>; Lacey Grooms <lgrooms@msd.134.org>; Caleb Laclair <laclairc@cityofnampa.us>; Lisa Boyd <lisa.boyd@vallivue.org>; 'lisaitano@me.com' <lisaitano@me.com>; 'lizardbuttelibrary@yahoo.com' <lizardbuttelibrary@yahoo.com>; Loretta Tweedy <Loretta.Tweedy@canyoncounty.id.gov>; 'mack@settlersirrigation.org' <mack@settlersirrigation.org>; Marc Gee <mgee@msd134.org>; 'marilyn.peoples@dhw.idaho.gov' <marilyn.peoples@dhw.idaho.gov>; Marsing Fire District <marsingfiredistrict@yahoo.com>; Marsing Rural Fire <marsingruralfire@gmail.com>; Mary Huff <mhuff@co.owyhee.id.us>; 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'mayor@parmacityid.org' <mayor@parmacityid.org>; 'melbacemetery@gmail.com' <melbacemetery@gmail.com>; 'melvin.b.norton@usps.gov' <melvin.b.norton@usps.gov>; 'middletoncemdist13@gmail.com' <middletoncemdist13@gmail.com>; 'middletonexpress1@gmail.com' <middletonexpress1@gmail.com>; Mosquito Abatement <jlunders@2cmad.org>; Ron Johnson <johnsonrl@nampafire.org>; Media - KBOI TV News <news@kboi2.com>; Media - KIVI News <news@kivity.com>; Media - IPT Newsroom <newsroom@idahopress.com>; Nichole Schwend <Nichole.Swend@canyoncounty.id.gov>; Nathan Haveman <havemann@cityofnampa.us>; 'nmid@nmid.org' <nmid@nmid.org>; 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'office@gghd3.org' <office@gghd3.org>; Parma Fire District <pfdchief33@gmail.com>; 'ParmaRuralFire@gmail.com' <ParmaRuralFire@gmail.com>; 'patricia.hoffman@ishs.idaho.gov' <patricia.hoffman@ishs.idaho.gov>; 'PERMITS@STARFIRERESCUE.ORG' <PERMITS@STARFIRERESCUE.ORG>; 'planning@parmacityid.org' <planning@parmacityid.org>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; Rob Johnson Nampa Fire <johnsonre@nampafire.org>; Robbie Reno Kuna SD <rreno@kunaschools.org>; 'roger@amgidaho.com' <roger@amgidaho.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'scott.hauser@usrtf.org' <scott.hauser@usrtf.org>; 'scott@fccnwi.com' <scott@fccnwi.com>; 'scott\_sbi@outlook.com' <scott\_sbi@outlook.com>; Robyn Sellers <sellersr@cityofnampa.us>; 'shayne.watterud@ziply.com' <shayne.watterud@ziply.com>; 'sheepmama25@gmail.com' <sheepmama25@gmail.com>; 'smm5156@gmail.com' <smm5156@gmail.com>; 'snickel@staridaho.org' <snickel@staridaho.org>; 'srule@middletoncity.com' <srule@middletoncity.com>; Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>; 'stevie.harris@isda.idaho.gov' <stevie.harris@isda.idaho.gov>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; 'terri@nyid.org' <terri@nyid.org>; 'testrada@starswd.com' <testrada@starswd.com>; TJ Lawrence Kuna Fire <tlawrence@kunafire.com>; 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'tobin.dixon@id.usda.gov' <tobin.dixon@id.usda.gov>; 'tottens@amsidaho.com' <tottens@amsidaho.com>; 'tricia.canaday@ishs.idaho.gov' <tricia.canaday@ishs.idaho.gov>; 'VISLAS@STARFIRERESCUE.ORG' <VISLAS@STARFIRERESCUE.ORG>; Kristi Watkins <watkinsk@cityofnampa.us>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; Wilder Fire District <wfdchief@wilderfire.org>; 'wilders04@msn.com' <wilders04@msn.com>; 'wsevery@cityofwilder.org' <wsevery@cityofwilder.org>

**Subject:** Legal Notice of Hearing Date CS2, LLC / RZ2021-0047

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Dear Agencies:

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

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

Contact the planner of record, Samantha Hammond at [samantha.hammond@canyoncounty.id.gov](mailto:samantha.hammond@canyoncounty.id.gov) with any questions or additional agency comments or concerns if applicable.

Thank you,



**Bonnie Puleo**

**Hearing Specialist**

**Canyon County Development Services**

111 No 11<sup>th</sup> Ave. Suite 310

Caldwell, ID 83605

[bonnie.puleo@canyoncounty.id.gov](mailto:bonnie.puleo@canyoncounty.id.gov)

(208) 454-6631 *direct*

**NEW** public office hours **effective January 3, 2023**

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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**STATE OF IDAHO**  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1445 N Orchard Street, Boise, ID 83706  
(208) 373-0550

Brad Little, Governor  
Jess Byrne, Director

September 17, 2021

By e-mail: [jalmeida@canyonco.org](mailto:jalmeida@canyonco.org)

Canyon County Development Services  
111 North 11<sup>th</sup> Avenue, Suite 140  
Caldwell, Idaho 83605

Subject: Alyson Meadows Subdivision, RZ2021-0047/SD2021-0039

Dear Ms. Almeida:

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

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

**1. AIR QUALITY**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).
- All property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

## **2. WASTEWATER AND RECYCLED WATER**

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

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

## **3. DRINKING WATER**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.



- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

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

#### **4. SURFACE WATER**

- Please contact DEQ to determine whether this project will require an Idaho Pollution Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

## 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

## 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

Response to Request for Comment

September 17, 2021

Page 5

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

A handwritten signature in black ink that reads "Aaron Scheff". The signature is written in a cursive, flowing style.

Aaron Scheff  
Regional Administrator  
DEQ-Boise Regional Office

EDMS#: 2021AEK189

**Samantha Hammond**

**From:** Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>  
**Sent:** Tuesday, April 18, 2023 3:29 PM  
**To:** Samantha Hammond  
**Cc:** Bonnie Puleo  
**Subject:** [External] RE: Agency Notice CS2 Alyson Meadows RZ2021-0047 SD2021-0039

Hello Samantha –

After careful review of the transmittal submitted to ITD on April 17, 2023 regarding Alyson Meadows RZ2021-0047 SD2021-0039, the Department has no comments or concerns to make at this time. Due to only proposing 18 lots and being more than 2 miles away from a state facility, minor impact is anticipated.

Please let me know if you have any questions.

Thank you,



*Niki Benyakhlef*  
 Development Services Coordinator

District 3 Development Services  
 O: 208.334.8337 | C: 208.296.9750  
 Email: [niki.benyakhlef@itd.idaho.gov](mailto:niki.benyakhlef@itd.idaho.gov)  
 Website: [itd.idaho.gov](http://itd.idaho.gov)

**From:** Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>  
**Sent:** Monday, April 17, 2023 2:11 PM  
**To:** Robin Collins <rcollins@cityofcaldwell.org>; Planning Team City of Caldwell <P&Z@cityofcaldwell.org>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; Cheryl Sanderson Caldwell Schools <casanderson@caldwellschools.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'Alan Perry' <aperry@cityofcaldwell.org>; 'CHOPPER@CANYONHD4.ORG' <CHOPPER@CANYONHD4.ORG>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; Boise Project Board of Control <trithaler@boiseproject.org>; Gashley <gashley@boiseproject.org>; 'kirk@pioneerirrigation.com' <kirk@pioneerirrigation.com>; COMPASS <gis@compassidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'Kent, Lori - NRCS-CD, Caldwell, ID' <Lori.Kent@id.nacdnet.net>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>  
**Subject:** Agency Notice CS2 Alyson Meadows RZ2021-0047 SD2021-0039

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Good afternoon:

Please see the attached agency notice. You are invited to provide written testimony by **May 18, 2023**, although at this point, no hearing date has been set. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet – allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner Samantha Hammond at [samantha.hammond@canyoncounty.id.gov](mailto:samantha.hammond@canyoncounty.id.gov)

Thank you,



**Bonnie Puleo**

**Hearing Specialist**

**Canyon County Development Services**

111 No 11<sup>th</sup> Ave. Suite 310

Caldwell, ID 83605

[bonnie.puleo@canyoncounty.id.gov](mailto:bonnie.puleo@canyoncounty.id.gov)

(208) 454-6631 *direct*

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**Michelle Barron**

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**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>  
**Sent:** Thursday, June 27, 2024 3:59 PM  
**To:** Michelle Barron  
**Subject:** [External] Fwd: Alyson Meadows Preliminary Plat, Version 3

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Caldwell Fire Department "ok" for the Alyson Meadows preliminary plat .

----- Forwarded message -----

From: **Alan Perry** <[aperry@cityofcaldwell.org](mailto:aperry@cityofcaldwell.org)>  
Date: Mon, Apr 15, 2024 at 3:45 PM  
Subject: RE: Alyson Meadows Preliminary Plat, Version 3  
To: Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>

Thank you. That works

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>  
**Sent:** Monday, April 15, 2024 3:30 PM  
**To:** Alan Perry <[aperry@cityofcaldwell.org](mailto:aperry@cityofcaldwell.org)>  
**Subject:** Re: Alyson Meadows Preliminary Plat, Version 3

Afternoon Alan,

Please see Note 15, "NEPA 13 D Fire Sprinklers .... ". Per our previous conversation you wanted a note that would allow flow rates and sprinkler system to be determined at the time of building permit. Let me know if Note 15 addresses what is desired.

Thank you,

Elwin

208 739-8668

On Mon, Apr 15, 2024 at 10:24 AM Alan Perry <[aperry@cityofcaldwell.org](mailto:aperry@cityofcaldwell.org)> wrote:

Greetings Mr. Butler,

I did not see a comment regarding "water supply". Can you clarify what you will be doing for fire suppression/hydrants?

-DC Perry

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>

**Sent:** Friday, April 5, 2024 11:27 AM

**To:** Stephanie Hailey <[stephanie.hailey@canyoncounty.id.gov](mailto:stephanie.hailey@canyoncounty.id.gov)>; Michelle Barron <[michelle.barron@canyoncounty.id.gov](mailto:michelle.barron@canyoncounty.id.gov)>

**Cc:** [jdcanning@centengr.com](mailto:jdcanning@centengr.com); [kwartman@canyonhd4.org](mailto:kwartman@canyonhd4.org); Doug Unger <[dunger@mat-eng.com](mailto:dunger@mat-eng.com)>; Bob Unger <[ungerbob134@gmail.com](mailto:ungerbob134@gmail.com)>; Alan Perry <[aperry@cityofcaldwell.org](mailto:aperry@cityofcaldwell.org)>; Dave Watkins <[davew@pioneerirrigation.com](mailto:davew@pioneerirrigation.com)>; Kirk Meyers <[kirk@pioneerirrigation.com](mailto:kirk@pioneerirrigation.com)>; Cory Swain <[Cory.Swain@pmrloans.com](mailto:Cory.Swain@pmrloans.com)>

**Subject:** Alyson Meadows Preliminary Plat, Version 3

Stephanie and Michelle,

Attached are the revised preliminary plat drawings for Alyson Meadows, AM-P-Plat-3-PP-100, Engineering Concept, AM-P-Plat-3-PP-101, and the Comment/Action Narrative of Review 3. Matrix Engineering and CS2, LLC have been working the past month attempting to resolve access and easement issues related to Rhetts Acres. It is hoped that preliminary plat may be approved with the condition that access and the lack of easements for Rhetts Acres will be resolved prior to final plat submission.

**Note:** This version of the plat resolves easement concerns for Rhetts Acres for their irrigation main line and Tranquill Place end of road turnaround located on Parcel R35590. These easements may be recorded with the final plat of Alyson Meadows. The lack of access to Parcel R35590 appears to have been an oversight in the Road Maintenance Agreement not providing access to a parcel that fronts the private road. This is discussed in more detail in the attached narrative.

It is requested that each of the agencies, Canyon County Highway District 4, City of Caldwell Fire District, and Pioneer Irrigation District receiving this email verify their individual concerns are still met by this version of the preliminary plat by a return email.

Thank you,

Elwin T. Butler, PE

Matrix Engineering, Inc.

208 739-8668

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This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.





Date 4/17/2023

Caldwell City – Planning and Zoning  
Re: Case No. Alyson Meadows Subdivision

Dear Bonnie Puleo, Hearing Specialist

Case No. RZ2021-0047 – CS2, LLC. is requesting a Rezone of approximately 40.84 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. Also requested is the approval of a Preliminary Plat, irrigation & drainage plan for Alyson Meadows Subdivision. The subject property, parcel no. R35590 is located on the south side of W. Linden St., approximately 673 ft. east of the intersection of Wagner Rd. and The Caldwell City Fire Department District has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the 2018 International Fire Code (IFC) as adopted by the Idaho State Fire Marshal's Office.

Comments:

1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
2. Roadway serving a fire hydrant shall be a minimum of 26-feet in width. (IFC D103.1)
3. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
4. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
5. Monument signage for addressing will be required at the entrance and at all intersections within the project. (IFC 505.1)
6. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
7. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
8. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load



of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)

9. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)
10. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8)

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and City of Caldwell Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Regards,

Alan Perry  
Division Chief  
Fire Marshal  
Caldwell Rural Fire Protection District  
[Aperry@cityofcaldwell.org](mailto:Aperry@cityofcaldwell.org)



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

March 8, 2022

Ms. Jennifer Almeida  
Canyon County Planner  
Development Services Department  
111 North 11<sup>th</sup> Ave. #140  
Caldwell, Idaho 83605

**Re: Alyson Meadows Preliminary Plat Application**

Dear Ms. Almeida:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Alyson Meadows dated March 7, 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. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
2. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
3. Propose a short-term plan that will protect the roadside swales from disturbance as a result of home construction on individual lots. How will the swales be protected / repaired?
4. Prior to final plat approval, provide a long-term plan for protection and maintenance of roadside swales (i.e. planting of trees, filling / regrading swale, and damage as result of roadside parking).
5. Plat shall comply with requirements of the local highway district.
6. Plat shall comply with irrigation district requirements.
7. Plat shall comply with Southwest District Health requirements.

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

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

Sincerely,

**KELLER ASSOCIATES, INC.**



Mike Hickman  
Engineering Technician

cc: File









## CENTURION ENGINEERS, INC.

Consulting Engineers, Land Surveyors and, Planners  
2323 S. Vista Ave, Suite 206 Boise, ID 83705  
Telephone 208.343.3381 | [www.centengr.com](http://www.centengr.com)

To: **Stephanie Hailey, CFM**  
Engineering Coordinator  
Canyon County Development Services Department  
Telephone: 208.454.7254  
E-Mail: [Stephanie.Hailey@canyoncounty.id.gov](mailto:Stephanie.Hailey@canyoncounty.id.gov)

From: **Joe Canning, PE/PLS**  
Telephone: 208.343.3381  
E-Mail: [jdcanning@centengr.com](mailto:jdcanning@centengr.com)

Date: 8 January 2024

Subject: **Alyson Meadows Subdivision**  
**SD2021-0039**  
**Preliminary Plat Review #4**

Pages: 5

Status: **Comments 1, 3, 4, 5, 8, 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9J, 9K, 9L, 9M, 9N, 11 and 13 Pending**

On behalf of Canyon County, as a consultant, we have completed a fourth review of the preliminary plat for the subject project. The project is a residential subdivision comprised of eighteen single-family home lots and four common lots on 40.84 acres of land.

The submittal information that our office received for our review under this file number applicable to our review is the following:

1. Comment response memo from Elwin T. Butler, PE and dated 26 January 2024
2. Preliminary plat sheets PP100 and PP101 signed by Elwin T. Butler, PE and dated 26 January 2024

Comments within this review are specific to infrastructure or engineering content and should not be considered all encompassing. Other reviews by county staff and by other review agencies will occur.

## Professional of Record

Any suggestions for design modifications are not made to replace the position of the professional of record. We are simply making an observation that may impact the project or its review by county staff. The design professional may not necessarily be obligated to use the suggestion unless conformance to county requirements is an issue.

## Format of Review

This style of review is being used for this submittal as information provided has notably changed from the prior submittal. The primary notable change is that the preliminary plat has changed from being compiled by Unger Enterprises to Matrix Engineering, Inc.

## Status of Review – Change from Public Roads to Private Roads

Please note we have added new comments to this review. The status of the internal roads was recently resolved and its impacts resulted in a more complete review – particularly regarding easements.

**Bold** text within the comments below is specific to this review.

Our comments are as follows:

## General Comments

1. The original submittal we reviewed contained a review dated 10 November 2021 from the Canyon Highway District No. 4. That review included a recommendation to provide them a revised preliminary plat including revisions included in their letter. Has the revised preliminary plat been provided to them? **Please provide comments from the District when received.**
2. We also note that in the original submittal we reviewed, the internal road was to be public. The revised material the road has been changed to a private road. Please provide the reason for the change. **Apparently, the original intent was for private roads. The county has no objection.**
3. The original review by Canyon County staff indicated the road name of “Birchwood Lane” was not available. Please address this comment. **Please provide an approval/acceptance of the new road name when received.**
4. Has Pioneer Irrigation District provided comment on the project? **Please provide comments from the District when available.**
5. Has the applicable fire entity provided comment on the project? **Per the comment response letter, the entity has provided comments and they have been addressed. Please provide the original comments and any updated responses to the revised preliminary plat.**

## Preliminary Plat Comments

6. Some of the lot numbers are difficult to read due to close conflicts with other text. Please revise the preliminary plat. **Addressed**

7. What are the boundaries, courses and distances of Lot 12? The lot label appears to be outside of the plat boundary. Please revise. **The response letter notes that Lot 12 is entirely in the subdivision boundary. That was not clear as the subdivision boundary line type/weight is very similar to the lot lines on the plat. This comment is addressed.**
8. Please add the overall and parts of the large delta curve of the culdesac. **The plat appears to contain the curves for each part of the curve for each lot, but not the overall curve for the entire curve around the culdesac. Additionally, the curve for the access easement to Lot 12 needs to be added. C16 appears to include the frontage of Lot 11 and does not address the access easement location. It seems the curve in Lot 11 should be three curves. The overall curve should be the sum of parts (C15, C16 and C17). The curve tag/identifier for the lots should be moved to the inside of the lots and then the overall curve may be placed on the inside of the culdesac.**
9. Please review the preliminary plat notes from the version compiled by Unger Enterprises. Some of the notes on the original version may need to be carried over to the new version. **Addressed, however please see new comments for clarification.**
- 9A. **New Comment: Preliminary plat note 1 uses the word “including” for the easements along the private road. We would suggest that could be inferred to mean the internal roads are public. We suggest the word be changed to “and”.**
- 9B. **New Comment: Preliminary plat note 2 identifies side lot easements. Please advise on where the terminate at the rear lot lines. Do they continue across the Cooper Drain to the west and the drainage and irrigation easement to the east?**
- 9C. **New Comment: Preliminary plat note 3 refers to the Cooper Drain. Please be sure to provide the beneficiary of the easement as the Pioneer Irrigation District when the final plat is prepared.**
- 9D. **New Comment: Preliminary plat note 4 calls out an “irrigation” easement. The text in Lots 7 and 8 also call out “drainage”. Does the plat note need to be revised?**
- 9E. **New Comment: Regarding preliminary plat note 4, who is the beneficiary of the easement?**
- 9F. **New Comment: The easement on the north boundary of Lot 3 is not identified as to its purpose. Is it a continuation of the easement along the lot’s east boundary? What is the width of this easement? Is it intended to connect to the side lot easement on the north side of the lot extending from the road? What are its terminus points?**



- 9G. New Comment: The easement on the south boundary of Lot 13 is 20 feet wide, but is not identified as to its purpose. It is a continuation of the easement along the lot's west boundary? It intersects the Cooper Drain easement. Should the Cooper Drain easement be extended to the south boundary of the subdivision? And then where would the 20-foot-wide easement terminate?
- 9H. New Comment: The easement along the north boundary of Lot 11 intersects the access easement accessing Lot 12. The use of the two easements is not the same. Does the drainage and irrigation easement extend across Lot 11 or terminate at the west boundary of the access easement?
- 9J. New Comment: As the internal roads are private, please add "Canyon County" to plat note 7. Canyon County will now also be reviewing the road drainage.
- 9K. New Comment: Plat note 8 states that the pressure irrigation system will be owned/operated by the HOA. Please be sure to include a pressure irrigation design report and pump station design when construction plans are submitted to the county for review.
- 9L. New Comment: There are easements shown on Lots 1 and 21 that are common lots. What are the easements for? Who is the beneficiary? Are they necessary? Could they be blanket easements?
- 9M. New Comment: There are 10-foot-wide easements shown on the north side of Lots 2 and 20. What are the easements for? Who is the beneficiary?
- 9N. New Comment: There is an easement along the east side of Lot 2. What is the easement for? Who is the beneficiary? What is the width?
10. The preliminary plat includes "Retention Easements". Please describe/define what these are to retain. **Addressed**

#### **Wells/Septic Comment**

11. We note specific locations on sheet PP101 for wells and septic drainfields. Have these locations been shown based upon field testholes? **Based upon the comment response, is an approval from the Southwest District Health available?**

#### **EMS Access Comments**

12. The EMS access, is that also available to fire and police services? **Addressed**

13. Part of the EMS access route to Tranquil Place is outside of the boundary of Alyson Meadows. Is there an off-site easement available to make the connection? **Our comment was also intended to include the portion of the easement in Tranquill Place. More specifically, does the easement in Tranquill Place allow an “expansion” of use to include Alyson Meadows? Or was it only intended to serve Rhetts Acres? We want to be sure the access connection will be allowed.**

Please provide a written response to each remaining comment and provide revised material to the county. Additional/revised comments may occur with the next review.



PRELIMINARY PLAT  
ALYSON MEADOWS SUBDIVISION  
NW 1/4 SECTION 32, T4N, R3W, BM  
CANYON COUNTY, IDAHO 2024

PRELIMINARY PLAT DEVELOPMENT FEATURES

TOTAL ACRES..... 40.84 ACRES  
TOTAL LOTS..... 22  
SINGLE-FAMILY LOTS..... 18  
COMMON LOTS..... 4  
MINIMUM LOT SIZE..... 87,159 SF  
AVERAGE LOT SIZE..... 89328 SF  
TOTAL SINGLE FAMILY DENSITY ..... 2.27 UNITS/AC.  
PROPOSED ZONING..... CR-RR  
PHASING..... ONE PHASE

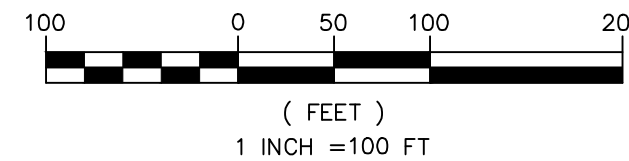
SETBACKS RR ZONE

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

SCALE:

HORIZONTAL: 1 IN. = 100 FT.

SCALE for 24" X 36" SHEET



LEGEND:

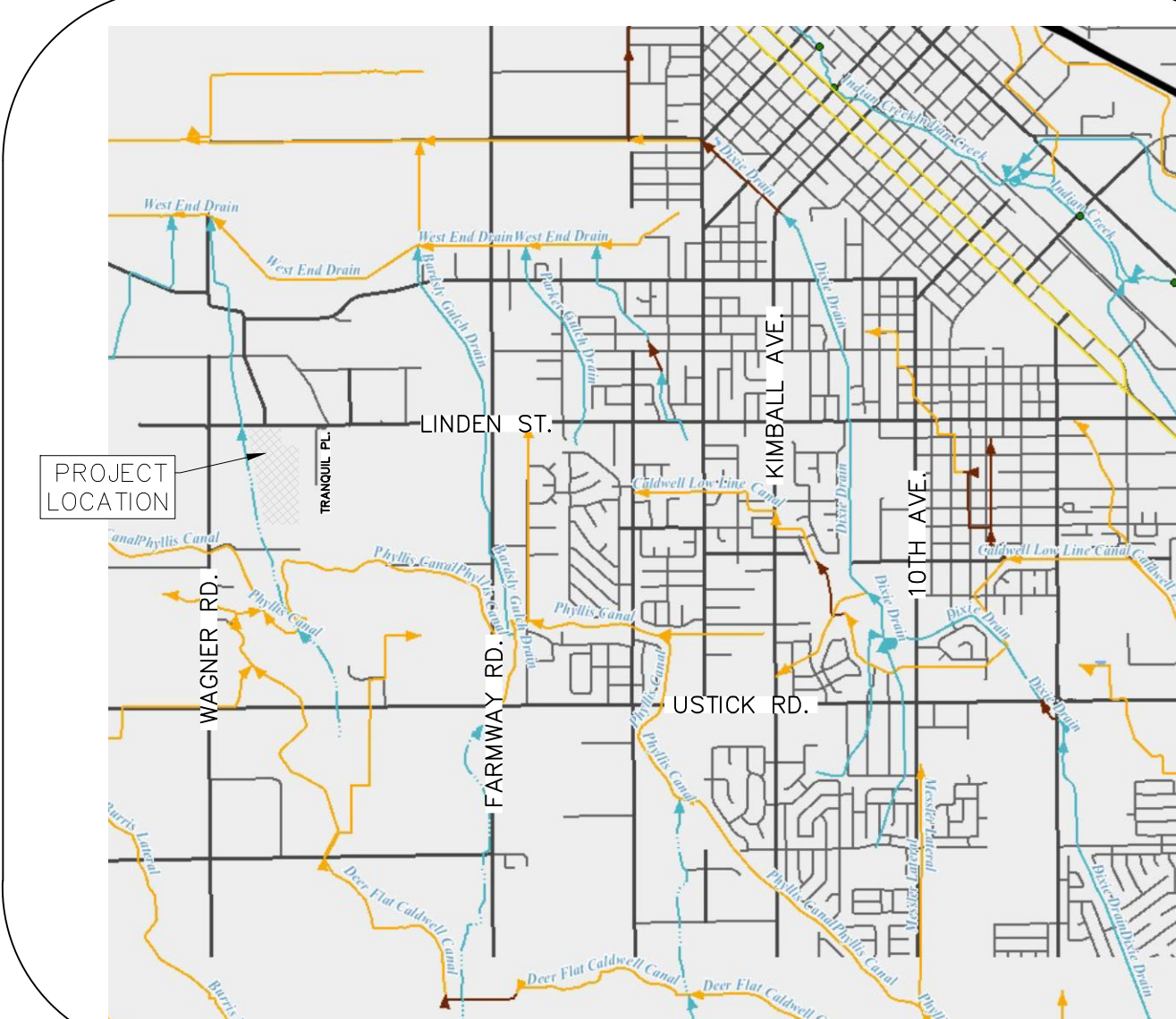
	MONUMENT (FOUND)
	SECTION LINE
	PROPERTY BOUNDARY
	ROAD CENTER LINE
	ROW /ROAD EASEMENT
	EASEMENT
	PARCEL LINE (NOT SURVEYED)
	15 PERCENT GRADE AREA

CURVE TABLE

CURVE #	RADIUS	LENGTH	DELTA	CH BEARING	CH DISTANCE
C1	200.00'	35.07'	10°02'50"	S4°14'16"E	35.03'
C2	170.00'	29.81'	10°02'50"	S4°14'16"E	29.77'
C3	230.00'	40.33'	10°02'50"	S4°14'16"E	40.28'
C4	28.00'	25.13'	51°24'59"	S34°58'11"E	24.29'
C5	28.00'	25.14'	51°26'37"	N16°27'37"E	24.30'
C6	40.00'	69.05'	98°54'44"	S40°34'23"E	60.79'
C7	100.00'	172.63'	98°54'44"	S40°34'23"E	151.98'
C15	65.00'	100.10'	88°14'10"	N16°33'36"W	90.50'
C16	65.32'	135.67'	119°00'30"	N87°34'09"E	112.56'
C17	64.93'	84.61'	74°39'43"	S4°50'37"W	78.75'

PRELIMINARY PLAT NOTES:

- ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY, INCLUDING LOT 22, HAVE A 10' UTILITY, DRAINAGE, IRRIGATION, LANDSCAPE, AND FENCE EASEMENT.
- ALL SIDE YARD LOT LINES HAVE A 5' PROPERTY DRAINAGE, IRRIGATION, AND FENCE EASEMENT.
- LOTS 13 THROUGH 21 INCLUDE A 25' WIDE COOPER DRAIN EASEMENT FROM TOP OF BANK, ANY ENCROACHMENT OF THE COOPER DRAIN REQUIRES WRITTEN PERMISSION FROM PIONEER IRRIGATION DISTRICT PRIOR PER IDAHO CODE 42-1209.
- LOTS 3 THROUGH 11 INCLUDES A 20' WIDE IRRIGATION EASEMENT.
- ALL LOTS ARE SINGLE FAMILY RESIDENTIAL EXCEPT LOTS 1, 21, & 22. LOTS 1 & 21 ARE LANDSCAPE BUFFER LOTS MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA). LOT 22 IS A PRIVATE ROAD LOT MAINTAINED BY THE HOA.
- LOT 12 INCLUDES A DESIGNATED EASEMENT FOR AN EMERGENCY SERVICES ACCESS AND IRRIGATION FACILITIES EASEMENTS. IRRIGATION FACILITIES INCLUDE PUMPING STATION, MAIN LINE TO RHETTS ACRES, AND MAIN LINE FOR ALYSON MEADOWS.
- DRAINAGE SHALL BE REMOVED VIA BARROW DITCHES / SUBSURFACE FACILITIES AS APPROVED BY THE HIGHWAY DISTRICT AND / OR DISCHARGING RUNOFF INTO EXISTING DRAINS AS HISTORIC RATES.
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER. IRRIGATION WATER IS PROVIDED BY PIONEER IRRIGATION DISTRICT. THE HOA WILL BE SUBJECT TO DISTRICT ASSESSMENTS. EACH LOT WILL RECEIVE PRESSURIZED IRRIGATION WATER VIA A PUMPING STATION AND IRRIGATION FACILITIES MAINTAINED AND OPERATED BY THE HOA.
- IRRIGATION OPEN DITCH DELIVERY TO PHEASANT RIDGE WILL BE PIPED.
- POTABLE WATER WILL BE PROVIDED BY INDIVIDUAL WELLS LOCATED ON EACH LOT AS APPROVED BY THE DEPARTMENT OF WATER RESOURCES.
- SANITARY SEWER WILL BE PROVIDED BY INDIVIDUAL SEPTIC AND DRAIN FIELDS ON EACH LOT AS APPROVED BY SOUTHWEST DISTRICT HEALTH.
- THIS DEVELOPMENT RECOGNIZES IDAHO CODE 22-4503, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NON AGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION BEGAN; PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROVER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATION IN EFFECT AT THE TIME OF RE-SUBDIVISION.
- LOT DIRECT ACCESS ONTO LINDEN ROAD (A MAJOR COLLECTOR) IS PROHIBITED. LOT ACCESS SHALL BE ONTO PRIVATE OR LOCAL ROADS.



VICINITY MAP

NTS

OWNERS/DEVELOPERS

CS2, LLC  
3363 E. PRESIDENTIAL DRIVE  
MERIDIAN, IDAHO 83642  
(208) 629-7333

PLANNER

BOB UNGER  
UNGER ENTERPRISES, LLC  
901 N 29TH STREET  
BOISE, IDAHO 83702  
(208) 861-5220

SURVEYOR

SKINNER LAND SURVEY  
17842 SANDHOLLOW ROAD  
CALDWELL IDAHO, 83607  
(208) 459-0933  
www.skinnerlandsurvey.com

ENGINEER


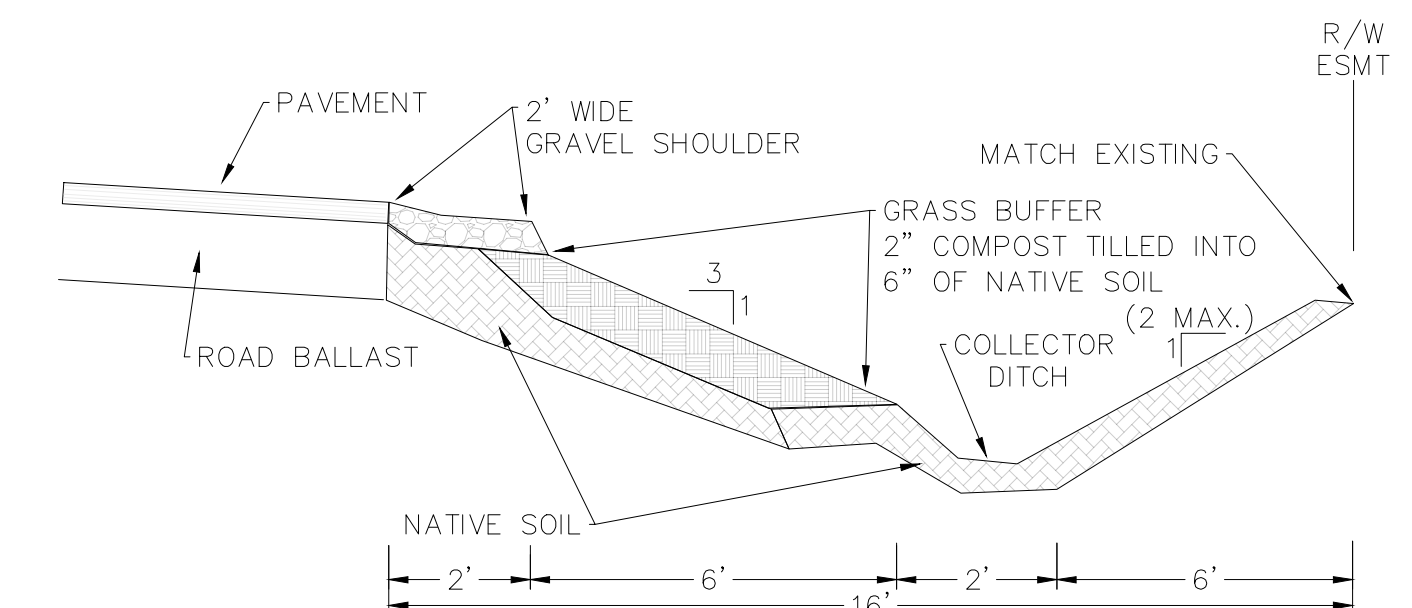
ELWIN T. BUTLER, PE  
MATRIX ENGINEERING, INC.  
1020 W MAIN, SUITE 100J  
BOISE, IDAHO 83702  
(208) 739-8668  
ebutler@mat-eng.com





- ENGINEERING NOTES:

- BMP 03, ACHD DESIGN MANUAL:

[illegible]

CS2, LLC  
3363 E. PRESIDENTIAL DRIVE  
MERIDIAN, ID 83642  
PARCEL R35590

ALYSON MEADOWS  
SUBDIVISION  
PARCEL R35590  
CANYON COUNTY, ID

DATE  
01/26/2024

SHEET  
P101

**Michelle Barron**

---

**From:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Sent:** Thursday, January 4, 2024 10:58 AM  
**To:** Elwin Butler  
**Cc:** Patrick Naylor; Doug Unger; Michelle Barron  
**Subject:** [External] RE: Alyson Meadows Subdivision Nitrate Study

Hi Elwin,

SWDH is requiring a Nitrate-Pathogen Study to be conducted as per our N-P Study Policy No: 3-001 as to meet the intend of IDAPA 58.01.03 and Idaho's Groundwater Quality Rule IDAPA 58.01.11.

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

Thank you,



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

**Anthony Lee, BS/REHS | Land Development Senior | Southwest District Health**

13307 Miami Lane | Caldwell ID 83607 | ph: 208.455.5384 | cell: 208.899.1285

[Anthony.Lee@phd3.idaho.gov](mailto:Anthony.Lee@phd3.idaho.gov) | **Healthier Together** | [www.swdh.org](http://www.swdh.org)




---

**From:** Elwin Butler <ebutler@mat-eng.com>  
**Sent:** Thursday, January 4, 2024 9:20 AM  
**To:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Cc:** Patrick Naylor <patrick.rmea@gmail.com>; Doug Unger <dunger@mat-eng.com>; Michelle Barron <michelle.barron@canyoncounty.id.gov>  
**Subject:** Alyson Meadows Subdivision Nitrate Study

**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.**

Anthony,

Please see the request below concerning the Nitrate Study for Alyson Meadows. Please verify which study will best fit your requirements.

Michelle, Please insert any additional requirements at this point in time related to this study if any?

"Elwin, I need some clarification regarding the report that is required for Alyson Meadows before I can provide a proposal. This location is in a Nitrate Priority Area, which is I assume is the driver behind the SWDH requirement. But I need to be clear whether the client is being required to do a groundwater quality study similar to the one we performed for El Paso Investments in 2022, or whether they need a Nutrient-Pathogen Evaluation (NPE). They are somewhat similar but with important differences, and the NPE can require a greater effort. The NPE is generally required for sites in Nitrate Priority Areas in the state, whereas a groundwater quality study is generally more specific to the requirements

of the local P&Z board. We can provide either study. If you can indicate the source of this requirement (such as a letter from SWDH or IDEQ, or Canyon Co.), that will help us avoid any mixups."

Pat

I have included Mr. Patrick Naylor on this email string.

Thank you

## Michelle Barron

---

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>  
**Sent:** Thursday, January 4, 2024 9:29 AM  
**To:** Michelle Barron  
**Subject:** Re: [External] Re: Allison Meadows--resubmit revisions  
**Attachments:** AlysonMeadowsPP-101.pdf; AlysonMeadowsPP-100.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

With the attachment. I should still be on holiday!

On Thu, Jan 4, 2024 at 9:26 AM Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)> wrote:  
Michelle,

Please see the attached Preliminary Plat for Alyson Meadows with a corrected north arrow on both sheets. Sorry, all other items should have remained the same.

We have completed the SWDH exploratory holes for each lot and are ready to move forward with the construction drawings as soon as you provide an ok. I will verify with Pioneer Irrigation and Canyon Highway District during construction plans that they are still in agreement with their initial comments.

Is there any update from the County on this plat approval?

Thank you,  
Elwin  
208 739-8668

On Wed, Nov 22, 2023 at 8:29 AM Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)> wrote:  
Good Morning Michelle,

Attached is the preliminary plat, engineering concept, and action of changes made to the plat. I assume you have already received the record of survey of the boundary but I have included it as well just in case you have not. Hope you have a nice Thanksgiving.

Thank you,  
Elwin  
208 739-8668

On Tue, Nov 21, 2023 at 7:54 PM Michelle Barron <[Michelle.Barron@canyoncounty.id.gov](mailto:Michelle.Barron@canyoncounty.id.gov)> wrote:

Elwin,

Digital is acceptable at this point. You can submit all of the information directly to me, as I am the planner on the case.

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](mailto:Michelle.Barron@canyoncounty.id.gov)

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

Office Hours:

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

Wednesday 1pm – 5pm

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

**From:** Elwin Butler <[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)>

**Sent:** Monday, November 20, 2023 11:37 AM

**To:** Michelle Barron <[Michelle.Barron@canyoncounty.id.gov](mailto:Michelle.Barron@canyoncounty.id.gov)>

**Subject:** [External] Re: Allison Meadows--resubmit revisions

Good Morning Michelle,

I am working with CS2, LLC concerning Alyson Meadows Subdivision Preliminary Plat. I have completed the review comments from agencies and Centurion Engineers, Inc., J. Canning, PE/PLS. For the re-submittal do you desire paper copies or digital files?

I plan to submit a preliminary plat, engineering concept sheet, Record of Survey for the property boundary, and a summary of changes made. Please let me know if you know of anything else that will be required.



I appreciate your assistance,

Thank you,

Elwin

Elwin T. Butler, PE

208 739-8668

Matrix Engineering, Inc.

On Mon, Nov 20, 2023 at 11:08 AM Debbie Root <[Debbie.Root@canyoncounty.id.gov](mailto:Debbie.Root@canyoncounty.id.gov)> wrote:

Elwin,

Please submit revisions for Allison Meadows (SD2021-0039) to Case Planner: Michelle Barron 208-455-6063

Her email is copied above.

Deb Root, MBA

Canyon County Development Services

[debbie.root@canyoncounty.id.gov](mailto:debbie.root@canyoncounty.id.gov)

208-455-6034

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 \*\***



PRELIMINARY PLAT  
ALYSON MEADOWS SUBDIVISION  
NW 1/4 SECTION 32, T4N, R3W, BM  
CANYON COUNTY, IDAHO 2023

PRELIMINARY PLAT DEVELOPMENT FEATURES

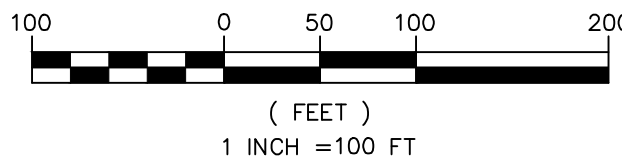
TOTAL ACRES..... 40.84 ACRES  
TOTAL LOTS..... 22  
SINGLE-FAMILY LOTS..... 18  
COMMON LOTS..... 4  
MINIMUM LOT SIZE..... 87,159 SF  
AVERAGE LOT SIZE..... 89328 SF  
TOTAL SINGLE FAMILY DENSITY ..... 2.27 UNITS/AC.  
PROPOSED ZONING..... CR-RR  
PHASING..... ONE PHASE

SETBACKS RR ZONE

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

SCALE:

HORIZONTAL: 1 IN. = 100 FT.  
SCALE for 24" X 36" SHEET



LEGEND:

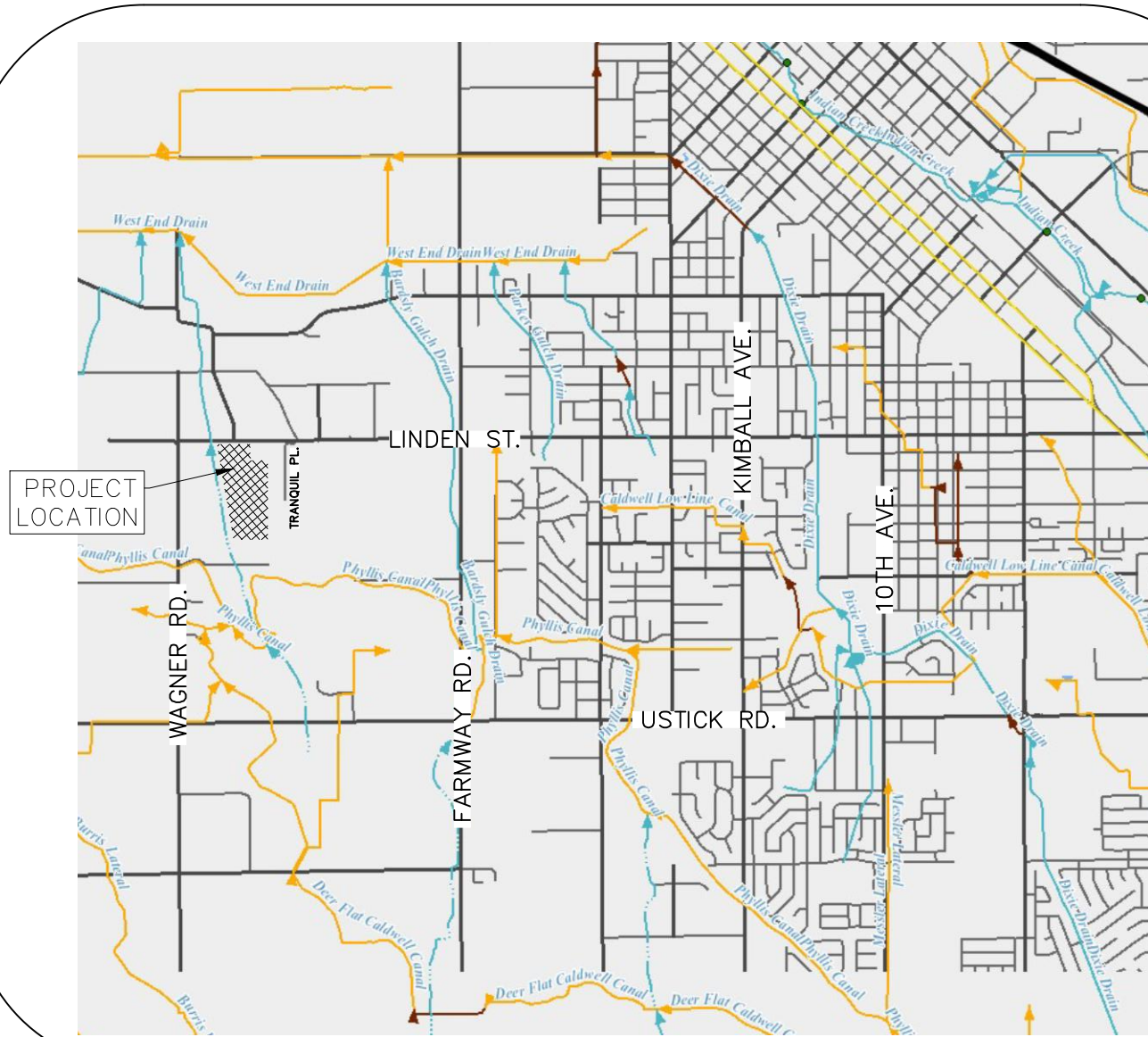
- MONUMENT (FOUND)  
SECTION LINE  
PROPERTY BOUNDARY  
ROAD CENTER LINE  
ROW /ROAD EASEMENT  
EASEMENT  
PARCEL LINE (NOT SURVEYED)  
15 PERCENT GRADE AREA

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C6	69.05	40.00	98°54'44"	S40° 34' 23"E	60.79
C5	25.14	28.00	51°26'37"	N16° 27' 37"E	24.30
C4	25.13	28.00	51°24'59"	S34° 58' 11"E	24.29
C7	172.63	100.00	98°54'44"	S40° 34' 23"E	151.98
C1	35.07	200.00	10°02'50"	S4° 14' 16"E	35.03
C2	29.81	170.00	10°02'50"	S4° 14' 16"E	29.77
C3	40.33	230.00	10°02'50"	S4° 14' 16"E	40.28

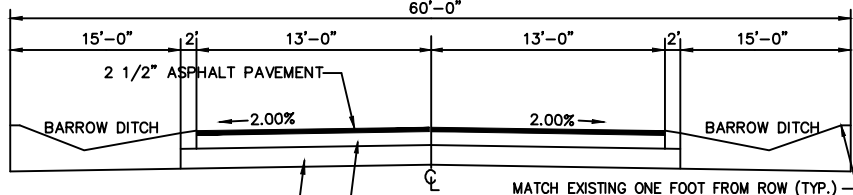
PRELIMINARY PLAT NOTES:

- ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY, INCLUDING LOT 22, HAVE A 10' UTILITY, DRAINAGE, IRRIGATION, LANDSCAPE, AND FENCE EASEMENT.
- ALL SIDE YARD LOT LINES HAVE A 5' PROPERTY DRAINAGE, IRRIGATION, AND FENCE EASEMENT.
- LOTS 13 THROUGH 21 INCLUDE A 25' WIDE COOPER DRAIN EASEMENT FROM TOP OF BANK, ANY ENCROACHMENT OF THE COOPER DRAIN REQUIRES WRITTEN PERMISSION FROM PIONEER IRRIGATION DISTRICT PRIOR PER IDAHO CODE 42-1-209.
- LOTS 3 THROUGH 11 INCLUDES A 20' WIDE IRRIGATION EASEMENT.
- ALL LOTS ARE SINGLE FAMILY RESIDENTIAL EXCEPT LOTS 1, 21, & 22. LOTS 1 & 21 ARE LANDSCAPE BUFFER LOTS MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA). LOT 22 IS A PRIVATE ROAD LOT MAINTAINED BY THE HOA.
- LOT 12 INCLUDES A DESIGNATED EASEMENT FOR AN EMERGENCY SERVICES (EMS) ACCESS AND IRRIGATION FACILITIES EASEMENTS. IRRIGATION FACILITIES INCLUDE PUMPING STATION, MAIN LINE TO RHETTS ACRES, AND MAIN LINE FOR ALYSON MEADOWS.
- DRAINAGE SHALL BE REMOVED VIA BARROW DITCHES / SUBSURFACE FACILITIES AS APPROVED BY THE HIGHWAY DISTRICT AND / OR DISCHARGING RUNOFF INTO EXISTING DRAINS AS HISTORIC RATES.
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER. IRRIGATION WATER IS PROVIDED BY PIONEER IRRIGATION DISTRICT. THE HOA WILL BE SUBJECT TO DISTRICT ASSESSMENTS. EACH LOT WILL RECEIVE PRESSURIZED IRRIGATION WATER VIA A PUMPING STATION AND IRRIGATION FACILITIES MAINTAINED AND OPERATED BY THE HOA.
- POTABLE WATER WILL BE PROVIDED BY INDIVIDUAL WELLS LOCATED ON EACH LOT AS APPROVED BY THE DEPARTMENT OF WATER RESOURCES.
- SANITARY SEWER WILL BE PROVIDED BY INDIVIDUAL SEPTIC AND DRAIN FIELDS ON EACH LOT AS APPROVED BY SOUTHWEST DISTRICT HEALTH.
- THIS DEVELOPMENT RECOGNIZES IDAHO CODE 22-4503, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NON AGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION BEGAN; PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROVER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATION IN EFFECT AT THE TIME OF RE-SUBDIVISION.

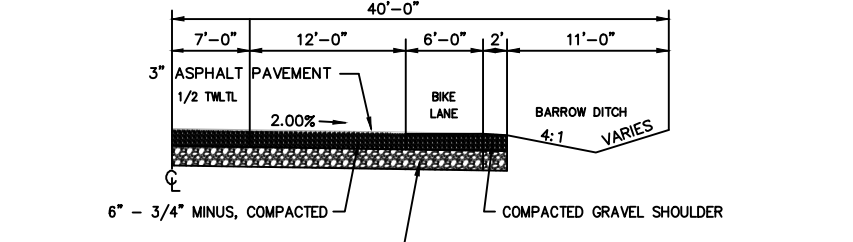


VICINITY MAP

NTS



PRIVATE STREET TYPICAL SECTION



LINDEN ROAD TYPICAL SECTION

NTS

OWNERS/DEVELOPERS

CS2, LLC  
3363 E. PRESIDENTIAL DRIVE  
MERIDIAN, IDAHO 83642  
(208) 629-7333

PLANNER

BOB UNGER  
UNGER ENTERPRISES, LLC  
901 N 29TH STREET  
BOISE, IDAHO 83702  
(208) 861-5220

SURVEYOR

SKINNER LAND SURVEY  
17842 SANDHOLLOW ROAD  
CALDWELL, IDAHO, 83607  
(208) 459-0933  
www.skinnerlandsurvey.com

ENGINEER


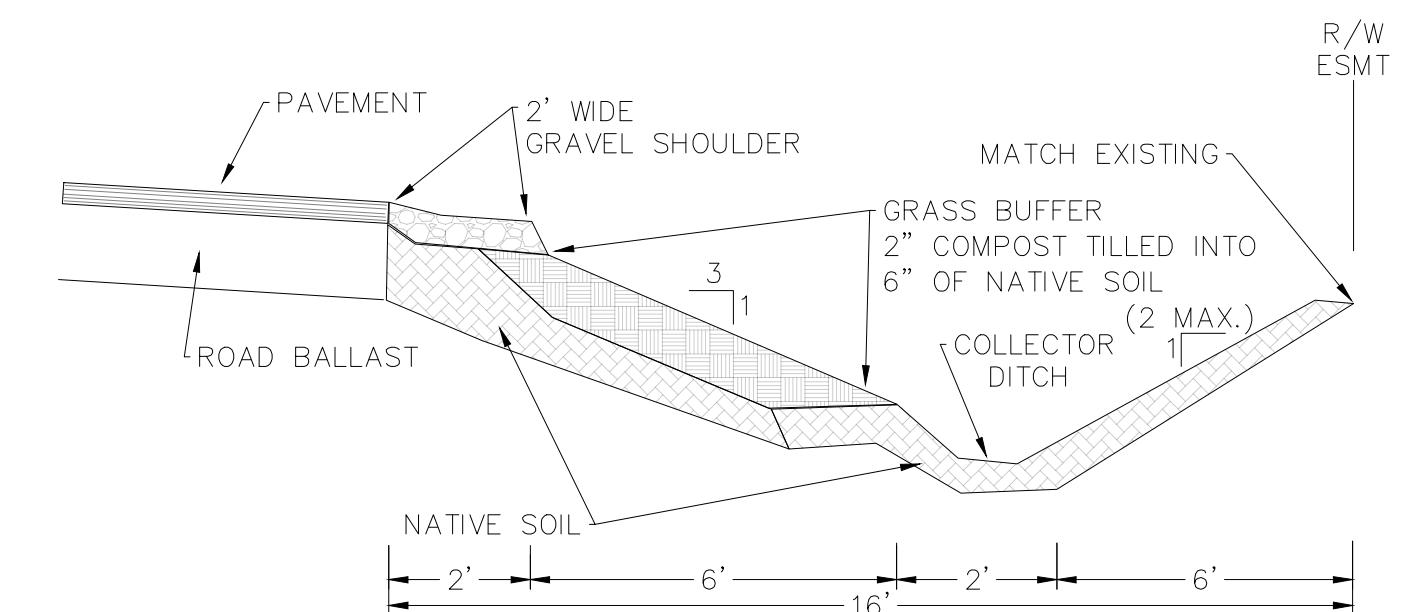
ELWIN T. BUTLER, PE  
MATRIX ENGINEERING, INC.  
1020 W MAIN, SUITE 100J  
BOISE, IDAHO 83702  
(208) 739-8668  
ebutler@mat-eng.com





- ENGINEERING NOTES:

- BMP 03, ACHD DESIGN MANUAL:

[illegible]

002, LLC  
3363 E. PRESIDENTIAL DRIVE  
MERIDIAN, ID 83642  
PARCEL R35590

ALYSON MEADOWS  
SUBDIVISION  
PARCEL R35590  
CANYON COUNTY, ID

DATE  
1/15/2023

SHEET  
PP101

**Alyson Meadows Subdivision**

Case: SD2020-0023

To whom it may concern,

I am writing seeking clarification regarding the prior and related RZ2021-0047 CS2, LLC Rezone Application. The Canyon County Board of Commissioners approved the rezoning to R-R on October 3<sup>rd</sup>, 2023.

During the Planning and Zoning public meeting, hearing date of July 20<sup>th</sup>, 2023 (I believe), staff stated that the application would proceed as a rezoning application only, and would not include items related to preliminary platting. Submitted at that time as Exhibit B Attachment 5c was a neighborhood petition in support of, and specifically stating, support for R-R rezoning. During my testimony, I further stated, “We understand that Mr. Unger has requested the rezoning as well as submitted a preliminary plat. I just wanted to be clear that those who signed the petition are in support of the rezoning. That’s not to say we’re unsupportive of the preliminary plat. It is our understanding that rezoning needs to be done first and that platting would follow after. Therefore, we focused the petition on rezoning. We look forward to an opportunity to meet with Mr. Unger to discuss a number of questions related to the proposed plat.”

In response, the board confirmed with staff that the scope of the application RZ2021-0047 was limited to rezoning. As I dialoged further with the board, we discussed topics of irrigation supply and runoff, access to water for the fire department, septic and wells for each plot. In the end, I stated that it was my understanding that such topics would be addressed during the platting process and that guidance and requirements for related items would come from those agencies who have governing authority. The board confirmed my understanding.

What I am trying to reconcile and seek clarification for is how the final ruling of The Canyon County Board of Commissioners (Findings of fact, Conclusions of Law and Order) contains in the Conclusion, Findings section, requirements from the City of Caldwell defined in items 1-5 that certainly impact, if not set requirements, on items I understood would be addressed during the platting process. This seems to prevent opportunity for public comment on the City of Caldwell’s requirements, and the reasonableness and appropriateness of such requirements for R-R zoning, as the platting process proceeds.

It is my desire that this property be developed in keeping with like-properties of the area. Similar requirements of The City of Caldwell were waived for the development of Tranquil Place (see case RZ2020-0029), which is contiguous with, and lies East of the proposed Alyson Meadows Subdivision. This was noted in the minutes (BOCC 10-3-23-1) from the Canyon County Board of Commissioners meeting, “Commissioner Brooks is in favor of the application, but he is not in favor holding this applicant to standards the City of Caldwell has requested because the Board recently approved a case next to this parcel and the City’s requirement for improvements were waived.”

Monday, August 5, 2024

I am concerned that the requirements of The City of Caldwell being attached to the rezoning was not done with clarity for public knowledge and will prevent reasonable and responsible development of this land in keeping with R-R zoning.

I feel it appropriate to state that I have no relationship with the owner of this property or with the developer. Nor do I have any financial interest in the development of this property. My sole desire is to work with my neighbors to see that this land is developed wisely, responsibly, and in keeping with the surrounding properties.

Thank you for your attention to this concern.

Sincerely,

Gary J. Beers  
16840 W. Linden St.  
Caldwell, ID 83607



## Tranquil Place Letter of Concern

August 5, 2024

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

Re: Case No.: SD2020-0023 Preliminary Plat by Elwin Butler , PE for Cory Swain, CS2, LLC.

Canyon County Planning and Zoning Commission,  
Residents of Tranquil Place collaboratively write this letter to represent our concern specifically regarding Tranquil Place, a private road, providing access to the proposed development land for rezoning.

Tranquil Place is a private shared road maintained by current landowners. All current residents of Tranquil Place have a Road User's Maintenance Agreement (RUMA) in place that is tied to the deed of their property. If the proposed development were to gain access to this private road, costs for road improvement to support the proposed development would be exorbitant and should not be the burden of Tranquil Place homeowners who share maintenance of the existing road.

As you consider this proposed rezone and development, please recognize the validity of our concerns relating to wear and tear and eventual repair and update costs for maintaining this road. These costs would be an unnecessary and unwarranted burden to those who live along this road and bear the financial responsibility of its ongoing maintenance.

All individuals located on Tranquil Place request that the Canyon County Planning and Zoning Commission adequately consider this issue when reviewing the proposed development as filed. We request that a new application be filed with the county with the private road, Tranquil Place, as an access point for this development, not be included.

Lastly, we request that Tranquil Place remain a private road without access to this or any other future developments.

Sincerely,

Residents of Tranquil Place

Tim and Surine Greenway  
18724 Tranquil Place

Bryan and Sarah Laurenson  
18532 Tranquil Place

Steve and Jackie Smith  
18986 Tranquil Place

Aleksandr and Liya Kulgavyy  
18951 Tranquil Place

Vadym and Anastasiya Prozapas  
18701 Tranquil Place



Date 10/16/2024

Canyon County

Re: SD2021-0039, R35590, is located at 0 Linden Road in the NW ¼ of Section 32, T4N, R3W, BM, Canyon County, Idaho

Dear Canyon County Development Services Department,

The Caldwell Rural Fire Protection District has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the 2018 International Fire Code (IFC) as adopted by the Idaho State Fire Marshal's Office.

Comments:

1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
2. Roadway serving a fire hydrant shall be a minimum of 26-feet in width. (IFC D103.1)
3. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
4. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
5. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
6. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
7. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 80,000 pounds. Please provide documentation on the road surface meets this standard. (IFC D102.1)



8. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)
9. Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5).
10. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except where approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection where construction of new roadways allows passage by vehicles in accordance with (IFC Section 505.2).
11. **SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS D107.1** One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

**Exceptions:** 1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and City of Caldwell Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Regards,

Alan Perry  
Division Chief  
Fire Marshal  
Caldwell Rural Fire Protection District  
[Aperry@cityofcaldwell.org](mailto:Aperry@cityofcaldwell.org)

**Michelle Barron**

---

**From:** Sage Huggins  
**Sent:** Wednesday, October 23, 2024 9:17 AM  
**To:** Michelle Barron  
**Subject:** SD2021-0039 Alyson Meadows Subdivision

Hey Michelle,

I wanted to confirm to you that Birchwood Ln has been okay'ed by emergency services for the road shown on this plat that continues south from Birchwood Dr.  
I have my paperwork all drafted and ready, so please just let me know when the written decision has been approved and I can get this all sent out!

Thanks,

Sage Huggins  
GIS Analyst  
Canyon County Development Services  
[Sage.Huggins@canyoncounty.id.gov](mailto:Sage.Huggins@canyoncounty.id.gov)  
208-455-6036

Michelle Barron

---

**From:** Robin Collins <rcollins@cityofcaldwell.org>  
**Sent:** Friday, November 1, 2024 10:09 AM  
**To:** Elwin Butler  
**Cc:** Michelle Barron; Doug Unger; Cory Swain; Joe Dodson  
**Subject:** [External] RE: Alyson Meadows Preliminary Plat

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Elwin,

Thank you for the email. This property is located within the City’s Impact area and within our Comprehensive Plan boundary. It is also in an area that has been master planned for city services. Therefore, this parcel could potentially become eligible for annexation. In addition, if the subdivision will be hooking up to city services, we will require them to annex into the city once they are eligible. Because of this, the city will not waive the condition for requiring the subdivision to be developed under city standards.

Kindest Regards,

Robin



---

**From:** Elwin Butler <ebutler@mat-eng.com>  
**Sent:** Friday, November 1, 2024 9:13 AM  
**To:** Robin Collins <rcollins@cityofcaldwell.org>  
**Cc:** Michelle Barron <michelle.barron@canyoncounty.id.gov>; Doug Unger <dunger@mat-eng.com>; Cory Swain <Cory.Swain@pmrloans.com>  
**Subject:** Alyson Meadows Preliminary Plat

To Robin Collins, Director

Attached is a letter that will also be mailed to you concerning Alyson Meadows Subdivision approval recommendation by the County Planning and Zoning Commission. Please share this with any departments required. I appreciate the City's assistance concerning this preliminary plat.



Thank you,  
Elwin

Elwin T. Butler, PE  
Matrix Engineering, Inc.  
208 739-8668  
[ebutler@mat-eng.com](mailto:ebutler@mat-eng.com)

**Michelle Barron**

---

**From:** Michelle Barron  
**Sent:** Monday, September 30, 2024 5:57 PM  
**To:** 'surineg@uidaho.edu'  
**Cc:** 'John.Starr@colliers.com'  
**Subject:** FW: [External] Alyson Meadows - Locked gate on EMS Access

Surine,

I am going to attach the email from Mr. Starr to the next Staff Report for the Board of County Commissioners hearing on November 19, 2024 (This was just scheduled today, I was waiting for a date to give you). It will serve as a reminder to add this as potential condition of approval for the Board hearing. Conditions of approval have to be met in order for the subdivision to continue on to Final Plat signature by the Board.

Thanks for sharing your concerns,

*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](mailto:Michelle.Barron@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

---

**From:** Dan Lister  
**Sent:** Tuesday, September 24, 2024 8:30 AM  
**To:** Michelle Barron <Michelle.Barron@canyoncounty.id.gov>  
**Subject:** FW: [External] Alyson Meadows - Locked gate on EMS Access

See below regarding Alyson Meadows

---

**From:** Pam Dilbeck  
**Sent:** Tuesday, September 24, 2024 8:22 AM  
**To:** 'Starr, John' <[John.Starr@colliers.com](mailto:John.Starr@colliers.com)>  
**Cc:** Greenway, Surine ([surineg@uidaho.edu](mailto:surineg@uidaho.edu)) <[surineg@uidaho.edu](mailto:surineg@uidaho.edu)>; Canyon County Zoning Info <[CanyonCounty.ZoningInfo@canyoncounty.id.gov](mailto:CanyonCounty.ZoningInfo@canyoncounty.id.gov)>  
**Subject:** RE: [External] Alyson Meadows - Locked gate on EMS Access

Mr. Starr,

I'll be forwarding your email to our Planning teams email inbox for a qualified planner to respond to your inquiries. As the Admin for the office, I am not the best suited to supply information to you about this. Please be patient as one of our planners is able to respond.

Sincerely,



Pam Dilbeck

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

Direct Line: 208-455-5964

Email: [Pam.Dilbeck@canyoncounty.id.gov](mailto:Pam.Dilbeck@canyoncounty.id.gov)

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

**Development Services Department (DSD)**

**NEW** public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

---

**From:** Starr, John <[John.Starr@colliers.com](mailto:John.Starr@colliers.com)>  
**Sent:** Monday, September 23, 2024 6:15 PM  
**To:** Pam Dilbeck <[Pam.Dilbeck@canyoncounty.id.gov](mailto:Pam.Dilbeck@canyoncounty.id.gov)>  
**Cc:** Greenway, Surine ([surineg@uidaho.edu](mailto:surineg@uidaho.edu)) <[surineg@uidaho.edu](mailto:surineg@uidaho.edu)>  
**Subject:** [External] Alyson Meadows - Locked gate on EMS Access

Good Evening Pam

My good friend Surine Greenway, copied here, lives on Tranquil Place, a private road, south of W Linden, in the County west of Caldwell.

Next door Alyson Meadows is under construction. Alyson Meadows has an emergency/ems access to Tranquil Place and in the hearing process (and hopefully in the DA) a locked gate was promised to the homeowners on Tranquil Place. Now that Alyson Meadows is under construction, what can the Tranquil Place homeowners do to make sure that locked gate gets installed?

Please respond to Surine.

Sincerely,

**John Starr**

Land Associate, Partner | Idaho

[john.starr@colliers.com](mailto:john.starr@colliers.com) | [View my profile](#)

Direct: +1 208 472 2836 | Mobile: +1 208 871 0546

Colliers Treasure Valley, LLC.

755 W Front Street, Suite 300 | Boise, Idaho 83702 | United States

     [colliers.com/idaho](https://colliers.com/idaho) | [View Our Listings](#)

**Michelle Barron**

---

**From:** Surine de la <surine.delaconcepcion@gmail.com>  
**Sent:** Friday, November 8, 2024 4:58 PM  
**To:** Michelle Barron  
**Subject:** [External] Re: Case No.: SD2021-0039 Preliminary Plat by Elwin Butler, PE for Cory Swain, CS2, LLC  
**Attachments:** Tranquil Place Letter of Concern 11.8.24 Attachments..pdf

Hello Michelle,

Please find our attached neighborhood letter detailing concerns regarding the preliminary plat, Case No.: SD2021-0039 Preliminary Plat by Elwin Butler, PE for Cory Swain, CS2, LLC.

Attached is our letter, our Road Maintenance Agreement and Easement for Construction Maintenance and Repair and a copy of the hearing minutes from July 20, 2023 where this development was discussed. All have been combined into the single PDF.

Please do not hesitate to contact me if you have any questions or concerns.

Thank you,  
Surine Greenway

## Tranquil Place Neighbors Letter of Concern

November 8, 2024

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

Re: Case No.: SD2021-0039 Preliminary Plat by Elwin Butler, PE for Cory Swain, CS2, LLC

Dear Canyon County Board of County Commissioners,

Residents of Tranquil Place are once again collaboratively writing a letter to express our deep concern specifically regarding Tranquil Place, a private road, providing access to the proposed development land (Alyson Meadows Subdivision) that is being considered in this plat.

Tranquil Place is a private shared road maintained by current landowners residing along its placement. All current residents of Tranquil Place have a Road Maintenance Agreement and Easement for Construction Maintenance and Repair (attached) or RUMA in place that is tied to the deed of their property. If the proposed development were to gain access to this private road, costs for road improvement to support the proposed development would be exorbitant and should not be the burden of Tranquil Place homeowners who share maintenance responsibilities of the existing road.

As you consider this proposed development and plat, please recognize the validity of our concerns relating to wear and tear and eventual repair and update costs for maintaining this road. These costs would be an unnecessary and unwarranted burden to those who live along this road and bear the financial responsibility of its ongoing maintenance.

Collectively, we have written a letter identifying our concerns with this access point, which we have shared since this development began with a neighborhood meeting. From the beginning, we have shared concerns verbally and in writing. We have previously submitted letters to the Canyon County Planning and Zoning Commission in June of 2023 and August of 2024.

During a Planning and Zoning Commission hearing on Thursday, July 20, 2023, the commission summarized and discussed our written concerns, with Bob Unger verbally responding to these road concerns. His comments are referenced in the hearing minutes from that evening, which are attached but included here;

*“Tranquil Road is a private road and they will not be taking any access off it. Only emergency and fire services will have access through Tranquil Road and it will be paved and barricaded.”*

We cannot stress enough that this road has been continually addressed, and it was stated that Tranquil Place is a private road, that there would be no access aside from emergency services from it, and that a barricade would be in place. Yet, to date, there is no barricade across Tranquil Place, and those financially responsible for maintaining this road have no intention of sharing the road with users who will not be sharing the financial burden of maintaining the road. In addition, there is no written inclusion on this plat that a barricade is to be in place across this private road, with the only access being granted to emergency services. We again ask that this be clearly identified in the documentation.

All individuals located on Tranquil Place request that the Canyon County Board of County Commissioners adequately consider this issue when reviewing the proposed development plat as filed. Again, we request that the private road, Tranquil Place, not be included as an access point for this development.

Lastly, we request that Tranquil Place remain a private road without access to this or any other future developments.

Sincerely,

Current Residents of Tranquil Place

Tim and Surine Greenway  
18724 Tranquil Place

Bryan and Sarah Laurenson  
18532 Tranquil Place

Steve and Jackie Smith  
18986 Tranquil Place

Aleksandr and Liya Kulgavyy  
18951 Tranquil Place

Vadym and Anastasiya Prozapas  
18701 Tranquil Place



# ACCOMMODATION

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Gregory Bullock

ELECTRONICALLY RECORDED - DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT.

**2023-035976**

RECORDED

**11/08/2023 12:44 PM**

CHRIS YAMAMOTO  
CANYON COUNTY RECORDER

Pgs=39 MBROWN

\$124.00

TYPE: MISC

PIONEER TITLE COMPANY OF ADA

ELECTRONICALLY RECORDED

(Space Above For Recorder's Use)

## ROAD MAINTENANCE AGREEMENT AND EASEMENT FOR CONSTRUCTION, MAINTENANCE AND REPAIR

THIS ROAD MAINTENANCE AGREEMENT AND EASEMENT FOR CONSTRUCTION, MAINTENANCE, AND REPAIR ("Agreement") is made and entered into by and between THE INDIVIDUAL OWNERS OF THOSE LOTS WHICH FRONT TRANQUIL PLACE ROAD (collectively "Owners").

### Recitals

WHEREAS, Tranquil Place Road is a private road identified as Lot 3, Block 1 on **Exhibit A** attached and incorporated hereto by this reference; and

WHEREAS, additional lots are contemplated for development and sale that front Tranquil Place road which will increase the road's use and thus maintenance cost; and

WHEREAS, Owners will share the cost of maintenance and repair of the road; and

WHEREAS, Owners desire to enter into this Agreement concerning their mutual rights and obligations for maintenance and repair of the road.

### Agreement

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby is acknowledged, Owners agree as follows:

1. **Recitals**: The above recitals are contractual and binding and are incorporated herein as if set forth in full.
2. **Application**: The lots fronting Tranquil Place road that are bound by this agreement are depicted in **Exhibit A**, and labeled as:

Lot 1, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho.

Lot 2, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho.

Lot 3, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho (Road).

ROAD MAINTENANCE AGREEMENT AND EASEMENT  
FOR CONSTRUCTION, MAINTENANCE AND REPAIR - 1

Lot 4, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho.  
Lot 5, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho.  
Lot 6, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho.  
Lot 7, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho.  
Lot 8, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho.  
Lot 9, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho.  
Lot 10, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho.  
Lot 11, Block 1, Rhett's Acres Subdivision, Canyon County, Idaho.

There are lots fronting Tranquil Place road that are bound by this agreement and which are not depicted in Exhibit A. Those other lots are depicted in Exhibit B, attached and incorporated by this reference, and are labeled as:

Parcel R3559001100, Rhett's Acres Subdivision, Canyon County, Idaho.  
Parcel R3559001000, Rhett's Acres Subdivision, Canyon County, Idaho.  
Parcel R3559701100, Rhett's Acres Subdivision, Canyon County, Idaho.  
Parcel R3559701200, Rhett's Acres Subdivision, Canyon County, Idaho.  
Parcel R3559800000, Rhett's Acres Subdivision, Canyon County, Idaho.

Specifically excluded from this agreement are three lots. This encompasses two lots marked in blue pen with a hand drawn star and the words "OLD" and "R.M.," and which are both labeled individually as "Existing Home," as depicted in Exhibit B. On Exhibit A, these same lots are labeled "PARCEL R3559801000" and "PARCEL R3559801100," respectively. The third excluded lot is located on the southerly part of Exhibit B marked by hand in blue pen as "Existing R.M. Home." All three lots are also marked "Excluded" as depicted on Exhibit B.

3. Expenses of Maintenance and Repair: The owner of each lot which fronts Tranquil Place road will share equally in the cost of all maintenance and repair of the road, including snow removal. The owner of each lot will pay their equal share of the cost of such maintenance and repair within fifteen (15) days of receiving notification of the amount due.
4. Grant of Easement: The owner of each lot which fronts Tranquil Place road hereby grants to all other Owners an easement as is necessary to properly do the work of constructing, maintaining and repairing Tranquil Place road with personnel and with such equipment as is commonly used, or is reasonably adapted, to that work. The easement herein granted includes the right to deposit snow removed from Tranquil Place road and other matter necessarily required for the construction, maintenance and repair of Tranquil Place road.
5. Continual Use: This Agreement shall continue uninterrupted until it is terminated by the mutual agreement of the parties.


6. Run with the Land: All provisions of this Agreement, including the benefits and burdens and the agreement as to payment of expenses shall attach to and run with the real property depicted on **Exhibit A**, and referred to in paragraph 2 of this Agreement, and shall benefit and bind the heirs, successors and assigns of each such lot.
7. Situs: This Agreement shall be construed under the laws of the State of Idaho. This Agreement shall inure to and bind the respective heirs, legal representatives, successors and assigns of the parties.
8. Remedies: The Owners, their heirs, successors and assigns shall have all rights and remedies provided at law or in equity to enforce their rights hereunder. In the event of any action or proceeding by either party hereto against the other, in any way arising out of this Agreement, or attempting to enforce any right herein granted, the losing party shall pay the prevailing party's reasonable attorney fees and costs.
9. Entire Agreement: The parties agree that this Agreement constitutes the entire agreement between the parties hereto.
10. Severability: In the event any of the provisions of this Agreement shall be deemed illegal or unenforceable, such determination shall not operate to invalidate any of the remaining provisions of this Agreement.
11. Headings: The underlined paragraph headings are for convenience only and are not a part of this Agreement and shall not be used in interpreting or construing this Agreement.
12. Binding Effect: The provisions and stipulations of this Agreement shall inure to and bind the assigns and successors in interest of the parties hereto.
13. Entity Authority: Each individual executing this Agreement on behalf of an entity represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said entity in accordance with duly adopted organizational documents or agreements and if appropriate a resolution of the entity, and that this Agreement is binding upon said entity in accordance with its terms.

*(Signature Page Follows)*

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the day and year first above written.

INDIVIDUAL OWNERS OF LOT 1, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust

  
\_\_\_\_\_  
By: Greg Troost  
Title: Trustee

STATE OF IDAHO            )  
                                      : ss.  
County of Canyon        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me a Notary Public, personally appeared Gregory Troost, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of \_\_\_\_\_ and was authorized to do so.

Tk

(SEAL)

See attached

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_

State of Idaho

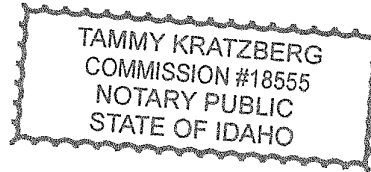
County of Canyon

This record was acknowledged before me on November 8, 2023 by Gregory T. Troost, as Trustee of The Troost Family Living Trust.

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


Notary Public

My commission expires: 2/3/2028



INDIVIDUAL OWNERS OF LOT 1, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust

  
By: Greg Troost  
Title: Trustee

STATE OF IDAHO           )  
  : ss.  
County of Canyon        )

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*See <sup>the</sup> Attached*  
(SEAL)

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_



State of Idaho

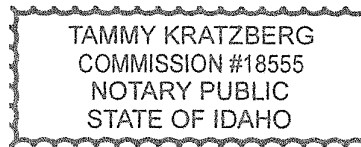
County of Canyon

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Notary Public

My commission expires: 2/3/2028



INDIVIDUAL OWNERS OF LOT 2, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust



By: Greg Troost  
Title: Trustee

STATE OF IDAHO           )  
                                      : ss.  
County of Canyon        )

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*See attached*

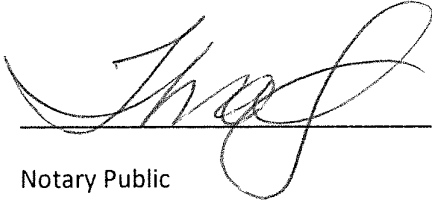
(SEAL)

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_

State of Idaho

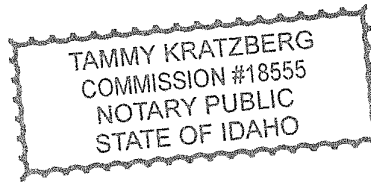
County of Canyon

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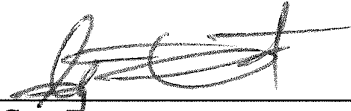
Notary Public

My commission expires: 2/3/2028



INDIVIDUAL OWNERS OF LOT 3, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust

  
\_\_\_\_\_  
By: Greg Troost  
Title: Trustee

STATE OF IDAHO            )  
                                      : ss.  
County of Canyon        )

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*See attached*

(SEAL)

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_

State of Idaho

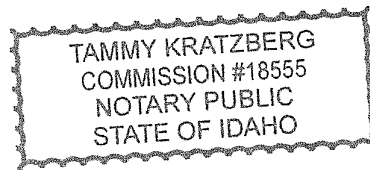
County of Canyon

This record was acknowledged before me on November 8, 2023 by Gregory T. Troost, as Trustee of The Troost Family Living Trust.




Notary Public

My commission expires: 2/3/2028



INDIVIDUAL OWNERS OF LOT 4, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust

  
\_\_\_\_\_  
By: Greg Troost  
Title: Trustee

STATE OF IDAHO                    )  
  : ss.  
County of Canyon                )

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*See attached*

(SEAL)

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_



State of Idaho

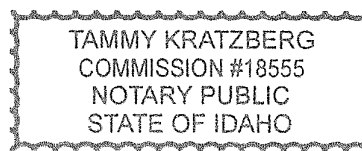
County of Canyon

This record was acknowledged before me on November 8, 2023 by Gregory T. Troost, as Trustee of The Troost Family Living Trust.



Notary Public

My commission expires: 2/3/2028



INDIVIDUAL OWNERS OF LOT 5, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust



By: Greg Troost  
Title: Trustee

STATE OF IDAHO                    )  
  : ss.  
County of Canyon                )

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*See attached*  
(SEAL)                    *TH*

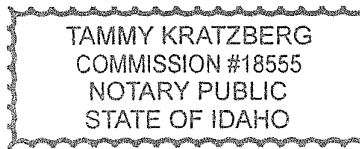
\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_

State of Idaho

County of Canyon

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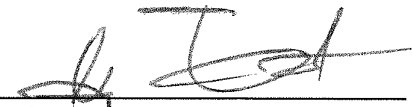
  
Notary Public



My commission expires: 2/3/2028

INDIVIDUAL OWNERS OF LOT 6, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust

  
\_\_\_\_\_  
By: Greg Troost  
Title: Trustee

STATE OF IDAHO                    )  
  : ss.  
County of Canyon                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me a Notary Public, personally  
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to the within instrument, and acknowledged to me that they executed the same on behalf of  
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*See attached*  
(SEAL)

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_

State of Idaho

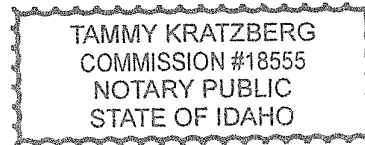
County of Canyon

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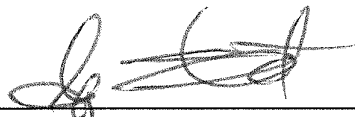
Notary Public

My commission expires: 2/3/2028



INDIVIDUAL OWNERS OF LOT 7, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust

  
\_\_\_\_\_  
By: Greg Troost  
Title: Trustee

STATE OF IDAHO           )  
                                      : ss.  
County of Canyon        )

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*See Attached*  
(SEAL)

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_



State of Idaho

County of Canyon

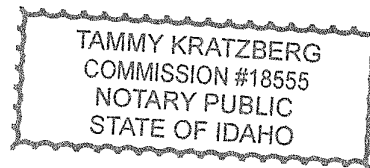
This record was acknowledged before me on November 8, 2023 by Gregory T. Troost, as Trustee of The Troost Family Living Trust.



Handwritten signature of Tammy Kratzberg in cursive script, written over a horizontal line.

Notary Public

My commission expires: 2/3/2028



INDIVIDUAL OWNERS OF LOT 8, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust

  
By: Gregory Troost  
Title: Trustee

STATE OF IDAHO                    )  
  : ss.  
County of Canyon                )

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*See attached*  
(SEAL)                    *TH*

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_

State of Idaho

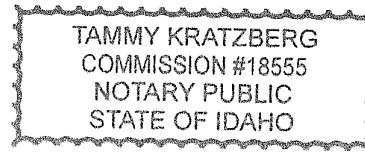
County of Canyon

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


Notary Public

My commission expires: 2/3/2028



INDIVIDUAL OWNERS OF LOT 9, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust

  
By: Gregory Troost  
Title: Trustee

STATE OF IDAHO                    )  
  : ss.  
County of Canyon                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me a Notary Public, personally appeared Gregory Troost, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of \_\_\_\_\_ and was authorized to do so.

*See Attached*  
(SEAL)                    *rk*

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_

State of Idaho

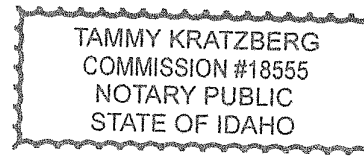
County of Canyon

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A handwritten signature in black ink, appearing to read "Tammy", is written over a horizontal line.


Notary Public

My commission expires: 2/3/2028



INDIVIDUAL OWNERS OF LOT 10, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust

  
By: Gregory Troost  
Title: Trustee

STATE OF IDAHO                    )  
  : ss.  
County of Canyon                )

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(SEAL)

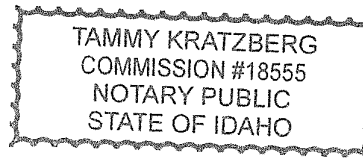
\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_



State of Idaho

County of Canyon

This record was acknowledged before me on November 8, 2023 by Gregory T. Troost, as Trustee of The Troost Family Living Trust.

  
\_\_\_\_\_  
Notary Public

My commission expires: 2/3/2028

INDIVIDUAL OWNERS OF LOT 11, BLOCK 1,  
RHETT'S ACRES SUBDIVISION:

Troost Family Living Trust

  
By: Gregory Troost  
Title: Trustee

STATE OF IDAHO            )  
                                      : ss.  
County of Canyon         )

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*See attached*  
(SEAL)

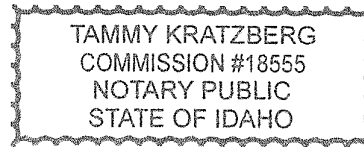
\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_

State of Idaho

County of Canyon


This record was acknowledged before me on November 8, 2023 by Gregory T. Troost, as Trustee of The Troost Family Living Trust.

  
Notary Public



My commission expires: 2/3/2028

INDIVIDUAL OWNERS OF PARCEL R3559701200  
RHETT'S ACRES SUBDIVISION:

  
\_\_\_\_\_  
Owner  
  
\_\_\_\_\_  
Owner

STATE OF IDAHO                    )  
  : ss.  
County of Canyon                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me a Notary Public, personally  
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identified 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.

(SEAL)

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_

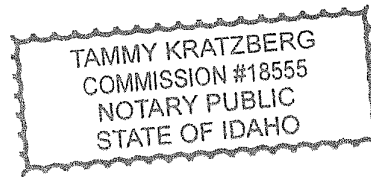
State of Idaho

County of Canyon

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Notary Public



My commission expires: 2/3/2028

INDIVIDUAL OWNERS OF PARCEL R3559701100  
RHETT'S ACRES SUBDIVISION:

  
\_\_\_\_\_  
Owner  
  
\_\_\_\_\_  
Owner

STATE OF IDAHO                    )  
  : ss.  
County of Canyon                )

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*See attached*

(SEAL)

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_



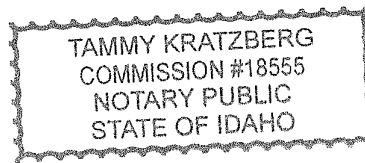
State of Idaho

County of Canyon

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Notary Public



My commission expires: 2/3/2028

INDIVIDUAL OWNERS OF PARCEL R3559001000  
RHETT'S ACRES SUBDIVISION:

  
\_\_\_\_\_  
Owner  
  
\_\_\_\_\_  
Owner

STATE OF IDAHO           )  
                                      : ss.  
County of Canyon        )

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*See attached*

(SEAL)

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Notary Public for Idaho  
Commission expires: \_\_\_\_\_

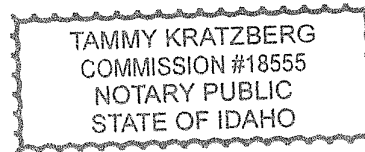
State of Idaho

County of Canyon

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Notary Public



My commission expires: 2/3/2028

INDIVIDUAL OWNERS OF PARCEL R3559001100  
RHETT'S ACRES SUBDIVISION:

  
\_\_\_\_\_  
Owner  
  
\_\_\_\_\_  
Owner

STATE OF IDAHO            )  
                                      : ss.  
County of Canyon        )

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(SEAL)

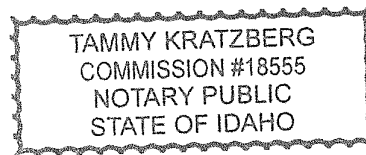
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Notary Public for Idaho  
Commission expires: \_\_\_\_\_

State of Idaho

County of Canyon


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Notary Public



My commission expires: 2/3/2028

INDIVIDUAL OWNERS OF PARCEL R3559800000  
RHETT'S ACRES SUBDIVISION:

  
\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

STATE OF IDAHO                    )  
  : ss.  
County of Canyon                )

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*See attached*

(SEAL)

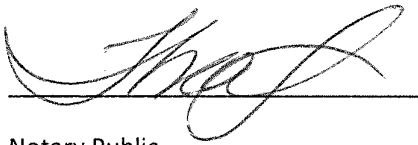
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Notary Public for Idaho  
Commission expires: \_\_\_\_\_



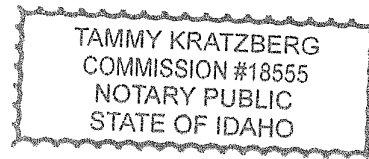
State of Idaho

County of Canyon

This record was acknowledged before me on November 8, 2023 by Gregory T. Troost, as Trustee of The Troost Family Living Trust.

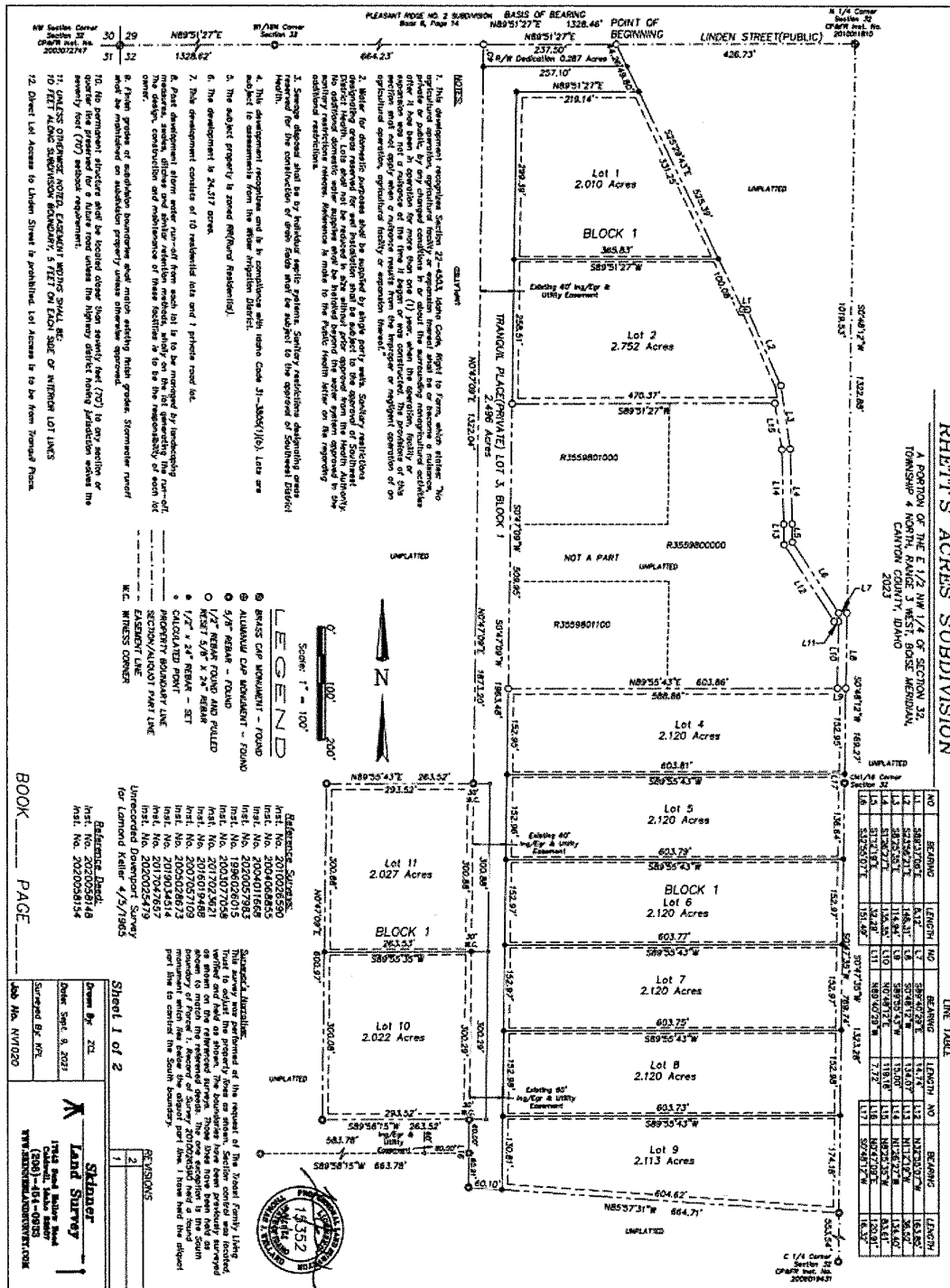
A handwritten signature in cursive script, appearing to read 'Tammy', is written over a horizontal line.

Notary Public

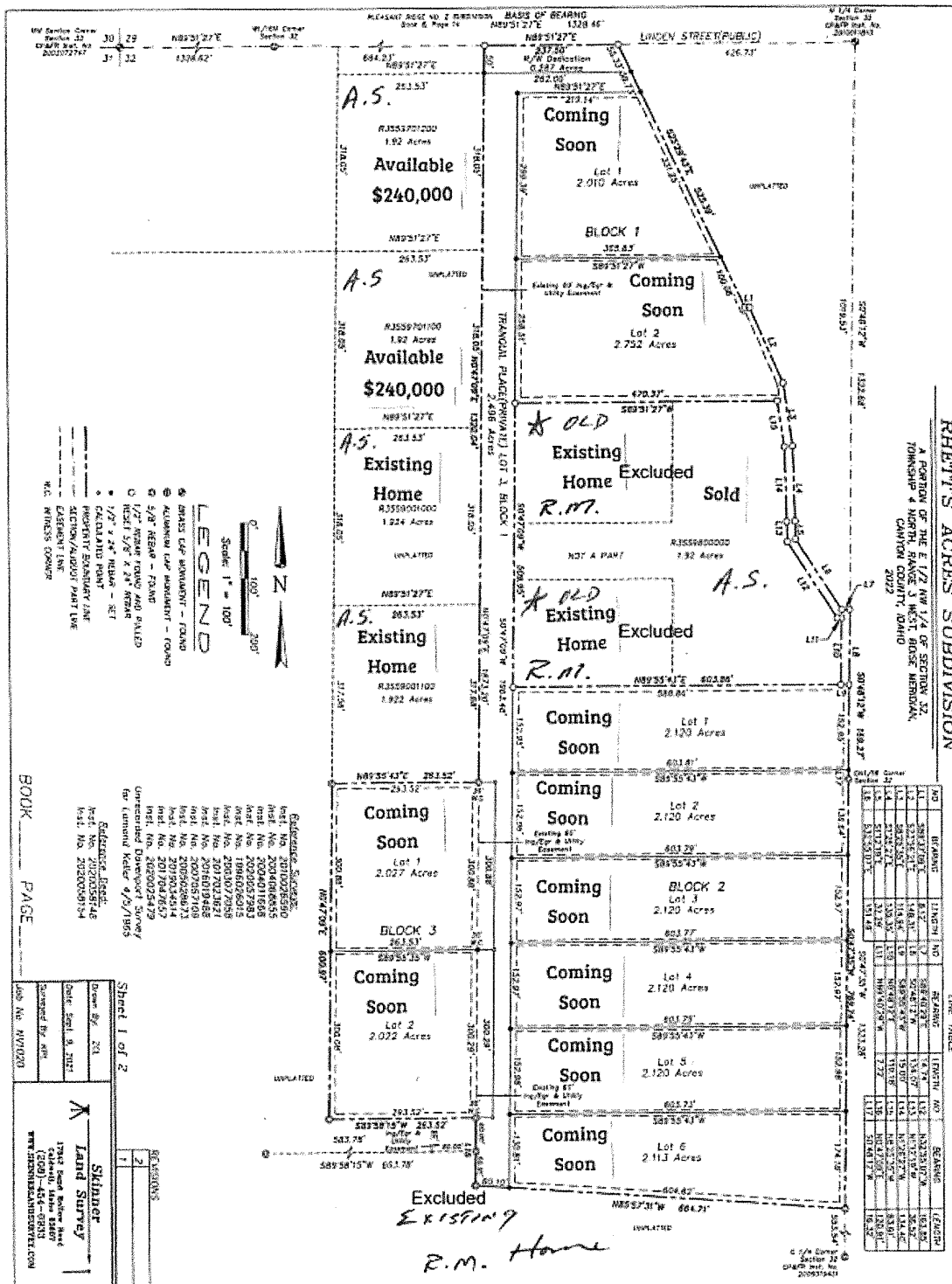


My commission expires: 2/3/2028

## EXHIBIT A

ROAD MAINTENANCE AGREEMENT AND EASEMENT  
FOR CONSTRUCTION, MAINTENANCE AND REPAIR - 21

**EXHIBIT B**

ROAD MAINTENANCE AGREEMENT AND EASEMENT  
FOR CONSTRUCTION, MAINTENANCE AND REPAIR - 22



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, July 20, 2023  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

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

Staff Members Present: Dan Lister, Planning Official  
Samantha Hammond, Planner  
Michelle Barron, Planner  
Bonnie Puleo, Hearing Specialist

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

**Commissioner Villafana** read the testimony guidelines and proceeded to the first business item on the agenda.

- **Case No. RZ2021-0047/CS2, LLC:** CS2, LLC. is requesting a Rezone of approximately 40.84 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The subject property, parcel no. R35590 is located on the south side of W. Linden St., approximately 673 ft. east of the intersection of Wagner Rd. and W. Linden St., Caldwell, ID, in a portion of the NW ¼ of Section 32, T4N, R3W, B.M., Canyon County, Idaho.

**Planner Samantha Hammond** reviewed the Staff report for the record.

**Chairman Robert Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Bob Unger – Applicant – IN FAVOR – 901 N. 29<sup>th</sup> Street Boise, ID 83702**

Mr. Unger represents CS2, LLC who is the owner and developer of the property. He said the staff did a good job covering the project and the rezone. They are not proposing city water because it's over a mile from the project at this point in time. They are in negotiations with the city, but they have not resolved the issue yet. They are proposing 18 buildable lots of 2 acres and it complies with Caldwell's future land uses. They are proposing individual septic systems and wells which will require approval from Southwest District Health, Department of Environmental Quality and Water Resources. They are proposing a private road and it will be built to Caldwell's rural road standards. They will work with the highway district on Linder Street and they will make sure they are in compliance with any improvements they make. Tranquil Road is a private road and they will not be taking any access off it. Only emergency and fire services will have access through Tranquil Road and it will be paved and barricaded. There is a slight drainage ditch



that will be incorporated into the project. They are asking for a recommendation of approval.

Commissioner Williamson asked if they reach an agreement on using city water, will they change their concept or number of lots. Mr. Unger said at this point no; the city realizes that is a great distance to run a water line.

Commissioner Nevill asked about Emergency Medical Services access via Tranquil Place: according to documents, there is a road users' agreement for Tranquil Place. Have they approached the road users and what arrangements have they made if they are going to tap into that road? Will they become a member of the road users' association? Mr. Unger said they are not using Tranquil Place for any purpose other than emergency services. It is a secondary access for emergency services only. Commissioner Nevill asked if they had asked the people who maintain Tranquil Place if they are okay with their using it for emergency access? Mr. Unger replied no, they have not entered into any kind of agreement with them although they were at the neighborhood meetings. Commissioner Nevill asked what their plans were for firefighting water. Mr. Unger said unless they come up with an agreement with Caldwell, the only fire protection they would have are individual wells and because of that, he believes the building department would require fire sprinklers in the homes. While Caldwell Fire said they want hydrants, he said fire sprinklers are a replacement for fire hydrants. Commissioner Nevill asked how they will protect the Cooper Drain from people. Mr. Unger said the drain exists within an easement and they will not disturb it. He said it will also be fenced.

Commissioner Sheets asked how the list of people in support of the project (exhibit B attachment 5c) was created. Mr. Unger explained during the last neighborhood meeting with the residents, Mr. Beers represented the group and they were all comfortable with their two acre lots. Anything more than 18 lots, they felt they couldn't support. When they felt they could support the two acre lots, they provided the letter.

Commissioner Villafana asked how many water rights the parcel has or if they have to use their wells to irrigate the full property. Mr. Unger said he doesn't know the exact number of water rights they have but typically homes use less water to irrigate landscaping than flood irrigation uses. They should not have any issues with sufficient water for their landscaping. He said they will work with Pioneer Irrigation on that.

Chairman Sturgill asked what his timeline was moving forward? Mr. Unger said in the last six weeks they received a review from Engineering on their preliminary plat. Assuming they get the approval from the Planning and Zoning Commission, they will have to go before the Board of County Commissioners on the conditional rezone. He said then they will have to work with Caldwell. Optimistically, it will probably be the end of the year before the preliminary plat approval through the Board of County Commissioners. Mr. Unger said at that point, they can finalize their construction drawings and begin construction. He said they are about a year out. Chairman Sturgill asked when the discuss with the city of Caldwell would occur. Mr. Unger said the conversations with Caldwell are ongoing but they wanted to see where the (rezone) process went before they really got into some solid discussions.

Commissioner Williamson it would be nice to see an exhibit with their irrigation plan when they come with the plat. Mr. Unger said they could follow up with that.

#### **Gary Beers – IN FAVOR – 16840 W. Linden Street Caldwell, ID 83607**

Mr. Beers lives directly north of this property. He said they have a petition in favor of the rezone to rural residential signed by some of the neighbors directly across from the proposed subdivision and some down Linden Street. He wanted to be clear that the people who signed the petition are only in favor of the rezoning which comes before the preliminary plat. They look forward to meeting with Mr. Unger in the future with some questions about the preliminary plat. He clarified that exhibit 6 shows the irrigation feed that comes down the south side of the property and on the preliminary plat, the road will go over it. He said that's going to be a concern and area of question for the planning process.

Commissioner Sheets asked Mr. Beers what his relationship was with the developer. Mr. Beers said he has no personal or business relationship with the developer. He explained his role in getting the petition



signatures. He does not officially represent the neighbors, he just went through the process of gathering the signatures. He has kept Mr. Unger up to date on the petition. He feels Mr. Unger has worked with them in good faith to get it down from 60 potential homes to 18 lots. It has been a compromise between Mr. Unger and the neighbors.

Commissioner Nevill asked if the irrigation ditch comes from the south to the north and crosses the road? Mr. Beers confirmed it comes from south to north and crosses under the road. He showed the canal on photos and where it crosses under the road to the other subdivision. Commissioner Nevill asked what his understanding was if the road access onto Linden is across from their entrance road and the ditch has to be relocated or piped. Is he okay with a piped delivery ditch? Mr. Beers said he needs to get educated on that; he knows they have rights to continued water and that discussion would be during the platting process. Commissioner Nevill asked if there were any concerns about piping water delivery? Mr. Beers said he doesn't know enough about the water delivery being piped but assumes it would increase the pressure. He said as long as the amount of water they get is provided to that point and he and his neighbors have access to the water they currently have. He just needs to know how it would be done and their right to the water is enforced. He would look to the agencies to do that. Mr. Beers would be okay with fencing the Cooper Drain as long as the water and run off from the irrigation can get past the fence to the ditch. Commissioner Nevill said he knows Caldwell Fire wants hydrants and the applicant has said sprinklers in the house is an equivalent; does he think that would keep his property safe? Mr. Beers said he was not sure because it is a distance of hundreds of feet. He knows after a certain size home, they have to have an onsite water source to pump from. He can't speak to sprinkler systems compensating for lack of fire hydrants.

Commissioner Williamson confirmed that his development receives water from the ditch. Mr. Beers said yes; he and the neighbors down Birch Way receive that water. Commissioner Williamson asked if they had any problems receiving irrigation water through that open ditch? Mr. Beers said it's a challenge because it is overgrown but it is maintained by the Birchwood neighbors. They go out there once a year and clean it out. He has worked closely with the farmer and with the ditch rider to make sure they get the right amount of water flow. Mr. Beers said they can't take a full head coming from the canal so they work with the farmer to make sure they get 80% of the water.

Commissioner Nevill asked if he had any experience at clearing obstructions in a buried irrigation delivery pipe. Mr. Beers said no and he would look to Mr. Unger and the solution they propose. Who would maintain it and who would clear it are questions he will have when they get to the platting stage.

Commissioner Williamson said he doesn't see any head gate on the concept plan; does he know if the water passes through any other head gate? Mr. Beers said his understanding is that the water comes from the canal to one head gate. He explained where and how the water runs to the subject property and to their development. He also said his understanding there is an easement for Pioneer Irrigation on the far west side of the property that is completely overgrown.

There was discussion about changing Condition #5 which is connecting to Caldwell city water. Commissioner Sheets had concerns about that condition. The finding states the city of Caldwell says the proposed development will connect to the currently available water source but testimony that night said it was a mile away and it will be very difficult for the applicant to connect to it. Under this condition, if the city doesn't grant a waiver, the city can undo the rezone by not supplying that water. Planning Official Dan Lister said they can go back to what the area of city impact agreement says; ordinances by the city that apply to the subdivision can be waived by the Board of County Commissioners. The condition could be changed to say "unless waived by the city and the Board of County Commissioners".

Chairman Sturgill suggested that since the application would go in front of the Board of County Commissioners, staff has an opportunity to refine it before it goes in front of the Board.

**MOTION:** Commissioner Sheets moved to close public testimony on Case RZ2021-0047, seconded by Commissioner Williamson. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Villafana said typically when he looks at a parcel like this, he sees 40 acres of agriculture ground being used surrounded by subdivisions. Mr. Unger has the support of the neighbors and doesn't have any opposition, which is unusual in a conditional rezone. That tells him the applicant has done the proper job of meeting with the neighbors and following up with them. They told him they didn't like the 60 lots and he reduced the number of lots. He is in favor and it seems like this is the natural progression. He believes it goes with the Comprehensive Plan.

Commissioner Nevill said it is probably inevitable that this farm land is going to turn into houses. The fact that it is larger lots mitigates the finding that it might negatively affect the character of the area. He said another part of their job is to make sure new development does not burden others, so he is a little concerned about their answer to question number 5. He thinks the issues with irrigation and fire can be worked out but he has not heard a solid plan in the testimony that night. While he will probably vote in favor of the rezone, he will be much more critical when reviewing the plat. There is a danger that neighbors and the neighborhood could be adversely affected if they don't have the right kind of infrastructure.

Commissioner Sheets said he would like to add "or the Board of County Commissioners" to the Draft Conditions of Approval #3 as a way to address the unknowns in Finding #5.

**MOTION:** Commissioner Sheets moved to approve Case RZ2021-0047 including the Findings of Facts, Conclusions of Law and amended Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Williamson. Roll call vote: 5 in favor 0 opposed, motion passed.

- **Case No. SD2018-0013/DTH Subdivision:** A request has been submitted by Patricia Dodson for approval of a Preliminary Plat for DTH Subdivision. The development consists of 7 residential lots and 1 public road. The subject property, Parcel No. R30461 is located on the east side of Robinson Rd., approximately 693 ft. north of the intersection of Orchard Ave. and Robinson Rd., Nampa, Idaho, in a portion of the SW ¼ of Section 17, T3N, R1W, BM.

**Planner Michelle Barron** reviewed the Staff report for the record.

**Chairman Robert Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Derritt Kerner – Applicant (Representative) – IN FAVOR – 9175 W. Black Eagle Drive Boise, ID 83709**

Mr. Kerner is the project engineer for the development. There was a question about the city of Nampa waiver letter and he wanted to address the question. They worked with the city for a long time and they gave them some property along the northern property line for Stamm Lane. They requested the city give them a new letter because it had been a long time and they wanted the letter to say 'DTH Subdivision'. He said they received their waiver and there will not be any curb, gutter or sidewalks in the development. He believes the city uses that language (in the letter) to give itself a way out. If they were to change and annex into the city, making it a city project, the city will now deem those improvements to be warranted



because the density of the project will likely increase. This (language in the letter) is probably the result of a change in the past. Mr. Kerner said it was unique that he was able to stand before the Commission and state they have already finished a lot of things because they were planning to do a short plat with a private road extension off the end of 63<sup>rd</sup> Street. He has been involved with this project since 2019 although they paused for an entire year to work with the city to give them the property they needed for Stamm Lane. The city purchased that land from Tom. Mr. Kerner said they were ready to submit the short plat, which included the short plat, the pre-plat and the construction plans, but when they submitted all three of those things completed, the Highway District came back and said they wanted them to extend it as a public road. Right now, 63<sup>rd</sup> doesn't have a proper dead end; it just ends without a cul-de-sac or turnaround. That kicked them out of the short plat realm. Other agencies have already approved the pre-plat and now have approved their construction plans. That is why they were in front of the Commission with a lot more detail than is ordinarily on a preliminary plat. He said they have irrigation improvements and as a result, the neighbors below them will see more reliable water. It has been maintained and now they will be piping it. They worked with the water master across the street to understand what the irrigation situation was and they will have an upgrade for some of the downstream users. They do have water rights and will be providing pressurized irrigation.

Commissioner Williamson commended the applicant for providing the pressurized irrigation plan with the packet. He said the city is using 'deferral' in lieu of saying 'a waiver' and if a new developer comes in or they make changes, what happens? Who is on the hook? Mr. Kerner said there is no pre-annexation agreement requirement in place for them and so what would trigger that deferral, he couldn't say. He thinks they are keeping their options open. He believes somebody used it against them in the past. He said it is a deferral for a situation that will not come to pass. Commissioner Williamson said the city could say "waiver" instead of "deferral" and put significant compliance language in the letter.

Commissioner Sheets said he was still concerned about this; he read the language in the letter. Commissioner Sheets said the language in the letter doesn't square with the testimony Mr. Kerner just gave. He would like to see the deferral agreement to know exactly what is going on. He asked if they say those things have to be constructed, who will construct it? Will it be you, the residents or will there be an improvement district created? Those are questions that are relevant to the plat and the county is being asked to waive those requirements. Do they have the deferral agreement? Mr. Kerner said no, there is no pre-annexation agreement just the letter from the city. Mr. Kerner said it is confusing and although he sees why they worded it that way, he doesn't have the answer why they did it. This would take place at such time the property is annexed into the city, but they (the developers) are not asking to be annexed into the city. They are deferring it to a time that will not happen. Commissioner Sheets asked for confirmation that there was no other document that referenced the deferral. Mr. Kerner said no. He said they never had to attend a meeting. They asked for the letter but they were never invited to meet with city staff. Commissioner Sheets said he is not comfortable with this because he doesn't know what it means. They have a letter from 3 ½ years ago but it's vague. He would want more clarification on this.

Commissioner Nevill was wondering if they should keep everyone here if they are going to postpone this case. He also doesn't know what it (the letter) means. If they are going to postpone, should they postpone now and let the folks go home with the understanding they will have to come back or get through all the testimony and then postpone?

Chairman Sturgill said there could be a motion to continue at any time but without a motion to continue, they should move forward with testimony from everyone who is here.

Commissioner Nevill said they have folks here that might not be able to come back, so they should probably try to get through the testimony (now). He looked at the map and inquired if Mr. Kerner knew how many more years were on the gravel pit. Mr. Kerner said there is a home on 10 acres immediately to the east of their property and pointed out where the Highway 16 interchange was going to be. Planning Official Dan Lister said the gravel pit permit expired in 2020. The gravel pit was approved before the County's requirements of a conditional use permit so it is a legal, non-conforming gravel pit and does not



have a 'shot clock' date. Commissioner Nevill asked how flat the property was. Mr. Kerner said it is not very flat. He said it has rolling terrain with some peaks and valleys. Commissioner Nevill confirmed that as they develop the property, they will smooth the property out. How will they get water to the property to the south because the plan talks about irrigation on rotation. Will there be a water users' agreement? Mr. Kerner said there will be for the people in their development. They will receive their irrigation water, use only their allotted water rights and discharge it out the historic discharge point for the people to the north to use. Commissioner Nevill confirmed that it was the people to the north who had unreliable water in the past.

Commissioner Villafana asked about deferred improvements: were they already planning on completing some of them or will they defer them all? Mr. Kerner said they were deferring them all. They are not proposing any landscaping, curb gutter or street lights.

Commissioner Nevill asked how they plan on retaining the runoff water. Mr. Kerner said they will have a pond on the easement. They aren't calling it a common lot. They prefer an easement because it doesn't subtract from the lot size but the highway districts like the redundancy of maintenance. He said if the HOA doesn't retain it or fails, they won't have to maintain it. If it is on a private lot, the owner of the lot will maintain it.

Chairman Sturgill said there it is possible they may postpone this item and if they do, he suggested it might be easier to consider putting in those amenities up front and ignore the deferral the city is offering them.

#### **Tom Hood – IN FAVOR – 6405 83<sup>rd</sup> Ave. SE Snohomish, WA 98290**

Mr. Hood represents the owner of the property, Patricia Dodson who is his mother-in-law. This property has been in her family since the 1940's. They have used it as agricultural land and was zoned Ag until 2016. Up until 10 – 15 years ago, it had animals on it and they leased it out to someone with cows. They maintained the onsite irrigation and laterals and kept those functioning well. For the last 10 – 15 years, it has become overgrown. He had the irrigation canal cleaned out and fixed, to re-establish flow to North 62<sup>nd</sup> Street. He wanted to address the issue of deferral. He said what they have here is an urban growth or impact area. Urban plats can be done to the standard of the underlying municipality or a rural plat to rural standards. He said what they have here is a rural plat to rural standards, He said Nampa is saying because these are one acre lots, they don't want them to do curb, gutter sidewalks and illumination because it doesn't make any sense. However, if a future post annexation land use application comes in, they might want those improvements and they would be required. Mr. Hood said that is what Caleb was stating in his letter, although the language is a little wonky.

Commissioner Williamson asked if one person wanted to annex into the city a number of years down the road, would that trigger the whole neighborhood to have to make the improvements? Mr. Hood said all the property owners in the development would have to agree to annex into the city and if they did, they would all be required to make the city improvements.

Commissioner Nevill asked who would pay for the improvements if at some time in the future, they are annexed in and the deferral is no longer applicable. Mr. Hood said if there is a land use action involved, the developer or the current owner would pay for the improvements. In that case, the owner would be the developer.

#### **Patty Jordan – IN FAVOR – 1912 Glen View Drive Nampa, ID 83686**

Ms. Jordan said she has property that is close to Mr. Hood's property. In answer to the question on the gravel pit, the gravel pit is almost finished with any gravel they have, they are actually only doing concrete now. It is moving east. She pointed out where the city sewer line was on a map. She had talked to Mr. Hood about getting the city sewer line to her property. The City had purchased 80 feet to extend Stamm Lane which will meet Highway 16. She talked to her neighbor who was originally going to allow her to extend the sewer line through his property but he changed his mind. She asked when does eminent



domain kick in? There are eight of them out there that could use that infrastructure and it's clear the city wants to go down the north side of his property.

Commissioner Nevill asked Ms. Jordan to point out her property and where she wanted the city sewer line to run to her property. He asked if she had any issues with the proposed improvements and Ms. Jordan said no.

**Patty Wolfkiel – IN OPPOSITION – 6220 E. Willow Avenue Nampa, ID 83687**

Ms. Wolfkiel lives just north of the project. She said they never have any police out there at all unless the fire trucks come out there for someone's medical issue. The easement they want to use on North 63<sup>rd</sup>, they already have people traveling 100 mph off Robinson Road. She doesn't know how they are thinking that is going to be a good roadway because it isn't flat. She is concerned about the additional traffic. She said when they talk about the water, she doesn't know how they think the irrigation going to be any better. She only has a tiny drainage ditch in front of her property; that's all they have ever had. Traffic is a concern and water is a concern. They have some people in their subdivision that are having well issues. The big thing is adding more people on and off Robinson and they already have people who don't drive 25 miles per hour. The Sheriff's office won't come and patrol their area.

Commissioner Nevill asked if people will use Stamm Road if it is extended. Ms. Wolfkiel said no, not if they want to get to Franklin Blvd, the Idaho Center or the cheese factory. They will still come down Robinson. She said the interesting thing is every time you talk to someone at the city, they change their mind. They can't tell them right now what they want to do at Stamm and Robinson. She said they are doing some kind of big study to figure out what is the best thing for Stamm Road.

Commissioner Williamson asked how long she lived at her current residence. Ms. Wolfkiel said 40 years. Chairman Sturgill said the applicant has the right to develop the property as a result of the rezone so they are just trying to ensure the plan they are putting in place is appropriate and meets all safety and essential services. He asked if she had any proposals for the applicant in terms of how to address the speed issue? Did she want speed bumps? Ms. Wolfkiel said they asked the Highway District for speed bumps in their subdivision but they said no. She said this is in one of those odd spots, it's cresting a hill there. She wouldn't advise they enter off Robinson because that would be a horrible danger to the people who live there. She doesn't have an answer; where that property is at and what they want to do with it, it's an odd situation.

Commissioner Williamson clarified that she was not saying this development will access Robinson Road. Ms. Wolfkiel said she was saying they wouldn't want to access Robinson Road.

**Carol Carroll – IN OPPOSITION – 6237 E. Willow Avenue Nampa, ID 83687**

Ms. Carroll lives on the corner of 63<sup>rd</sup> and E. Willow. She has some concerns about 63<sup>rd</sup>. She also pulls out on Robinson and she might have to wait for 25 – 30 cars each way now that there are all those industrial buildings on Franklin. They have a lot more traffic. She wasn't sure what the plat was and if they were going to try to come out of the subdivision on Robinson or 63<sup>rd</sup>. 63<sup>rd</sup> is a concern of hers as there is a lot more traffic. She said she has been there a long time and they don't have water. There is a stream that kind of comes down and she has paid Nampa Meridian (Irrigation District) for years but they don't have water. No one she knows uses (Irrigation District) water. She put in her own irrigation well. Everyone figured out their own water but it doesn't come from Nampa Irrigation. Her other concern is that she has a well with lots of sand in it. She just put in a new well a year ago and one of these days she might have to dig it deeper. Water is a big concern.

Commissioner Nevill asked if when she said she put in a new well, did she mean a new pump? She said no, she put in an irrigation well and she shares the domestic well with another property. They each had their own pump in that well. They have since dug their own well. She has been there since 1974. Commissioner Nevill said he was confused why the city bought the easement for the extension for Stamm Road if they aren't going to use Stamm for this development. Is there another property to the north that



requires access? Does she have any idea? Ms. Carroll thought the idea was with Highway 16 coming, they were trying to get another road to go through to McDermott because the traffic is so bad.

**Philip Hanson – IN OPPOSITION – 1118 N. 62<sup>nd</sup> Place Nampa, ID 83687**

Mr. Hanson's concern is irrigation. He is directly north of the property. It is confusing why the city bought the property to extend Stamm and where it is going to end up. If they extend Stamm, it ends up on another guy's property. If they aren't accessing the property off Stamm Road, it's confusing to him. He had irrigation for one year when there were cattle on the property. He was able to get water on his property through that (the subject) property after he dug some lines down. He had little head gates on his part of the property. If it is developed, how is he going to receive the irrigation water? He is irrigating off his well right now. There is traffic turning down Willow Road and doubling back up which is going to create a lot more traffic there. He said he doesn't know if he is in opposition; it might be nice to have it developed and improve the area. But it is steep and hilly. He said it is like a bird reserve; there are a ton of hawks there and it will impact all that too.

Commissioner Nevill asked if he was getting tail water or an actual water delivery from canal somewhere. Mr. Hanson said they were getting water which traveled through the subject property to his. Mr. Hanson said he gets a bill from the Nampa Meridian Irrigation District and he had access to that water for one year. The trees are all falling down; it is just dilapidated. He felt uncomfortable going on the property and digging around trying to get water to his property but it would be nice to be assured that he would have irrigation water.

**Tom Hood – Applicant (Representative) – REBUTTAL – 6405 83<sup>rd</sup> Ave. SE Snohomish, WA 98290**

Mr. Hood said it really is a local neighborhood road serving only the Starcrest subdivision; the speeding is presumably residents and their invited guests. He said maybe some self-policing would be helpful. He said while the Highway District wasn't too keen on speed bumps, maybe they would be amenable to some other traffic calming measures. According to the Institute of Transportation Engineers' (ITE) trip generation manual, their development would only produce seven trips in the peak hour. That is one car every nine minutes. Regarding the irrigation issue: there is a distribution box on the southwest corner of the property. It laterals into the property and it discharges into a ditch along Robinson Road which then is picked up in a channel that cuts across the corner of their property. They have had a contractor clean up the channel that crosses their property and re-established it (the water flow). They have a full water right for the property. The gate/distribution box is controlled by the local water master. Not only will they continue that historic discharge location but it has capacity to be sent down to the Starcrest Subdivision. When he was down there, he did see the water flowing so there is water in the system. The Starcrest Subdivision is an old plat and he researched the wells. He found that most of those are old wells which are very shallow and going into the first ground water aquifer. The wells they drill as part of this project will be in much deeper aquifers. There won't be any negative impact to the shallower wells.

Commissioner Sheets asked if he would be casing and sealing down to that target aquifer so there won't be co-mingling of aquifers by perforating the upper layer and have it drain down to the second one. Mr. Hood said those were Idaho Department of Water Resources requirements.

Commissioner Williamson asked if the Commission votes on continuing this, how much time would they need to get answers from the city of Nampa on an explanation on their waiver/deferral? Mr. Hood said he would call Caleb tomorrow and he thinks he could get clarification within a week or so unless Caleb was on vacation for a couple of weeks.

Planning Official Dan Lister explained more about the deferral; that it isn't simply an annexation, that it is tied to annexation and additional development. He explained the Commission's decision options on this case.

**MOTION:** Commissioner Sheets moved to close public testimony on Case SD2018-0013, seconded by Commissioner Nevill. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Sheets said when it comes down to the deferral, it's important to understand what they are talking about. Based on the representation by the applicant, the only thing they have is this letter which comes down to four lines. He is not sure how the city would even enforce it because you would have to have an agreement saying what they require, saying they agree or not agree to it. If it is something the city wants, he feels they can be more explicit. He thinks this is a county project and county standards. He feels like something is hiding out there. He doesn't have all the information here to make a decision and he doesn't know how the city would enforce the letter. He is in favor of continuing this and get some sort of answer from the city. The second option would be recommending waiver of those requirements. Commissioner Sheets' concern is that there is something out there he doesn't know about. How can they issue a letter saying they defer it without an enforcement mechanism there?

Chairman Sturgill said he is concerned that there is a financial overhang for future residents with lack of notification for future liability.

Commissioner Sheets agreed.

Commissioner Nevill asked how soon they could schedule this item to be brought back? Planning Official Dan Lister replied they could schedule it for either August 3<sup>rd</sup> or August 17<sup>th</sup>.

Commissioner Sheets said he thought two to three weeks was too short for municipal matters and said he was comfortable with August 17<sup>th</sup>.

Chairman Sturgill requested that they bring up any other issues before the motion to postpone so they are on the record.

Commissioner Nevill said he would also like an explanation on what their plan is for the extension of Stamm Lane. Does that mean they are going to have an intersection and then keep going? He would like more explanation because if it is going to be extended, it could change the area.

Commissioner Williamson said he would like clarification on where the drain is going to be and how it will go to the north, so the neighbors will be prepared to receive the water. He would like to see either a drainage plat map or have it added to the preliminary plat to better illustrate where the drainage would go.

**MOTION:** Commissioner Nevill moved to postpone Case SD2018-0013 to a date certain of August 17, 2023. Motion seconded by Commissioner Sheets. Roll call vote: 5 in favor, 0 opposed, motion passed.

- **Case No. RZ2021-0059/Bob Unger – Black Summit:** Black Summit LLC (Brett Hughes) represented by Bob Unger is requesting a Rezone of approximately 10.39 acres from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone-Single Family Residential) zone. The subject property, R30566 is located adjacent to 7722 E Victory Road, Nampa, in the SE ¼ of the SE ¼ south of the Ridenbaugh Canal in Section 20, T3N, R1W, BM, Canyon County, Idaho.

**Planner Samantha Hammond** reviewed the Staff report for the record.

**Chairman Robert Sturgill** affirmed the witnesses to testify.



**Testimony:**

**Bob Unger – Applicant (Representative) – IN FAVOR – 901 N. 29<sup>th</sup> Street Boise, ID 83702**

Mr. Unger is representing the developer of the project. They are proposing 13 lots with an average of 20,000 square feet per lot. They are extending Nampa city water to the project which is about 250 feet from the west. They have signed a pre-annexation agreement with the city of Nampa which does provide for the water. Sewer service is not available to them. They are proposing a Nampa city rural road without curb and gutters but with an asphalt sidewalk on one side. They are building the road to the city of Nampa standards so when the city annexes the development they can take it over as a city street. They are putting in pressurized irrigation system. They do have water rights and access to the canal on the northern border of the property.

Commissioner Nevill said he is trying to figure out which of the 19 total lots are not buildable lots. Mr. Unger explained the 19 lots. There are three landscape buffer lots down by the road and the private road itself is a lot. Lot 13 is a large common lot which also will handle storm drainage. There is an additional lot to the east towards the cul-de-sac which is also a small drainage lot.

Commissioner Nevill asked staff to make this condition accurate, he didn't want to have "average lot size of one acre" because it wasn't true. Should draft condition of approval #2 say "....13 buildable lots and something about the hook up to the city water which allows that"? Planning Official Dan Lister suggested removing the verbiage "1 acre average lot size" and just stop at "13 lots" because the next condition of approval talks about meeting city requirements. He said the city will do a subdivision review according to their code which means they will either waive requirements for city improvements or not. There is a mechanism in condition #3 for city review for those hook ups.

Commissioner Nevill said drainage lot #11 is against the Ridenbaugh Canal, who said the development will have to maintain drainage on site. How do we keep drainage out of the Ridenbaugh Canal? Mr. Unger said the entire lot will not be used for drainage; it is a common lot for drainage and a park-like area. He said from the center of the canal, there is a 50 foot easement on either side and any drainage facility that they would create would have to be out of that easement, so they are looking at a grassy swale-type drainage. Commissioner Nevill asked how Mr. Unger would protect the canal from people. Mr. Unger said they will be fencing the canal.

Commissioner Sheets wanted to talk about the home site that is being surrounded. What is the situation with that and what discussions has he been having with those people? Is there a history to it? Mr. Unger said they did a one time split off the overall parcel and the owners have their home on that lot with a second home on the parcel. It was done in preparation for the sale of the rest of the property to his clients. Commissioner Sheets asked if that lot would be incorporated into the plan if there was an HOA? Mr. Unger said no, there was not.

**Ray McCombs – IN NEUTRAL – 7716 E. Victory Road Nampa, ID 83687**

Mr. McCombs said they live in the middle and sold the property to the developer. His only question was that when they first started and drew out the plat, there were going to be 9 homes. It keeps growing but there is no more acreage. He asked what is it going to be next year? They are kind of bothered by that. He asked if there is just one road into the subdivision, will there be curbs and gutters and what size the homes will be.

Chairman Sturgill said staff has recommended conditions on the rezone that will limit the number of properties and that number will not increase. Some of the questions relate to the preliminary plat and they aren't reviewing the plat tonight. He asked staff about the curbs and gutters. Planner Samantha Hammond said it seems that Bob Unger's intent seems to be to have curbs and gutters but that will also be decided at the time of the plat.

Planner Samantha Hammond said they don't regulate the size of the home, just the setbacks.

Commissioner Nevill asked if Mr. McCombs preferred nine lots and Mr. McCombs said yes, that was the original agreement.

**Bob Unger – Applicant (Representative) – REBUTTAL – 901 N. 29<sup>th</sup> Street Boise, ID 83702**

Mr. Unger provided a little history for this project. In the first layout of the property, they were looking at nine 1 acre lots but that was prior to the city agreeing they could bring city water to the site and was prior to finding out from staff that if they brought in water to the site, they could have smaller lots. They added four lots to offset the cost of bringing water to the site. There was nothing in the sales agreement restricting the number of lots his clients could build on the property. City of Nampa has reviewed the road and it is a Nampa rural road section. They will look at the road again as a part of the preliminary plat process.

**MOTION:** Commissioner Williamson moved to close public testimony on Case RZ2021-0059, seconded by Commissioner Sheets. Voice vote, motion carried.

**DELIBERATION:**

Chairman Sturgill expressed a concern that looking at condition #3, there is reference to conditions and comments by the city of Nampa's letter unless otherwise waived by the city. He said what that suggests to him is the city of Nampa could waive all of their conditions and comments and the County could be left with conditions that do not reference connection to city services. He believes it makes sense to have a condition in there on connection to city services if they are going to allow more than nine buildable lots. He said that would be adding a Condition #5 or an extension to Condition #2.

Planner Samantha Hammond suggested getting rid of "with an average lot size of one acre" on Condition #2 and adding "contingent to connecting to city water".

Commissioner Sheets agreed with adding that requirement. He said hooking up to city services like that is a necessary part of it and ultimately you will have septic on less than an acre which is subject to Southwest District Health authority.

Commissioner Nevill said he is not sure what was just stated was understood by the McCombs; that if they have an issue with the 9 versus 13 lots, it is not the Planning and Zoning Commission's issue, it's an issue for the lawyers. He confirmed that they understood that.

**MOTION:** Commissioner Williamson moved to approve Case RZ2021-0059 including the Findings of Facts, Conclusions of Law and modified Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Sheets. Roll call vote: 5 in favor, 0 opposed, motion passed.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Nevill moved to approve the minutes from 6/15/2023, seconded by Commissioner Villafana. Voice vote, motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Planning Official Dan Lister talked about adding training to the next two meetings, specifically from Idaho Transportation Department and the County's engineer to summarize the water workshops with the Board. They are also trying to get someone from the Vallivue or Middleton school districts to talk about their jurisdiction and concerns and County Code Enforcement.

**ADJOURNMENT:**

**MOTION:** Commissioner Sheets moved to adjourn, seconded by Commissioner Williamson. Voice vote, motion carried. Hearing adjourned at 9:49 pm.



November 9th, 2024

## Alyson Meadows Subdivision

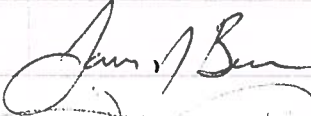
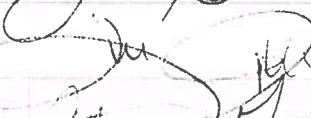
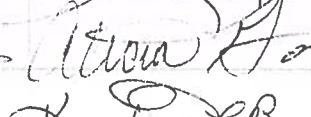
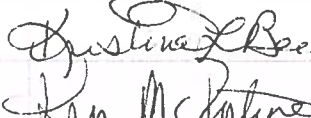
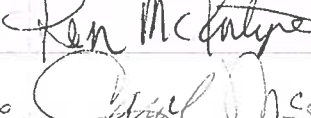
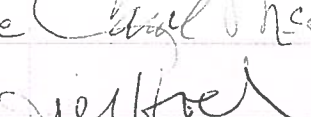
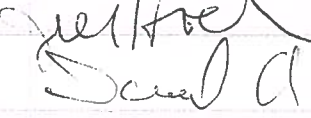
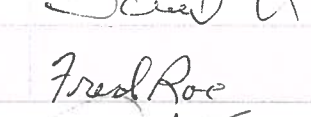
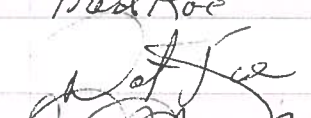
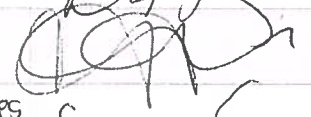
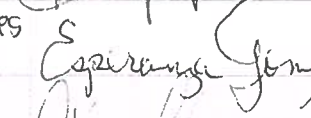
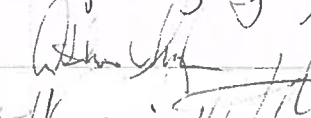


Case: SD2021-0039 – Subdivision Preliminary Plat

RECEIVED  
NOV 12 2024BY: Lo

To whom it may concern,

This letter of support represents the position of neighbors in the vicinity of parcel no. R35590 whose signatures can be found below. We support the Planning and Zoning Commission's recommendation (condition six) to waive the City of Caldwell requirements for this plat. This recommendation is in keeping with the rezoning and plat requirements previously approved by the Canyon County Commissioners for the adjacent subdivision, Tranquil Place, located East and contiguous to Alyson Meadows Subdivision.

Thank you,

Name	Signature	Address
Gary J. Beers		16840 W. Linden St - Caldwell
Luis Gonzales		19030 Birchwood Dr Caldwell
Alicia Gonzales		19030 Birchwood Dr Caldwell
Kristina Beers		16840 W. Linden St, Caldwell
Ken McIntyre		19113 Birchwood Dr. Caldwell
Carol McIntyre		19113 Birchwood Dr. Caldwell
Jill Hoel		19189 Birchwood Dr. Caldwell
David Hoel		19189 Birchwood Dr. Caldwell
Fred Roe		19213 Birchwood Dr.
Pat Roe		19213 Birchwood Dr. Caldwell
Cathleen Golden		19233 Birchwood Dr Caldwell
Esperanza Gonzales		19051 Birchwood Dr Caldwell ID
Arthur Gonzales		19051 Birchwood Dr. Caldwell ID
Dennis Mitchell		16748 W. Linden St Caldwell

November 9th<sup>th</sup>, 2024

Name	Signature	Address
Jason Miller	<i>Jason Miller</i>	19072 Birchwood Dr.
Tyler Smith	<i>Tyler Smith</i>	19248 Birchwood Dr.
Gary L. Beers	<i>Mary L. Beers</i>	16840 W. Linden St. Caldwell
<del>Linda Miller</del>	<del>Linda Miller</del>	<del>19072 Birchwood Dr. Caldwell</del>
Duplicate <sup>↑</sup> on other petition		

[illegible]

**November 9th<sup>th</sup>, 2024**

[illegible]



**Board of County Commissioners**  
**Alyson Meadows Subdivision Preliminary Plat SD2021-0039**

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**FINDINGS, CONCLUSIONS LAW, AND ORDER**

**Findings of Fact**

1. The applicant, Cory Swain, CS2, LLC and representative Elwin Butler, PE, are requesting approval of a preliminary plat and irrigation plan for the Alyson Meadows Subdivision. This proposed subdivision will consist eighteen (18) residential lots and one (4) common lots.
2. The subject property was rezoned from “AG” agricultural to “CR-RR” rural residential in case RZ2021-0047 approved on October 3, 2023.
3. The subject property is also known as parcel R35590 and is located at 0 Linden Street, Caldwell and located in the NW ¼ of section 32 Township 4N 3W Canyon County, Idaho.
4. The property is located within the Caldwell Area of City Impact. The City of Caldwell Director of Planning and Zoning and the City of Caldwell Engineering department provided comment and recommended conditions for the development. (Exhibits 6f, 6g, 6h and 6i)
5. The subject property is located within Pioneer Irrigation District jurisdiction. The district provided comment on the Cooper drain located on the West border of the development. (Exhibits 6d and 6e)
6. The development will be served by individual wells and septic systems.
7. Access to the public road system will be via Linden Road from a private road named Wolverine Lane. A private road application has been submitted with this preliminary plat application.
8. The subject property is located within Highway District Number 4 jurisdiction. Comments and requirements were provided by the highway district. (Exhibits 6a, 6b and 6c)
9. Stormwater runoff shall be conveyed to the roadside ditches along the private road and contained within the stormwater retention easements. All stormwater facilities are the responsibility of the Homeowner’s Association. If no homeowner’s association exists maintenance both routine and non-routine maintenance will be the responsibility of the property owner.
10. The development is not located in a floodplain (Flood Zone X).
11. The Planning & Zoning Commission forwarded the case to the Board of County Commissioners with a recommendation of approval and signed the FCO’s on September 5, 2024 (Exhibit I).
12. Notice of the public hearing was provided in accordance with CCZO §07-05-01. The impact agencies and City of Caldwell were notified on September 10, 2021. Agencies were noticed again on October 16, 2024. A newspaper notice was published on October 18, 2024. Property owners within 600’ were notified by mail on October 16, 2024. The property was posted on July 16, 2024.
13. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2021-0039.
14. Due to the character of the area and the indefinite annexation timeline, the additional infrastructure required by the City of Caldwell may not be in compliance with City standards at the time of annexation.

**Conclusions of Law**

Pursuant to CCZO §07-17-09(5): Board Action:

*“A. The Board shall consider the commission’s recommendation at a noticed public hearing.*

*B. The Board shall base its findings upon the evidence presented at the Board’s public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:*

- 1. The ordinance and standards used in evaluating the application;*
- 2. The reasons for approval or denial; and*



**Board of County Commissioners**  
**Alyson Meadows Subdivision Preliminary Plat SD2021-0039**

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*3. 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- 6513 (Subdivisions);
- B. Idaho Code, Section 31-3805 & 67-6537 (Water Rights/Irrigation Water Delivery);
- C. Idaho Code, Section 22-4503 (Right-to-Farm Act);
- D. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- E. Canyon County Code of Ordinances (CCCO), Article 17 (Subdivision Regulations).
  - a. The preliminary plat was found to be complete by Centurion Engineering (Exhibit 6p) subject to conditions of approval.
- F. Canyon County Code Section 09-01-01, Caldwell – Area of City Impact Agreement.
  - a. The property is located within the Caldwell Area of City Impact. Pursuant to CCZO Section 09-01-01, Caldwell – Area of City Impact Agreement, the city had the opportunity to review the plat application and render an opinion and recommendation to the County. On April 17, 2023, the City of Caldwell was noticed regarding the plat application which included a copy of the plat. The City of Caldwell responded with recommended conditions for the proposed preliminary plat. (Exhibits 6f, 6g, 6h and 6i).

**Conditions of Approval**

- 1. Plat shall comply with Canyon County Code of Ordinances Article 17 (Subdivision Regulations). Conditions shall be complied with per County Engineer letter, Exhibit 6p.
- 2. Update the revision block.
- 3. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
- 4. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation entity.
- 5. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved (Exhibit 6p).
- 6. The City of Caldwell requirements for this plat will be waived.
- 7. Plat shall comply with the requirements of Highway District No. 4. Evidence of compliance shall be Highway District No. 4 signature on the final plat.
- 8. The development shall comply with Southwest District Health requirements. Evidence of compliance shall be Southwest District Health's signature on the final plat.
- 9. An Irrigation Water User's Maintenance Agreement for all lots within the development shall be recorded with the Canyon County Recorder's Office prior to the Board signing the final plat.
- 10. Prior to the Board signing the final plat, an easement or common lot shall be added to provide a United States Postal Service community mailbox unless waived by the United States Postal Service.
- 11. The Final Plat shall comply with the International Fire Code as administered through Caldwell Rural Fire District. Evidence of compliance shall be written approval from the Caldwell Rural Fire District to be submitted to DSD prior to signing of the final plat.





**Board of County Commissioners**  
**Alyson Meadows Subdivision Preliminary Plat SD2021-0039**

12. A Road User's Maintenance Agreement (RUMA) shall be recorded in accordance with CCZO Section 0-10-03(1)B3 prior to the signing of the final plat. All parties using Birchwood Lane shall be subject to a RUMA or a new RUMA that includes all users for the construction and maintenance of the shared access/private road, including repairs, and necessary improvements to accommodate additional accesses in the future.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0039, the Board of County Commissioners **approves** case #SD2021-0039, the preliminary plat and irrigation plan for Kelly Ridge Subdivision subject to conditions of approval as enumerated herein.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

**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: \_\_\_\_\_



**Board of County Commissioners**  
**Alyson Meadows Subdivision Preliminary Plat SD2021-0039**

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DRAFT



**Date: October 30, 2024**

TO: Development Services, Canyon County  
111 North 11<sup>th</sup> Ave. Suite 140  
Caldwell, ID 83605  
C/O Michelle Barron  
michelle.barron@canyoncounty.id.gov

From: Matrix Engineering  
Elwin T Butler, PE  
208 739-8668  
ebutler@mat-eng.com

Re: Case# SD2021-0039, Alyson Meadows, Preliminary Plat

To Whom It May Concern,

Canyon County Planning and Zoning Commission recommends approval of the Preliminary Plat, SD2021-0039, Alyson Meadows. One of the Conditions of Approval is that "City of Caldwell requirements for this plat will be waived." See FCOS, Item 6, Conditions of Approval.

Based on the location of this property, it is highly unlikely that this property will become contiguous to City limits and be eligible for annexation per Idaho Statutes, Title 50, Municipal Corporations, Chapter 2, 50-222, Annexation by Cities. This code states that "subject land is contiguous to or surrounded by the city..." Based on current rural development, the subject land is surrounded by rural 5-acre residential county lots. See the Site Map Located on Page 3.

The properties to the east are county rural subdivision lots, (Rhetts Acres). The properties to the north are county rural subdivision lots, (Pleasant Ridge). The properties to the west are rural residential county lots. The properties to the south are county rural residential lots.

These existing lots are typically residential five acres or slightly larger. Each of the properties are or will be served with wells and septic systems located on each lot. These lots and access roads do not provide City services. At this point in time and in the distant future it is highly unlikely that any of these 5-acre rural residential county lots will annex and subdivided; thus, providing a contiguous annexation link to Alyson Meadows Subdivision. The only connection would be a shoestring connection which is not allowed by Title 50-222.

Public opinion of existing residents does not want City services provided in this area. Public opinion has expressed that they do not want Alyson Meadows to bring City services into the area, thus inviting other high-density developments in this area. In addition, it has been voiced that curb, gutter, sidewalks, and streetlights are all items the local residents do not want in this rural community. Residents would like the City, County Planning and Zoning Commission, and County Board of Commissioners to respect the property rights of this rural area by allowing this area to remain rural.

Providing a municipal water main along Linder Road will not benefit local residents, only the City of Caldwell. Each lot has or will provide a well for domestic water. Life expectancy of local domestic wells is twenty-five to one hundred years, pump replacement twenty to thirty years. There is little to no benefit for residents to pay for connection to City water unless their well has failed. Caldwell municipal water is not available and cannot be connected to unless the property is annexed. Thus, if Alyson Meadows constructs City water mains, connection is not allowed. The possible need for City water services would be at the end of the life expectancy of the domestic wells.

The City's proposed sanitary sewer system will require access easements through existing County residential lots located in Pleasant Ridge Subdivision and along a Birchwood Drive (private road), see City of Caldwell proposed sanitary sewer plan, page 4. It is currently understood that none of these easements have been acquired. Sanitary sewer mains constructed at this time will benefit only the City of Caldwell infrastructure expansion. Each lot has or will install septic systems and drain fields. Once these systems are constructed there is zero benefit for residents to pay for connection to City sanitary sewer services. The life expectancy of drain fields is twenty to thirty years. With proper maintenance, forty to one hundred years.

Connection to City utility services is not allowed without annexation. The City requires an annexation agreement committing Alyson Meadow's Lot Owners to pay the required connection and annexation fees at the time of annexation, even if they have functioning wells and septic systems. Based on the location of Alyson Meadows, annexation is not lawful until the surrounding rural county lots also agree to be annexed, connect to City Services, and pay annexation and connection fees. Once again, these rural county lots already have existing and functioning wells and septic systems and do not require the added expense of connecting to City utilities.

Alyson Meadows will provide easements and public rights of way meeting or exceeding the current City Street Standards. This development will provide a paved access road, pressure irrigation, drainage easements, and a land buffer along Linden Road. Alyson Meadows supports the residents' desire to keep this community rural. Alyson Meadows supports and will comply with the recommendations of Canyon County Planning and Zoning Conditions of Approval dated September 5, 2024.

Thank you,  
Elwin Butler, PE  
Matrix Engineering, Inc.

