



**Board of County Commissioners**  
**Canyon County Development Services Dept.**  
**AD2023-0020-APL**

<b>HEARING DATE</b>	December 5, 2024
<b>OWNER/APPELLANT</b>	Teresa Jardine
<b>REPRESENTATIVE</b>	N/A
<b>PLANNER</b>	Dan Lister, Principal Planner
<b>CASE NUMBER</b>	AD2023-0020-APL
<b>LOCATION</b>	7901 & 7943 Dearborn Road, Nampa (R29887011 & R29887011A)

### **PROJECT DESCRIPTION**

Property owner, Teresa Jardine, requests an appeal regarding the denial of AD2023-0020 for a non-viable parcel land division per CCCO §07-18-09 (Exhibit 1).

The affected properties are 7901 & 7943 Dearborn Road, Nampa (R29887011 & R29887011A); also referenced as a portion of the SE¼ of Section 30, T2N, R2W, B-M, Canyon County, Idaho.

### **BACKGROUND** *(See Exhibit 2.a & b for Parcel Information)*

The subject parcels are zoned “A” (Agricultural). The 2030 Canyon County Comprehensive Plan designates the property and surrounding area as “agriculture” with an “intensive agriculture” overlay. The 2020 Canyon County Comprehensive Plan also designated the property and surrounding area as “agriculture” (Exhibit 2.g).

Parcel R29887011 was created by the land division as a one-acre parcel in 2002 (LS2002-613). The primary dwelling was built via a building permit in 2005 (ZC2005-694). The parcel was adjusted into 1.75 acres in 2020 (AD2020-0050, Exhibit 2.c). A secondary residence per CCCO §07-10-27 and §07-14-25 was submitted in 2020 and received a permanent certificate of occupancy on February 3, 2021 (BP2020-0566, Exhibit 2.d).

In 2020, Parcel R29887011A was created by a quitclaim deed dividing the secondary residence from the primary (Inst. No. 2020-061621, Exhibit 2.e).

In 2020, a conditional rezone was submitted to rezone parcel R29887011 to an “R-1” (Single-Family Residential) Zone so the secondary residence could legally be divided from the primary dwelling on Parcel R29887011 (CR2020-0011). The request included an approved variance to allow the reduction of the lot size subject to the conditional rezone to an “R-1” zone being approved (AD2020-0134, Exhibit 2.f). The conditional rezone to an “R-1” zone was denied by the Board of County Commissioners on June 30, 2021 (Exhibit 2.g).

On March 15, 2023, a non-viable parcel land division per CCCO §07-18-09 and variance to allow a 0.75-acre lot size was submitted to DSD (AD2023-0020 and AD2023-0019). The variance was denied on March 23, 2023, due to the undue hardship being created by the illegal creation of Parcel R29887011A (Exhibit 2.h). The denial was not appealed by the applicant per Section 07-05-07 of the Canyon County Code of Ordinances (CCCO).

On April 15, 2024, the non-viable land division was amended to meet the one-acre lot size by including a property boundary adjustment with the farmland to the west, Parcel R29887 (Pancheri; Exhibit 2.i). On May 1, 2024, a pre-approval letter was sent to the applicant finding the request complied with

CCCO Section 07-18-09 and providing 120 days to comply with the requirements in the letter (Exhibit 2.j).

After 120 days, the requirements of the pre-approval letter were not met. The applicant was informed and provided time to comply (Exhibit 2.k.i, ii & iii). The applicant informed DSD that the Pancheri (Parcel R29887) no longer wished to adjust land to make Parcel R29887011A one acre. After notification and e-mail providing options (Exhibit 2.k.iv & v), the non-viable parcel land division was denied on September 24, 2024, due to the request not meeting the minimum lot size of one acre (Exhibit 2.l). A notice of decision was sent on September 25, 2024 (Exhibit 2.m).

On October 10, 2024, Teresa Jardine submitted an appeal of the decision (Exhibit 1) requesting the Board of County Commissioners approve the appeal and allow a lot size of less than one acre.

### **STAFF'S RECOMMENDATION**

Staff recommends the Board of County Commissioners deny the appeal upholding the Director of DSD's decision regarding AD2023-0020 (Exhibit 2.l). The denial of AD2023-0020 is due to the request not meeting the one-acre minimum lot size as required by code.

CCCO Section 07-18-09(2): *"Minimum Parcel: The proposed parcel created and its remnant shall be at least one (1) acre in size."*

A variance cannot be considered as part of AD2023-0020. The variance, AD2023-0019, was denied on May 23, 2023 (Exhibit 2.h). The property owner did not appeal the decision within the 15-day appeal period per CCCO Section 07-05-07(2)A: *"Appeals shall be filed with DSD within fifteen (15) calendar days after the date of the decision. A notice of appeal should include a statement of the reasons for the appeal and must be accompanied with all appropriate fees as established by the adopted fee schedule."*

### **DECISION OPTIONS**

The Board of County Commissioners may affirm, reverse, or modify, in whole or in part, the director's decision.

Draft Findings of Fact, Conclusions of Law, and Order based on the Director's Decision can be found in Exhibit 3.

### **EXHIBITS**

1. Appellant's Submittal
  - a. Master Application
  - b. Letter of Appeal, dated October 9, 2024
  - c. Letter of Appeal, received November 25, 2024
2. Supplemental Documents
  - a. Parcel Information Report – R29887011 & R29887011A
  - b. Aerial Map
  - c. AD2020-0050 – Property Boundary Adjustment Decision
  - d. BP2020-0566 – Secondary Dwelling
  - e. Quitclaim Deed #2020-061621
  - f. AD2020-0134 – Variance Decision
  - g. CR2020-0011 – Conditional Rezone BOCC Decision (FCOs)
  - h. AD2023-0019 – Variance Decision
  - i. AD2023-0020 – Amended Application
  - j. AD2023-0020 – Pre-Approval Letter
  - k. E-mails
    - i. August 6, 2024 – Dan Lister to Applicant, Alan Mills
    - ii. August 6, 2024 – Jay Gibbons
    - iii. August 30, 2024 – Dan Lister to Applicant and Owner, Teresa Jardine



- iv. September 11, 2024 – Owner to Dan Lister regarding Phone Discussion Recap
    - v. October 9, 2024 – Owner to Dan Lister regarding Appeal Submittal
  - l. AD2023-0020 – Non-Viable Land Division Decision
  - m. AD2023-0020 – Notice of Decision
- 3. Draft FCOs

**EXHIBIT 1**

**Appellant's Submittal: October 10, 2024**

-

Board of County Commissioners

Case# AD2023-0020 - APL

Hearing date: December 5, 2024



# APPEAL OF DECISION

## APPLICATION

<b>APPELLANT</b>	NAME: Teresa Jardine	
	MAILING ADDRESS: 7901 Dearborne Rd. Nampa, ID 83686	
	PHONE: [REDACTED]	EMAIL: [REDACTED]
Property owner: <input checked="" type="checkbox"/> Other Appellant: <input type="checkbox"/>		
Signature: <u>Teresa Jardine</u> Date: <u>10/9/2024</u>		

<b>REPRESENTATIVE: IF DIFFERENT FROM THE APPELLANT</b>	NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

<b>SITE INFO</b>	STREET ADDRESS: 7901 Dearborne Rd. Nampa, ID 83686
	PARCEL NUMBER: R29887011 & R29887011A
	PARCEL SIZE: 1.75 acres

<b>CASE NUMBER OF REQUESTED APPEAL:</b>	AD2023-0020
---	-------------

### FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	<u>AD2023-0020-APL</u>	DATE RECEIVED:	<u>10/10/24</u>
RECEIVED BY:	<u>LISTER</u>	APPLICATION FEE:	<u>\$600</u> CK CC CASH

Oct. 9, 2024

Dear Mr. Lister,

We are in receipt of the denial letter regarding case#AD2023-0020, our request to divide our parcel from our parent's parcel and create a split between the two parcels. The application was denied due to the fact that we did not meet the minimum lot size requirement of one acre. We wish to appeal that decision. We would like the opportunity to explain our case and the process it took to get to this point if possible. We have worked for 5 years to get it split and would have never started building in the first place had we known we would be turned down. It's been a long and frustrating process, as well as expensive. At this point, our only option is to apply for the variance again and hope it will pass. We have no hope of getting our brother and sister-in-law to agree to give us more land at this time.

We are already living on the parcel and have been for 3 years. We had plenty of room for our septic system and even room for an additional one, if ever needed, without the extra 1/4 acre. We respectfully ask that you consider an appeal to your decision. We are happy to answer any questions regarding this situation.

Respectfully.

*Teresa Jardine*

A solid black rectangular box used to redact the signature of Teresa Jardine.

November 25, 2024

**Dear Commissioners;**

**We are in receipt of the denial letter regarding case#AD2023-0020, our application for an Administrative Land Division for a non-viable parcel of farm ground in an agricultural zone. (CCZO Section 09-18-09) We are asking to divide our parcel from our parent's parcel and create a split between the two parcels. The lot-split will require a variance, and the variance was denied by the Planning and Zoning Department.**

**We wish to appeal that decision to the Canyon County Commissioners. We are asking that the variance be approved as well as the split of the 2 parcels using the non-viable farm ground ordinance. We would like the opportunity to explain our case and the process it took to get to this point if possible.**

**In reading over the documents on our case, it is clear there are many misconceptions on how we got to where we are today. We have worked for 5 years to get it split and during that process, we have worked closely with County employees to make sure we were following policy and doing things correctly.**

**We feel Keri Smith, former CC Commissioner, who came in late in the process, did not understand the whole situation and jumped to conclusions that simply were not true. We were told by Smith that if the non-viable farm ground ordinance were in place, she would have passed it. We were told several months ago that the ordinance was put back on the books and are hoping that our property now qualifies. At this point, approval of the variance and conditional split for a non-viable piece of farm ground is our only avenue left.**

**We are hoping that common sense can prevail in this case and that we are able to prove we went through every step of the process before starting our build, to comply with the County ordinances. We worked with Planning and Zoning from the very beginning, and following their recommendations, increased the lot size to  $\frac{3}{4}$  acre and applied for the variance, which was granted by Planning and Zoning, and who also recommended the split be approved.**

**Due to Covid shutdowns, the process was backed up several months. Communication was almost impossible during that time. We waited an extra 4 months to start building due to the shutdown and the housing prices were skyrocketing at that time. It cost us an additional \$30-40K waiting for answers and working through the system, but we did work through the system and followed the recommendations we were given.**

**After 5 years, we are still trying to get our home legally in our name. We have done everything that was asked of us. We did the due diligence prior to building and feel the system failed us and continues to fail us because the facts of our case were misunderstood by someone who came late to the game and seemed to have an agenda of her own. If we are not able to get it passed this time, we will be**

forced to sell our home when our parents, who are in their late 80's, pass, as our home will be tied to their estate and therefore owned 1/3 each by the two other sisters in the will.

We would like the opportunity to present our case to the Canyon County Commissioners in hopes of helping them understand the case better, so they are able to see the non-viable farm ground ordinance was created for exactly this situation. We took a non-viable piece of farm ground that was useless land, being maintained with chemicals to keep the weeds under control. We turned it into a beautiful home without disturbing farm ground, created a taxable income for the County and disturbed no one around us. We pray we can bring an end to 5 years of worry, expense and frustration and look forward to the opportunity to present our case on Dec. 5<sup>th</sup>.

Sincerely,

A handwritten signature in cursive script that reads "Teresa Jardine".

Teresa Jardine









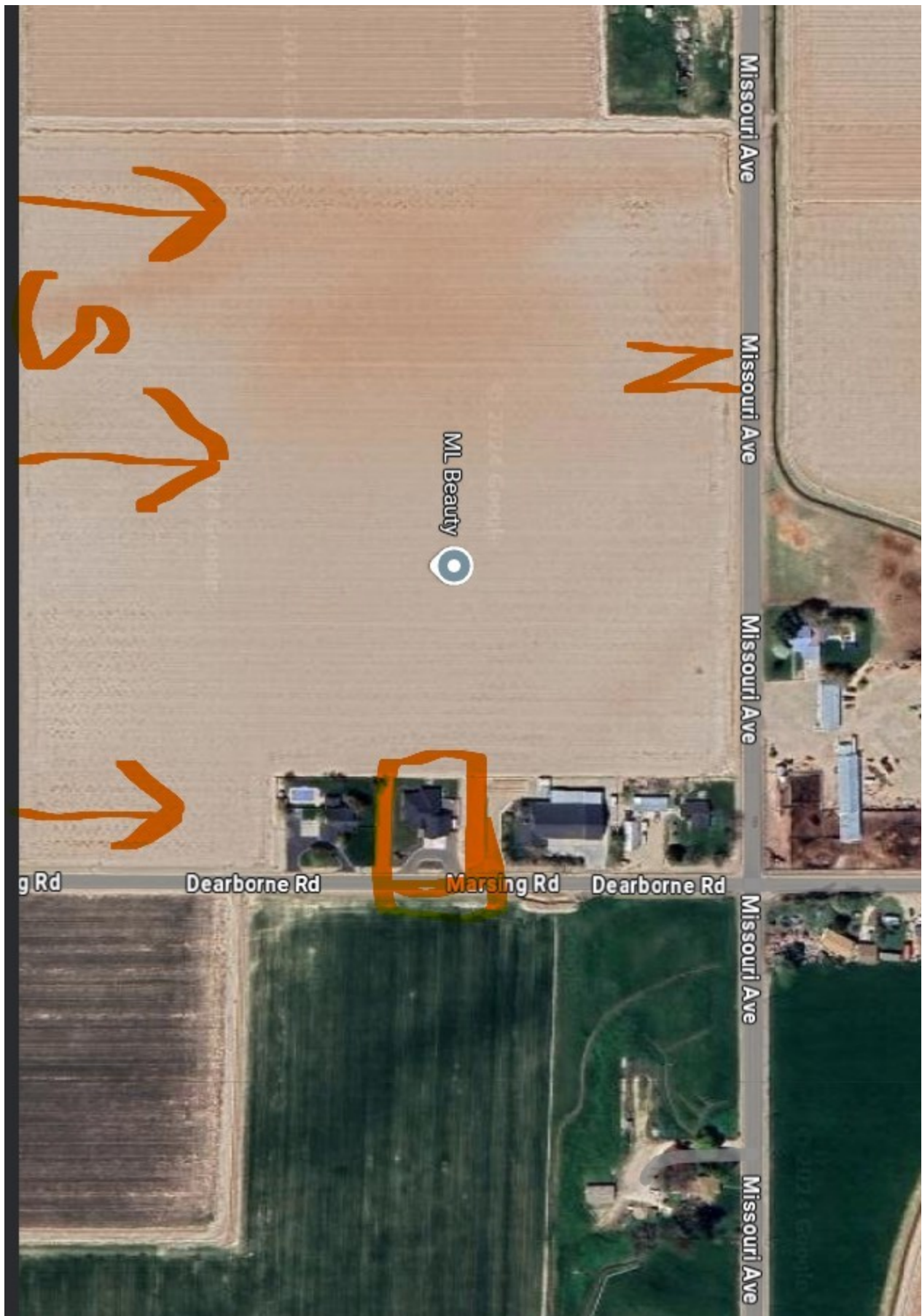


Exhibit 1.c - 5

**EXHIBIT 2**

**Supplemental Documents**

-

Board of County Commissioners

Case# AD2023-0020-APL

Hearing date: December 5, 2024

## Exhibit 2.a

CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TOOL.

# R29887011 PARCEL INFORMATION REPORT

11/15/2024 9:42:03 AM

PARCEL NUMBER: **R29887011**

OWNER NAME: **JARDINE TRUST**

CO-OWNER: **JARDINE JOHN W TRUSTEE**

MAILING ADDRESS: **7942 DEARBORNE RD NAMPA ID 83686**

SITE ADDRESS: **7943 DEARBORNE RD**

TAX CODE: **0160000**

TWP: **2N** RNG: **2W** SEC: **30** QUARTER: **NE**

ACRES: **1.00**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **NAMPA HWY DIST #1**

FIRE DISTRICT: **UPPER DEER FLAT FIRE**

SCHOOL DISTRICT: **NAMPA SCHOOL DIST #131**

IMPACT AREA: **NOT In Impact Area**

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

FLU Overlay Zone Desc 2030: **INTENSIVE AGRICULTURE OVERLAY**

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **INTENSIVE AGRICULTURE OVERLAY \ AG**

IRRIGATION DISTRICT: **BOISE PROJECT BOARD OF CONTROL \ BOISE KUNA IRRIGATION DISTRICT**

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY** FIRM PANEL: **16027C0500F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **ADA CANYON**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2020061621**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **30-2N-2W NE TX 20305 IN NENENE LS TX 20600**

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.

## R29887011A PARCEL INFORMATION REPORT

11/15/2024 9:43:18 AM

PARCEL NUMBER: **R29887011A**

OWNER NAME: **JARDINE TERESA D**

CO-OWNER: **JARDINE MICHAEL JAMES**

MAILING ADDRESS: **7901 DEARBORNE RD NAMPA ID 83686**

SITE ADDRESS: **7901 DEARBORNE RD**

TAX CODE: **0160000**

TWP: **2N** RNG: **2W** SEC: **30** QUARTER: **NE**

ACRES: **0.75**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **NAMPA HWY DIST #1**

FIRE DISTRICT: **UPPER DEER FLAT FIRE**

SCHOOL DISTRICT: **NAMPA SCHOOL DIST #131**

IMPACT AREA: **NOT In Impact Area**

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

FLU Overlay Zone Desc 2030: **INTENSIVE AGRICULTURE OVERLAY**

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **INTENSIVE AGRICULTURE OVERLAY \ AG**

IRRIGATION DISTRICT: **BOISE PROJECT BOARD OF CONTROL \ BOISE KUNA  
IRRIGATION DISTRICT**

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY** FIRM PANEL: **16027C0500F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **ADA CANYON**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2022014656**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **30-2N-2W NE TX 20600 IN NENENE**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



### DISCLAIMER:

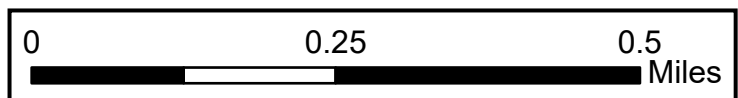
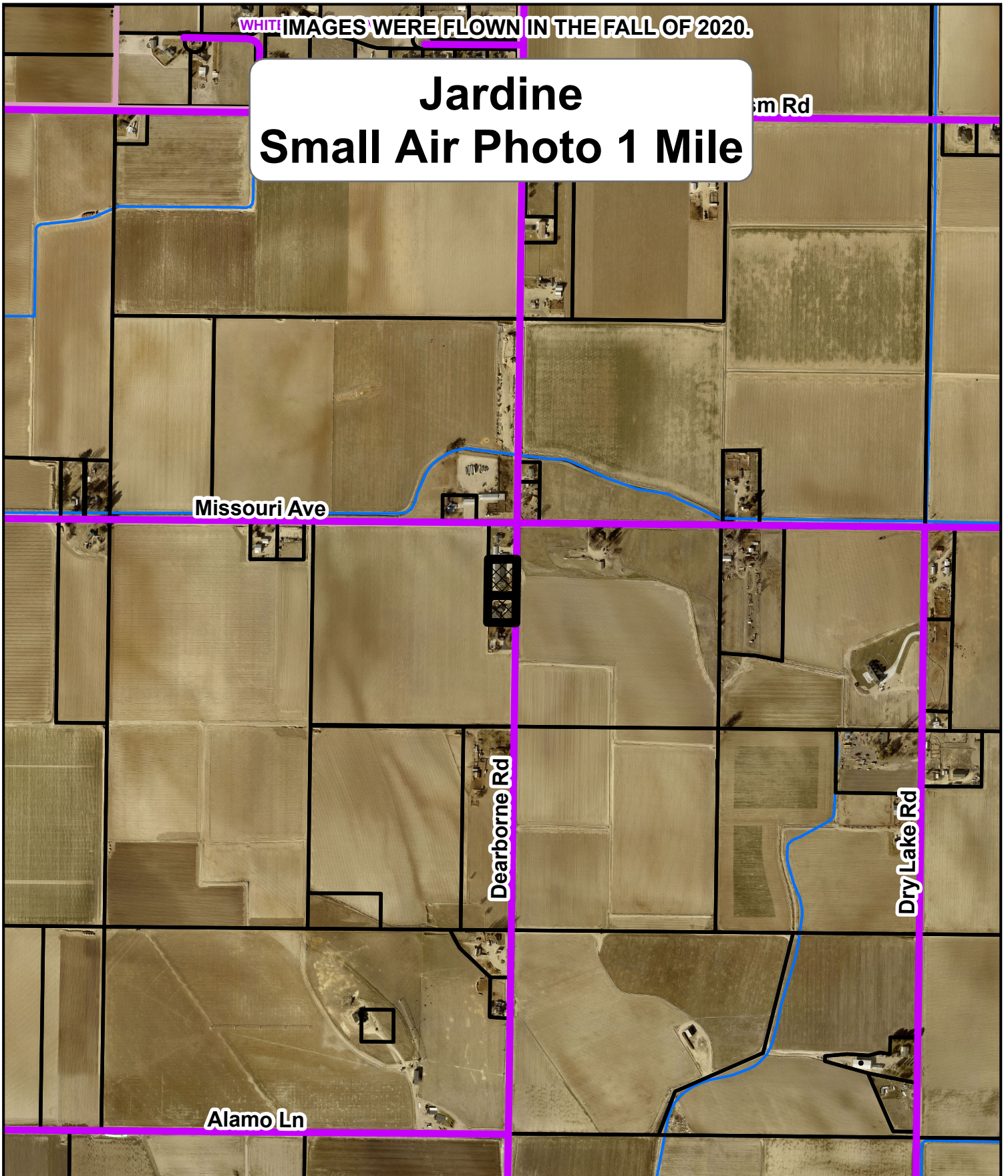
1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED 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.



WHITE IMAGES WERE FLOWN IN THE FALL OF 2020.

# Jardine Small Air Photo 1 Mile







**Director Decision**  
**Property Boundary Adjustment**

Development Services Department  
 Canyon County Code of Ordinances 16-007 - §07-10-17

2020-026995

RECORDED

05/21/2020 10:39 AM



00519776202000269950040049

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 PBRIDGES

\$19.00

MISC

SKINNER LAND SURVEY

**Case Number:** AD2020-0050  
**Parcel #(s):** R29887 & R29887011  
**Property Owner (s):** Kurt Pancheri

**Request:** The applicant is requesting to complete a property boundary adjustment affecting property lines of two contiguous parcels. The parcels, R29887 and R29887011 are zoned "A" (Agricultural). The owners are family and are looking at adding a secondary residence and would like more space. Access for the property will be off of Dearborn Rd.

**History:** Parcel R29887 was originally a 40 acre quarter section, the NE parcel (R29888) was split off prior to 1979 in 1978. The remaining parcel was considered original and underwent an administrative land division in 2001 (LS2002-613) which split it into two parcels of 1.13 acres (existing Parcel R29887011) and 38.12 acres (existing Parcel R29887).

**Findings:** The result of the request does adjust the property boundary more than 80 feet; however, the adjustment will not cause injury, damage or a safety hazard to surrounding parcels and property owners. The adjustment does not create additional parcels or non-conforming parcels, and does not result in the relocation of a building permit. The affected parcels are not platted. This application with supporting documents is in substantial compliance with the requirements of the effective zoning ordinance §07-10-17. The applicants have signed the application for a property boundary adjustment and fees have been paid.

The subject parcels will be modified in accordance with Instrument No. 2019-025801 as follows:

Parcel #:	Existing Acreage	New Acreage
Parcel A	38.12	37.665 ± acres w/existing residence
Parcel B	1.13	1.747 ± acres w/ existing residence & proposed secondary residence

**Decision:** The application documents, including the metes and bounds description(s), and the record of survey complies with CCZO §07-10-17. Therefore, the property boundary adjustment is hereby APPROVED.

*Patricia Nilsson*

Patricia Nilsson, Director

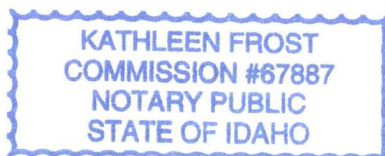
*May 19, 2020*  
 Date

State of Idaho )

SS

County of Canyon County )

On this 19<sup>th</sup> day of May, in the year of 2020, before me Kathleen Frost, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.



Notary: K. Frost

My Commission Expires: 6-3-2022





# Permanent Certificate of Occupancy

Development Services Department

111 North 11th Ave., Suite 140

Caldwell, ID 83605

Zoning: (208) 454-7454 Building: (208) 454-7460

Occupancy Issued:

2/3/2021

Tracking Number: bp2020-0566

<b>Owner:</b> JARDINE TRUST 7942 DEARBORNE RD NAMPA ID 83686,	<b>Parcel :</b> 29887011 0 7901 DEARBORNE RD Nampa ID  Sec: 30 Twn 2N Range: 2W Qtr: NE :  Sub:  Lot(s): Block:
<b>Project Info:</b> 35 N HASTINGS DR NAMPA ID 83687  Proj. Value: \$278,284.10 Item No: 101 Single Family Residence Proj. Type: New OCC Type: Garage Attached OCC Group: U OCC Load:	CNST Type: VB Zoning: A Code Edition: 2012 IRC Auto Sprinkler: No

Description: NEW SEC. RES W/ATTACHED GARAGE/ Plans show only Front at 60' but informed customer they need to be 70' so they need to move home back to meet setbacks. Homewoner stated that builder was aware and would move the house. 7-24-2020 jlm Final Fire in office 1-22-2021 jlm/ Final SWDH in office 2/3/2021 jlm

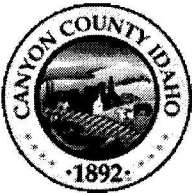
## Standard Zoning / Building Condition(s)

- ☐ By signing this certificate the applicant understands that Fire Districts may require sprinkler fire suppression for inhabited structures over 3600 sq ft including attached garage.
- ☐ Address numbers must be illuminated or reflective and displayed on the residence, at the driveway entrance and at the approach to the public road.
- ☐ Driveway to be constructed prior to final inspection.
- ☐ Final fire district approval of the required turn around, and certification that the road has been constructed to County private road/driveway standards, must be received by DSD prior to a final building inspection.
- ☐ Final SWDH Permit required in office or verified by inspector before final.
- ☐ £ 07-14-25: SECONDARY RESIDENCE:  
 (1) The owner of the lot or parcel containing the secondary residence must live on site.  
 (2) The secondary residence must have its own address and address numbers shall be placed on the home for emergency purposes. (Ord. 16-001, 1-8-2016)
- ☐ Property owner is responsible for identification of all property boundaries to measure setbacks from. Property owners shall not build any structure on/in an easement and it shall be the owner's responsibility to locate those easements. Structures must be at least seventy (70) feet from a section line or quarter-section line, unless approved otherwise by the highway district having jurisdiction. Front Setbacks shall be measured from either the front property line, road right of way line, or road easement line, whichever is greatest.

This structure, or portion thereof, has been inspected for compliance with the Canyon County Building Code Ordinance for building construction and use. This structure, or portion thereof, has been inspected for compliance with the Canyon County Zoning Ordinance for land use. The issuance of a Certificate of Completion shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of this jurisdiction.

Building Official/Inspector: Stephanie Hailey

Date: March 11, 2021



# Building Permit

Development Services Department  
111 North 11th Ave., Suite 140, Caldwell, ID 83605  
For Inspections Call: (208) 454-7460  
Fax: (208) 454-6633

Issued Date:  
7/24/2020

Permit Number: BP2020-0566

Parcel Number: 29887011 0

Secondary 7901 DEARBORNE RD

Parcel Address: 7943 DEARBORNE RD

Address:

Nampa ID

Owner: JARDINE TRUST

Sec: Twn: Range: Qtr: Zoning:

7942 DEARBORNE RD

30 2N 2W NE A

NAMPA ID 83686

Sub:

Applicant: WILD RIVER CONSTRUCTION INC

Lot(s): Blck:

35 N Hastings Dr

Item Num: Single Family Residence

NAMPA ID 83687

Contractor: WILD RIVER CONSTRUCTION INC

Proj. Type: New

35 N Hastings Dr

OCC Group: U

NAMPA ID 83687

OCCType: Garage Attached

Registration No.: RCE-34

CNST Type: VB

Project Notes: 1st Floor: 2665 Porches\Patios: 684

Proj. Value: \$278,284.10

2nd Floor: Det Acc 2nd  
Flr:

Code Edition: 2012 IRC

Bonus Room: Det Acc:

Description: NEW SEC. RES  
W/ATTACHED GARAGE

Basement: Mfg Home:

Garage: 1387 2nd Floor Add:

Auto Sprinkler: No

Carport: 1st Floor Add:

Decks: All Other Res:

## Fees

Date	Fee Item	Amount
07/06/2020	Certificate of Zoning Compliance (Over the Counter) - ZCB	\$70.00
07/06/2020	Deposit for Plan Check	\$180.00
07/22/2020	Residential Plan Check - Varies	\$380.80
07/22/2020	Residential Permit Fee - Varies	\$3,505.00
		<b>\$4,135.80</b>

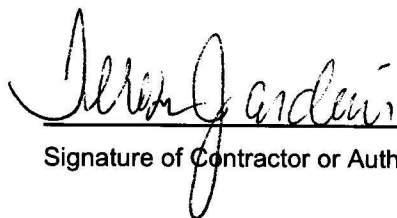
## Standard Zoning / Building Condition(s)

- ✓ By signing this certificate the applicant understands that Fire Districts may require sprinkler fire suppression for inhabited structures over 3600 sq ft including attached garage.
- ✓ Address numbers must be illuminated or reflective and displayed on the residence, at the driveway entrance and at the approach to the public road.
- ✓ Driveway to be constructed prior to final inspection.



- ✓ Final fire district approval of the required turn around, and certification that the road has been constructed to County private road/driveway standards, must be received by DSD prior to a final building inspection.
- ✓ Final SWDH Permit required in office or verified by inspector before final.
- ✓ **£ 07-14-25: SECONDARY RESIDENCE:**
  - (1) The owner of the lot or parcel containing the secondary residence must live on site.
  - (2) The secondary residence must have its own address and address numbers shall be placed on the home for emergency purposes. (Ord. 16-001, 1-8-2016)
- ✓ Property owner is responsible for identification of all property boundaries to measure setbacks from. Property owners shall not build any structure on/in an easement and it shall be the owner's responsibility to locate those easements. Structures must be at least seventy (70) feet from a section line or quarter-section line, unless approved otherwise by the highway district having jurisdiction. Front Setbacks shall be measured from either the front property line, road right of way line, or road easement line, whichever is greatest.

**Important Information:** Inspection Request: It is the duty of the contractor or owner to notify this office when a work project is ready for required inspections. Persons making the request must provide the following information. 1) **Tracking Number**; 2) **Project Address**; 3) **Date and Time when the inspection is needed**; 4) **Type of inspection**. Separate Permits are required for electrical and plumbing from the IID Department of Labor and Industrial Services. Homeowner's permit applications are available at this office. Permit Suspension/Expiration: The Building Official reserves the right to revoke any permit issued in error or on the basis of incorrect information. Permits expire in 180 days if work is not started or is abandoned. In hardship cases, an un-expired permit may be extended 180 days, total not to exceed 12 months. This permit is issued subject to the regulation contained in the building code and zoning regulations of Canyon County, IID and it is hereby agreed that work to be done as shown in the plans and specifications will be completed in accordance with the regulations pertaining and applicable there to.

  
 Signature of Contractor or Authorized Agent

7/24/2020   
 Date Building Official/Staff

July 24, 2020  
 Date

# BUILDING PERMIT APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

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

BP# 2020-0566



## Builder Information

## Property Owner Information

Name <b>Dan Stauffer</b>		Company Name <b>Wild River Construction</b>		Name <b>John &amp; Arlene Jardine</b>	
Mailing Address / Business Address <b>252 S. Dudley Ln</b>				Mailing Address <b>7943 Dearborne Rd, Nampa, ID 83686</b>	
City, <b>Nampa</b>	State, <b>Id</b>	Zip <b>83687</b>		City, <b>Nampa</b>	State, <b>ID</b>
Phone <b>208-870-6910</b>	Fax <b>208-870-6910</b>	email address <b>wildriverhomes4u@gmail.com</b>		Phone <b>208-941-9955</b>	Fax <b>208-941-9955</b>
Contractor Registration # <b>RCE #34</b>		Expiration Date <b>9-28-2020</b>		Property Owner Signature <b>Jardine</b>	
Date <b>7-7-2020</b>					

In lieu of the Property Owner Signature, the Applicant/Builder affirms that he/she is an appointed representative of the property owner for the sole intent of filing an application for this permit. Applicant/Builder agrees to indemnify, defend, and hold harmless Canyon County, its elected officials, offices, departments, employees and agents against all liability related to signing this form.

Signature: **Dan Stauffer** Date: **7-7-2020**

## Site Information

Sec Res.

Site Address <b>7943 Dearborne Rd</b>	City, <b>Nampa</b>	Zip <b>Id 83686</b>	Parcel # <b>298870110</b>	# of acres <b>0.1</b>	Flood Zone <b>Yes</b>	<b>No</b>
Subdivision Name <b>N/A</b>	Lot <b>N/A</b>	Block <b>N/A</b>	Section <b>N/A</b>	Township <b>N/A</b>	Range <b>N/A</b>	Quarter <b>N/A</b>

## Type of Structure

<input checked="" type="checkbox"/> New Residence	<input type="checkbox"/> New Accessory Structure	<input type="checkbox"/> New Commercial Structure					
<input type="checkbox"/> Residential Addition / Alteration	<input type="checkbox"/> Accessory Addition / Alteration	<input type="checkbox"/> Commercial Addition / Alteration					
<input type="checkbox"/> Manufactured Home	<input type="checkbox"/> Pool	<input type="checkbox"/> Other					
Main Floor sq. ft. <b>2665</b>	Other Floor sq. ft. <b>0</b>	Bonus sq. ft. <b>0</b>	Basement sq. ft. <b>0</b>	Garage sq. ft. <b>1387</b>	Porches/Patios sq. ft. <b>684</b>	Total sq. ft. <b>4736</b>	Project Value
Description of Construction					Use		

## Manufactured Home Information

Home Manufacturer	Year Built	# of Transportable Sections	Width	Length	Sq Ft. of Living Space	Value
Please check only those that apply:						
<input type="checkbox"/> New	<input type="checkbox"/> Air Conditioner	<input type="checkbox"/> Standard Set				
<input type="checkbox"/> Used/Year	<input type="checkbox"/> Heat Pump	<input type="checkbox"/> Permanent Foundation				
<input type="checkbox"/> Rehabilitation Complete	<input type="checkbox"/> Ad-Volorem	<input type="checkbox"/> Home to be declared as Real Property				
<input type="checkbox"/> Covered Porch/Patio	<input type="checkbox"/> Attached Garage / Carport	<input type="checkbox"/> Additions/Type				

All information provided within this application is correct to the best of my knowledge. I understand that the acceptance of this application does not guarantee that a Building Permit or a Zoning Compliance Certificate will be issued and that this application will be used to help determine if the project complies with the Canyon County Zoning Ordinance and adopted Building Code.

**\*\*All required documents must be turned in at the same time as this application. DSD will not accept/hold incomplete applications. Building Permits do not start the approval process without all required documentation.**

Applicant/Builder Signature: **Dan Stauffer**

Date: **7-7-2020**

Printed Name: **DAN STAUFFER**

Day time Phone Number: **208-870-6910**

- As soon as your permit is ready to be issued, our office will call you.
- When your Building Permit is ready for pick-up you may do so during office hours Monday through Friday, except holidays, from **8:00am to 4:00pm**.

## R29887011 PARCEL INFORMATION REPORT

7/7/2020 9:10:39 AM

**PARCEL NUMBER:** R29887011

**OWNER NAME:** JARDINE TRUST

**CO-OWNER:** JARDINE JOHN W TRUSTEE

**MAILING ADDRESS:** 7942 DEARBORNE RD NAMPA ID 83686

**SITE ADDRESS:** 7943 DEARBORNE RD NA

**TAX CODE:** 0160000

**TWP:** 2N

**RNG:** 2W

**SECTION:** 30

**ACRES:** 1.75

**HOME OWNERS EXEMPTION:** Y

**AG-EXEMPT:**

**DRAIN DISTRICT:** NOT In Drain Dist

**ZONING DESCRIPTION:** AG / AGRICULTURAL

**HIGHWAY DISTRICT:** NAMPA HWY DIST

**FIRE DISTRICT:** UPPER DEER FLAT FIRE

**SCHOOL DISTRICT:** NAMPA SCHOOL DIST

**IMPACT AREA:** NOT In Impact Area

**FUTURE LAND USE:** AG

**IRRIGATION DISTRICT:** BOISE-KUNA IRRIGATION DISTRICT

**FEMA FLOOD ZONE:** X

**FEMA FLOODWAY:** NOT In FLOODWAY

**FIRM PANEL NUMBER:** 16027C0500F

**WETLAND:** NOT In WETLAND

**NITRATE PRIORITY:** ADA CANYON

**PRINCIPAL ARTERIAL:** NOT In Principal Art

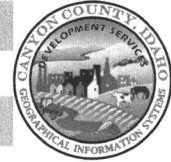
**COLLECTOR:** NOT In COLLECTOR

**INSTRUMENT NO. :** 2020029761

**SCENIC BYWAY:** NOT In Scenic Byway

**LEGAL DESCRIPTION:** 30-2N-2W NE TX 20305 IN NENENE

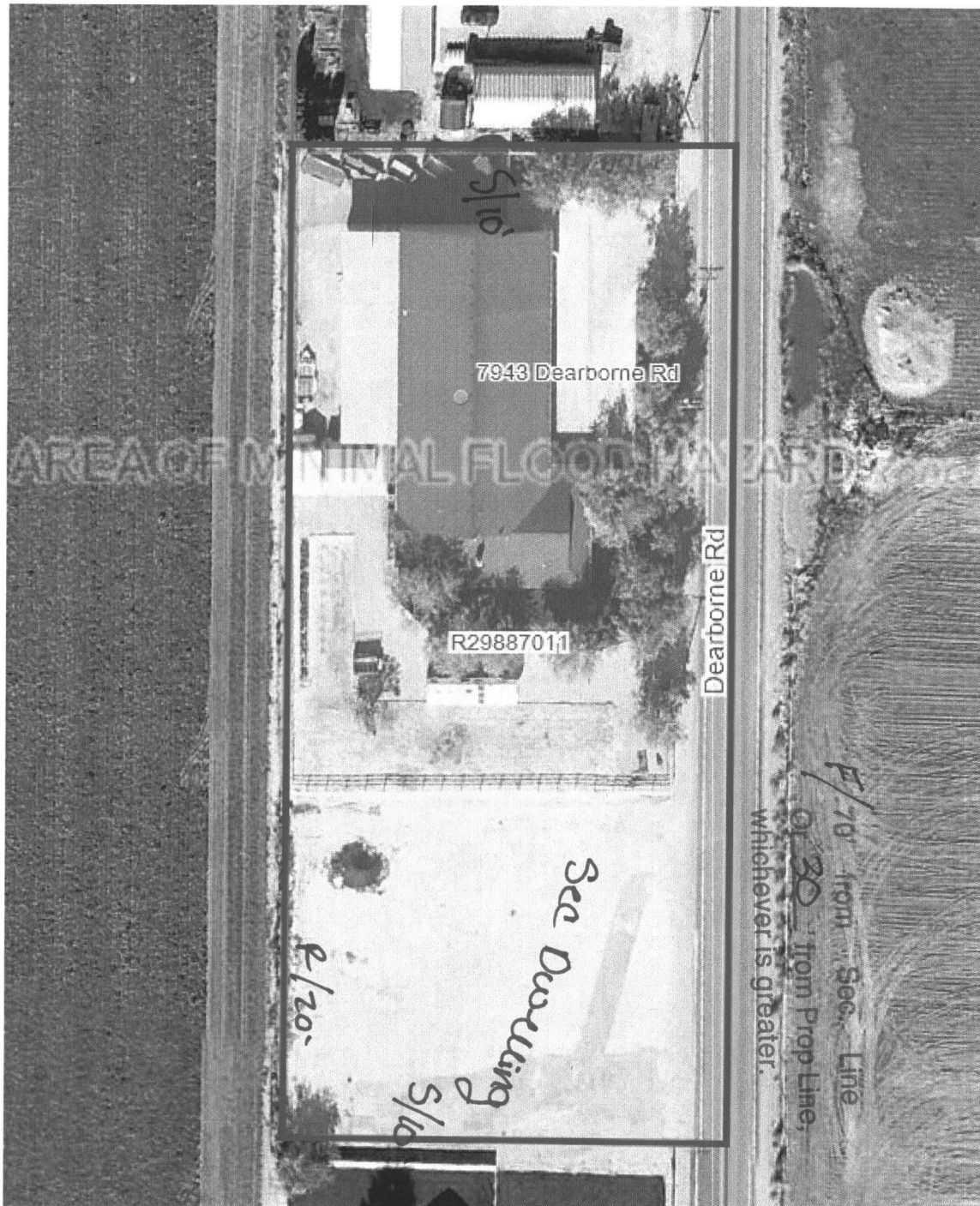
**PLATTED SUBDIVISION:**



### 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.









Square Footage:

Living Area -	2665 Sq. Ft.
Garage -	1775 Sq. Ft.
Basement -	1317 Sq. Ft.
Other -	1317 Sq. Ft.

**GENERAL NOTES:**  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
7. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
8. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

- Notes:
1. 2x6 Ex. Wain, L.D. Studs 16" O.C.
  2. Frame Walls @ 8" x 16"
  3. All Exterior Windows
  4. All Angles are 45° Unless Noted Otherwise
  5. 7/16" OSB Shear Panels

House Shear Wall Schedule

Mark	Notes
W1	7/16" OSB One-Way Wall
W2	7/16" OSB One-Way Wall
W3	7/16" OSB One-Way Wall
W4	7/16" OSB One-Way Wall
W5	7/16" OSB One-Way Wall
W6	7/16" OSB One-Way Wall
W7	7/16" OSB One-Way Wall
W8	7/16" OSB One-Way Wall
W9	7/16" OSB One-Way Wall
W10	7/16" OSB One-Way Wall
W11	7/16" OSB One-Way Wall
W12	7/16" OSB One-Way Wall
W13	7/16" OSB One-Way Wall
W14	7/16" OSB One-Way Wall
W15	7/16" OSB One-Way Wall
W16	7/16" OSB One-Way Wall
W17	7/16" OSB One-Way Wall
W18	7/16" OSB One-Way Wall
W19	7/16" OSB One-Way Wall
W20	7/16" OSB One-Way Wall
W21	7/16" OSB One-Way Wall
W22	7/16" OSB One-Way Wall
W23	7/16" OSB One-Way Wall
W24	7/16" OSB One-Way Wall
W25	7/16" OSB One-Way Wall
W26	7/16" OSB One-Way Wall
W27	7/16" OSB One-Way Wall
W28	7/16" OSB One-Way Wall
W29	7/16" OSB One-Way Wall
W30	7/16" OSB One-Way Wall
W31	7/16" OSB One-Way Wall
W32	7/16" OSB One-Way Wall
W33	7/16" OSB One-Way Wall
W34	7/16" OSB One-Way Wall
W35	7/16" OSB One-Way Wall
W36	7/16" OSB One-Way Wall
W37	7/16" OSB One-Way Wall
W38	7/16" OSB One-Way Wall
W39	7/16" OSB One-Way Wall
W40	7/16" OSB One-Way Wall
W41	7/16" OSB One-Way Wall
W42	7/16" OSB One-Way Wall
W43	7/16" OSB One-Way Wall
W44	7/16" OSB One-Way Wall
W45	7/16" OSB One-Way Wall
W46	7/16" OSB One-Way Wall
W47	7/16" OSB One-Way Wall
W48	7/16" OSB One-Way Wall
W49	7/16" OSB One-Way Wall
W50	7/16" OSB One-Way Wall
W51	7/16" OSB One-Way Wall
W52	7/16" OSB One-Way Wall
W53	7/16" OSB One-Way Wall
W54	7/16" OSB One-Way Wall
W55	7/16" OSB One-Way Wall
W56	7/16" OSB One-Way Wall
W57	7/16" OSB One-Way Wall
W58	7/16" OSB One-Way Wall
W59	7/16" OSB One-Way Wall
W60	7/16" OSB One-Way Wall
W61	7/16" OSB One-Way Wall
W62	7/16" OSB One-Way Wall
W63	7/16" OSB One-Way Wall
W64	7/16" OSB One-Way Wall
W65	7/16" OSB One-Way Wall
W66	7/16" OSB One-Way Wall
W67	7/16" OSB One-Way Wall
W68	7/16" OSB One-Way Wall
W69	7/16" OSB One-Way Wall
W70	7/16" OSB One-Way Wall
W71	7/16" OSB One-Way Wall
W72	7/16" OSB One-Way Wall
W73	7/16" OSB One-Way Wall
W74	7/16" OSB One-Way Wall
W75	7/16" OSB One-Way Wall
W76	7/16" OSB One-Way Wall
W77	7/16" OSB One-Way Wall
W78	7/16" OSB One-Way Wall
W79	7/16" OSB One-Way Wall
W80	7/16" OSB One-Way Wall
W81	7/16" OSB One-Way Wall
W82	7/16" OSB One-Way Wall
W83	7/16" OSB One-Way Wall
W84	7/16" OSB One-Way Wall
W85	7/16" OSB One-Way Wall
W86	7/16" OSB One-Way Wall
W87	7/16" OSB One-Way Wall
W88	7/16" OSB One-Way Wall
W89	7/16" OSB One-Way Wall
W90	7/16" OSB One-Way Wall
W91	7/16" OSB One-Way Wall
W92	7/16" OSB One-Way Wall
W93	7/16" OSB One-Way Wall
W94	7/16" OSB One-Way Wall
W95	7/16" OSB One-Way Wall
W96	7/16" OSB One-Way Wall
W97	7/16" OSB One-Way Wall
W98	7/16" OSB One-Way Wall
W99	7/16" OSB One-Way Wall
W100	7/16" OSB One-Way Wall

Wall Height Legend

9'-1" Wall Height	ZZZZZZ
10'-1" Wall Height	ZZZZZZ

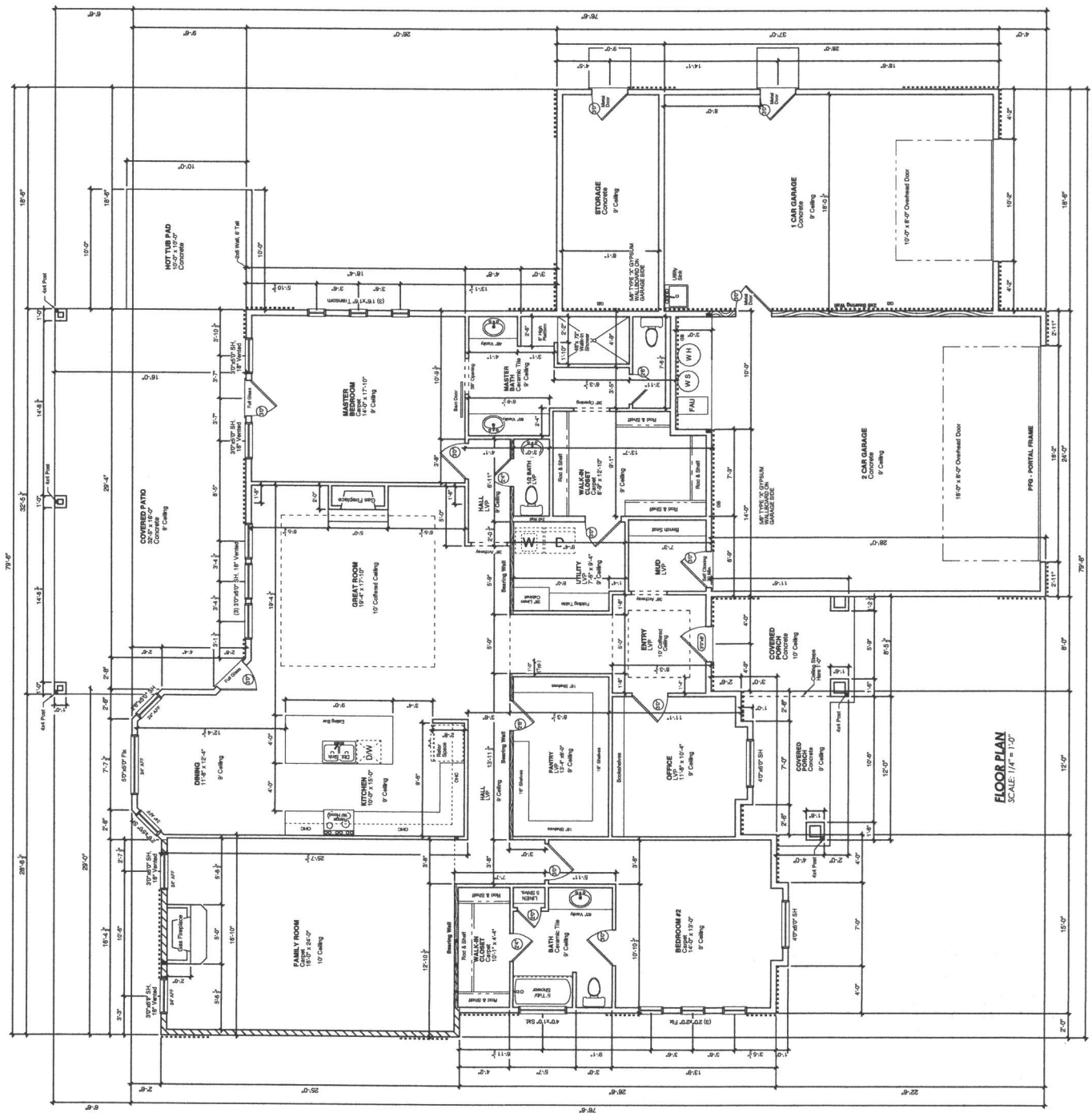


Exhibit 2.d - 9





# APPROACH PERMIT

NHD-002  
Rev Mar 2013  
Page 1 of 2

## SECTION I - APPLICANT/PERMITTEE INFORMATION (TO BE COMPLETED BY APPLICANT/PERMITTEE)

I certify that I am the owner (or authorized representative of owner) of the proposed property to be served, and agree to do the work requested herein in accordance with the General Provisions printed on Page 2, the Special Provisions, and the Plans made a part of this Permit.

John Jardine

NAME OF APPLICANT/PERMITTEE

7943 Dearborne Rd

ADDRESS

Nampa

ID

83686

CITY

STATE

ZIP

SIGNATURE OF APPLICANT/PERMITTEE

6/8/2020

DATE

208-466-1774

PHONE (CELL NUMBER PREFERRED)

ROAD NAME: Dearborne Rd

BETWEEN Missouri

& Bennett

FIRST CROSS STREET

SECOND CROSS STREET

SIDE OF ROAD: ☐ North

TYPE: ☒ New

USE: ☒ Residential

CIRCLE DRIVEWAY:

☐ South

☐ Use of existing

☐ Commerical

☒ Yes If possible

☐ East

☒ Upgrade of

☐ Field/Agriculture

☒ No

☒ West

existing

## SECTION II - WORK AUTHORIZATION (TO BE COMPLETED BY HIGHWAY DISTRICT)

ROAD NO. 393

SUB DIV. NO.

ROAD CLASSIFICATION:

☐ Arterial

☐ Collector

☒ Other

CULVERT(S) REQUIRED:

☐ Yes, 12" dia x 30' long Residential

☐ Yes, 12' dia x 40' long Commercial

☒ No culvert(s) required

PAYMENTS MADE:

☒ \$50.00 Permit Fee

☐ \$400.00 Deposit

SPECIAL PROVISIONS:

Upgrading existing Ag access to Residential

Next to 7943 Dearborne

APPROACH REQUIRED  
TO BE PAVED?

☐ Yes ☒ No

Subject to all terms, conditions and provisions shown on this form, or attachments, permission is hereby granted to perform the work as described.

*[Signature]*

SIGNATURE - HIGHWAY DISTRICT OFFICIAL

6-10-20

DATE

### NOTICE:

This Permit shall not be valid for construction until, or unless, the provisions of Idaho Code Title 55, Chapter 22 have been complied with.  
CALL DIGLINE PRIOR TO EXCAVATION  
1 (800) 342-1585

A COPY OF THIS PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION

## SECTION III - FINAL APPROVAL

This Permit expires sixty (60) days from issue date. Permittee must complete work and call for final inspection at (208) 467-6576 prior to Permit expiration, or forfeit fee and deposit.

FINAL APPROVAL GRANTED BY:

SIGNATURE - HIGHWAY DISTRICT OFFICIAL

DATE



**\*\*\*Septic Permit\*\*\***

#: 001374

TaxID#: Parcel #29887011 0

<p><b>Property Location</b></p> <p>Road Street Address: DEARBORNE RD NAMPA ID 83686</p> <p>Township: Nampa - 83686</p> <p>Driving Instructions: MISSOURI &amp; DEARBORNE RD.</p>	<p><b>Owner Information</b></p> <p>Land Owner Name: JOHN &amp; ARLENE JARDINE</p> <p>Address: 7943 DEARBORN RD NAMPA ID 83651 US</p> <p>Phone:</p> <p>City: NAMPA</p> <p>Zip: 83651</p>
<p><b>Utilization</b></p> <p>Individual System Permit - New</p>	

**Permit Requirements**

Type of System:	Gravel Drainfield	
Optional System Type 1:	Intrench Sand Filter	3 Bedrooms
Optional System Type 2:		250 Gallons Per Day
Water Supply:	Private	B-2 USDA
Water Source:	Well	
	The minimum septic tank capacity is:	1000
	The minimum effective drainfield absorption area is:	556 Square Feet

**MINIMUM ISOLATION DISTANCES (FEET)**

<b>Well</b>	<b>Septic Tank</b>	50	<b>Drainfield</b>	100
<b>Pressurized Water Lines</b>	<b>Septic Tank</b>	10	<b>Drainfield</b>	25
<b>Temporary Water/Irrigation</b>	<b>Septic Tank</b>	25	<b>Drainfield</b>	50
<b>Property Line</b>	<b>Septic Tank</b>	5	<b>Drainfield</b>	5

**Healthier Together**

13307 Miami Lane - Caldwell, Idaho 83607 - (208) 455-5400 - Fax (208) 455-5405



Test Hole 1:	
Soil Layer 1 Depth:	0-3
Soil Layer 3 Depth:	6-7
Layer 3 - Soil Design Sub-Group:	Not Suitable
Layer 3 - Other Layer or Descriptor:	Hardpan
Soil Layer 4 Depth:	7-11
Layer 4 - Soil Design Sub-Group:	B-1
Layer 4 - Soil Textural Classification:	Very Fine Sands w/ Silts
Layer 4 - Other Layer or Descriptor:	Mild Compaction
Layer 1 - Soil Design Sub-Group:	B-1
Soil Layer 5 Depth:	11
Layer 5 - Soil Design Sub-Group:	Not Suitable
Layer 5 - Other Layer or Descriptor:	Fractured Bedrock
Layer 5 Observations:	end
Layer 1 - Soil Textural Classification:	Loam
Soil Layer 2 Depth:	3-6
Layer 2 - Soil Design Sub-Group:	B-1
Layer 2 - Soil Textural Classification:	Very Fine Sandy Loam
Layer 2 - Other Layer or Descriptor:	Mild Compaction

#### Conditions of Approval

Conditions of Approval - Standard Systems:

Install no deeper than 48"

Effluent flows must be equalized with use of Distribution Box or "Hard-T"

Follow install per approved proposed plot plan

Over excavate to reach soil type specified on permit and backfill to a 48' depth with ASTM33 sand.

Confirm all surrounding well locations.

Installation Instruction:

excavate to 7' as needed to breach HP and put in 3' or more ASTM C33 sand.

**Permit Approved By:** Chris Ellis  
**DATE:** 06/26/2020

PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE: 06/26/2021

**Note: (Final approval of this permit requires inspection of the uncovered system.)**

All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into, and are enforceable as part of the permit. The permit will expire (1) year from date of issuance. The permit may be renewed if the renewal is applied for on or before the expiration date.

**Healthier Together**

13307 Miami Lane - Caldwell, Idaho 83607 - (208) 455-5400 - Fax (208) 455-5405



# Fire District

9500 MISSOURI AVENUE, NAMPA ID 83686 (208) 466-0670

**Date:** 6/19/2020  
**From:** Upper Deer Flat  
Fire Department

**Regarding:** Access & Fire Water Supply Analysis  
7943 Dearborne Rd, Nampa, ID  
Parcel: R2988701100

## Agency Comments:

The proposed detached single-family dwelling will be located approximately 1.6 miles from the Upper Deer Flat fire station with an estimated response time of 17 minutes. No existing fire hydrants are in the project area. However, the adjacent property includes an in-ground swimming pool with approximately 20 thousand gallons of water and available all year. The existing property owner has agreed to allow the Upper Deer Flat Fire department access to this water supply for the purpose of protecting the proposed new structure so as to satisfy the Idaho Fire Code requirement for firefighting water supply for new structures.

- **Fire Service Apparatus and Emergency Service Access:**  
Fire apparatus access driveways *should* be provided and remain clear for emergency services. The fire apparatus access driveways *should* be a minimum 12 feet in width and should extend to within 150 feet of all portions of the exterior walls, as measured by an approved route around the exterior of each structure. Dead end driveways extending beyond 150 feet *should* include an approved area for fire apparatus to turn around and exit the property. (Ref 2015 Idaho Fire Code)
- **Fire Fighting water supply:**  
Because suitable firefighting water supply does not currently exist in the project area, the fire department *supports* the utilization of the existing onsite water supply on the adjacent property, as agreed upon by each property owner. This water supply *shall be* available for fire department use throughout the year for the purpose of protecting the proposed new single-family structure on the adjacent property. (Ref 2015 Idaho Fire Code)

Regards,

Chief of the Upper Deer Flat  
Fire Department  
9500 Missouri Avenue  
Nampa, ID 83686  
1.208.466.0670

# Issuance of a Certificate of Address

## 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



**Addressing Ordinance § 06-05-05** (1) Authority: This article is authorized by Idaho Code sections 31-714 and 31-828 and article 12, section 2 of the Idaho constitution. (2) Purpose: The purpose of this article is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of the county and the inhabitants thereof and to provide for: A. The coordination of street names and a numbering grid system; B. Coordination of addresses for the quick efficient delivery of emergency services; C. The administration and enforcement of this article by defining the powers and duties of the director.

This certifies that the address of 7901 Dearborne Rd Nampa, ID 83686  
Number Street City, State, Zip  
has been assigned to Trust Jardine for the property or portion of property described

as Assessor Parcel Number R29887011 and as (if applicable)  of   
Parcel Number Lot Block Subdivision

Date of issuance: 7/7/2020 Building Permit Number: BP2020-0566

Present or intended use of structure this address is assigned to:

- ☒ Residential  
☐ Commercial  
☐ Other: SFR/Secondary

This address was assigned based upon:

- ☐ Information supplied by the applicant: Distance of  feet from the driveway to

This Certificate may be invalidated if  
Nearest section corner or main road intersection  
the location of the driveway is changed.

- ☒ Other: Adjacent parcels

Addresses are subject to change upon discrepancies with addresses or out of sequence and are also subject to change upon driveway location.

The Canyon County Assessor, Canyon County Sheriff's Office, Canyon County Elections, applicable USPS post office, applicable Fire District, applicable Highway District and interested agencies are notified of the new address. It is the owner's responsibility to place new address numbers or replace old address numbers on the property, mail box and personal information to reflect the address or new address assigned. The display of the address numbers shall be in accordance with Canyon County Addressing Ordinance 06-05-19. The address or address change should reflect within six (6) weeks of date on Canyon County Issuance of Certificate Address. Canyon County assumes no responsibility for the determination of which post office (city) delivers mail to this address.

Reviewed and approved by Antonio Almeida Date: 7/7/2020  
Authorized signature



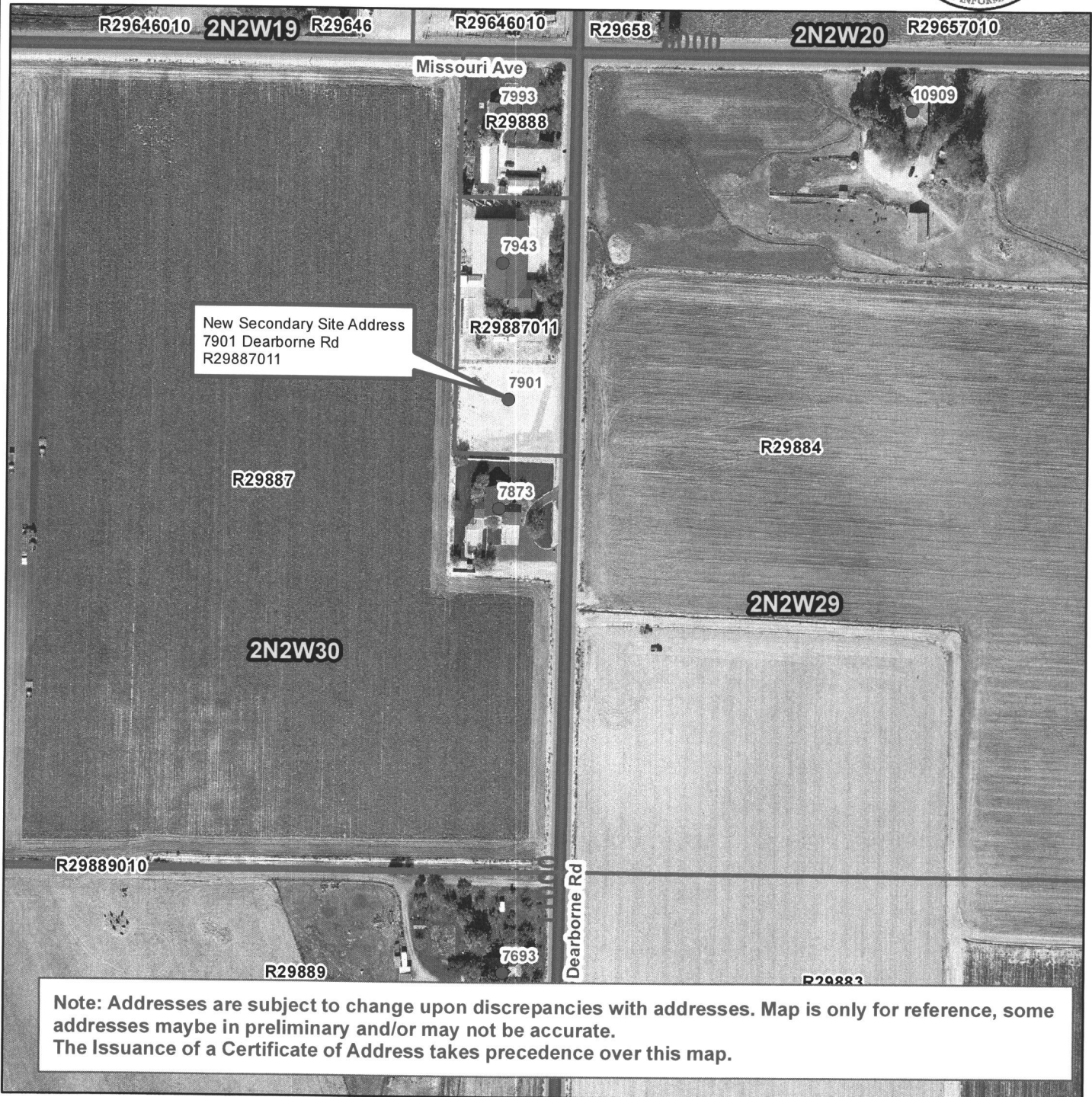
# ADDRESSING MAP

Map Contains:  
Property Identification Map  
Property Site Address  
Canyon County, ID

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

Date: 7/8/2020

Address Issued By: TAlmeida



## Legend

- Address Point
- Retired Address Point
- ▨ Caldwell
- ▨ City Limits
- ▨ Nampa
- ══ Highway
- ══ Interstate
- ══ Roads

**SCALE**  
1 in = 227 feet  
1:2,719

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

UNOFFICIAL COPY

2020-061621

RECORDED

10/21/2020 01:56 PM



00557030202000616210020025

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=2 LBERG

\$15.00

DEED

MIKE &amp; TERESA JARDIN

## QUITCLAIM DEED

FOR VALUE RECEIVED, John W. Jardine and Arlene G. Jardine, as Trustee of The Jardine Trust,

dated November 28th, 2017 and any amendments thereto, do hereby convey, release, remise and

forever quit claim unto

Mike J. and Teresa D. Jardine, husband and wife,

whose current address is:

7901 Dearborne Road Nampa, Idaho 83686

the following described premises:

SEE ATTACHED BOUNDARY DESCRIPTION PARCEL 2

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: 10-21-2020

By:

John W. Jardine  
John W. Jardine, Trustee

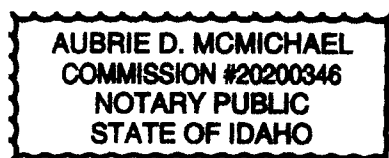
Arlene G. Jardine  
Arlene G. Jardine, Trustee

State of Idaho )

) S.S.

County of Canyon )

On this 21 day of October, in the year 2020, before me, Aubrie D. McMichael a notary public, personally appeared John W. Jardine and Arlene G. Jardine, Trustees, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within instrument, and acknowledged that he(she)(they) executed the same.



Aubrie D. McMichael  
Notary Public

UNOFFICIAL COPY



October 20, 2020

Legal Description for  
Mike & Teresa Jardine  
Job No. JA2720

## Parcel 2

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

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

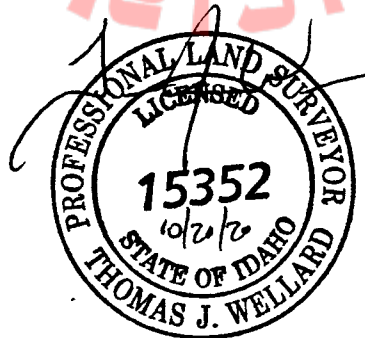
thence South  $00^{\circ}14'47''$  West along the East boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a distance of 472.60 feet to the **TRUE POINT OF BEGINNING**, witnessed by a found  $\frac{1}{2}$  inch diameter rebar bearing South  $89^{\circ}52'31''$  West a distance of 25.00 feet;

thence continuing South  $00^{\circ}14'47''$  West along said East boundary a distance of 177.69 feet to a point witnessed by a  $\frac{5}{8}$  x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North  $89^{\circ}18'41''$  West a distance of 25.08 feet

thence North  $89^{\circ}18'41''$  West a distance of 184.43 feet to a point to a  $\frac{5}{8}$  x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North  $00^{\circ}15'26''$  East a distance of 175.07 feet to a found  $\frac{1}{2}$  inch diameter rebar;

thence North  $89^{\circ}52'31''$  East, parallel with the North boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 184.40 feet to the **TRUE POINT OF BEGINNING**, said parcel being 0.747 acres more or less, and being subject to any and all easements and rights of way of record or implied.







## Administrative Decision Staff Report

### Mike & Teresa Jardine- Variance – AD2020-0134

Development Services Department

**Owner/Applicant:**

Mike &amp; Teresa Jardine

**Staff:**

Jennifer Almeida

[jalmeida@canyonco.org](mailto:jalmeida@canyonco.org)**Parcel Number**

R29887011A

**Current Zone:**

"A" (Agricultural)

**2020 Comprehensive Plan:**

Agriculture

**Lot Size:**

.75 acres

**Applicable Regulations**

§07-08-01(2): Variance

**Notifications**

11/12/20 - Agencies/Property Owners

**Exhibits**

1. Letter of Intent
2. Site Plan

**Request**

Mike & Teresa Jardine requesting a variance to vary the lot size in an "R-1" zoning district from 1.00 acre to .75 acres. R29887011A is requested to be rezoned from "A" to "R-1." [Case No. CR2020-0011]. The subject property is located at 7901 Dearborne Rd., Nampa, ID in a portion of the NE ¼ of Section 30, T2N, R2W, BM, Canyon County, Idaho.

**Analysis**

The applicant is requesting a variance to vary the lot size in an "R-1" zoning district. [The applicant has a pending request to rezone the property from "A" (Agricultural) to "R-1" (Single Family Residential)]. Approval of a variance is necessary prior to the Planning & Zoning Commission hearing and recommendation on the rezone.

The applicant had initially applied for a secondary residence permit [BP2020-0566] and commenced construction on the home. However, to complete the project a mortgage loan will be required and the lender will not approve the loan without the home being on its own parcel.

The property has frontage on Dearborne Road, a public road. An approach permit was submitted with the building permit application.

Property owners within 600 feet were notified of the request on November 12, 2020. No comments from the public were received.

Affected agencies were notified of the request on November 12, 2020. No comments from agencies were received.

**Findings and Conclusions****Variance Criteria CCZO §07-08-01(2)**

CCZO §07-08-01(2)C states "The director shall consider all comments that are received within fifteen (15) calendar day comment period prior to making a written decision concerning the variance request. In considering comments, the director shall evaluate whether granting the variance will be consistent with the comprehensive plan and whether characteristics of the site create an undue hardship."

The following criteria, stated in §07-08-03 CCZO, is required to be met in order to grant a variance:

**1. Will granting the variance be consistent with the comprehensive plan?**

Staff finds the proposed variance is consistent with the 2020 Canyon County Comprehensive Plan. The proposed variance is consistent the following policies:

Property Rights Policy No. 1: “No person shall be deprived of private property without due process of law”.

Property Rights Policy No. 8: “Promote orderly development that benefits the public good and protects the individual with a minimum of conflict”.

**2. Do characteristics of the site create an undue hardship?**

Staff finds characteristics of the site create an undue hardship. The parcel is located between two existing residences. There is not sufficient area to adjust the property lines to meet the minimum lot size in an R-1 zone, while still maintaining the building setback requirements on the existing parcels. West of the subject property is a large agricultural parcel and adjustment of the western property line would interfere with the farming operations on the adjacent parcel.

**3. Is the variance in conflict with the public interest?**

Staff finds no evidence the variance is in conflict with the public interest.

**Order**

Based upon the Findings of Fact and Conclusions of Law contained herein, the Director finds the request is consistent with Section 07-08-01(2) of the Canyon County Zoning Ordinance and **approves** Case No. AD2020-0134 to vary the one (1) acre average minimum lot size in an "R-1" (Single Family Residential) zone to .75 acres for parcel no. R29887011A.

Patricia Nilsson

Patricia Nilsson

Director, Canyon County Development Services Department

December 1, 2020

Date

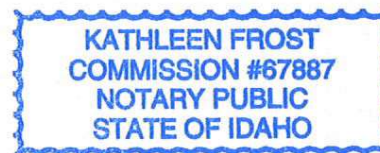
State of Idaho           )  
                                      )  
County of Canyon       )

S.S.

On this 1st day of December, in the year of 2020, before me Kathleen Frost, a Notary Public, personally appeared Patricia Nilsson, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary Public: K Frost

My Commission Expires on: 6-3-2022







## Canyon County Board of County Commissioners Jardine Trust– Conditional Rezone & Development Agreement

Development Services Department

### Findings of Fact

1. Jardine Trust is requesting a **conditional rezone** of R29887011 & R29887011A, approximately 1.75 acres, from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. Also requested is a development agreement which will limit the development of the property to one home on each parcel.
2. The subject property is located at 7943 Dearborne Rd., Nampa, ID in a portion of the NE ¼ of Section 30, T2N, R2W, BM, Canyon County, Idaho.
3. The subject property is currently zoned "A" (Agricultural).
4. The subject property is designated agriculture on the 2020 Comprehensive Plan Future Land Use Map.
5. The subject property is not located within an area of city impact.
6. The subject property has frontage on Dearborne Road, a public road.
7. The subject property is located within Nampa Highway District No. 1, Nampa Fire District, Boise-Kuna Irrigation District, and Nampa School District.
8. The neighborhood meeting was held on 3/31/20 compliant with CCZO §07-01-15.
9. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 1/26/21, Newspaper notice was provided on 2/2/21, property owners within 300' were notified by mail on 1/26/21, and the property was posted on or before 2/10/21.
10. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on 12/17/20, 2/17/21, 6/25/21, and all information contained in DSD case file, CR2020-0011.

### Conclusions of Law

For this request the Board of County Commissioners find and conclude the following regarding the Standards of Evaluation for a Conditional Rezone (§07-06-07 (7) A).

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

Conclusion: The proposed conditional rezone, as proposed not consistent with the comprehensive plan.

Finding: The proposed conditional rezone, as proposed is not consistent with the future land use map and is not compatible with the following goals and policies contained within the 2020 Canyon County Comprehensive Plan:

Property Rights Policy No. 1- *"No person shall be deprived of private property without due process of law."*

Property Rights Policy No. 8- *"Promote orderly development that benefits the public good and protects the individual with a minimum of conflict."* Approval of the requested "CR-R1" (Conditional Rezone/ Single Family residential zone) would introduce an incompatible zoning district into a primarily agricultural area.

Population Policy No. 3 – “Encourage future population to locate in areas that are conducive for residential living and do not pose an incompatible land use to other land uses.” Approval of the requested “CR-R1” (Conditional Rezone/ Single Family residential zone) would introduce an incompatible zoning district into a primarily agricultural area.

Land Use Policy No. 1- “Review all residential, commercial and industrial development proposals to determine the land use compatibility to surrounding areas.” Development of the subject property, would introduce an incompatible zoning district to the agricultural area.

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

Conclusion: The proposed conditional rezone is not more appropriate than the current designation of “A” (Agricultural).

Finding: When considering the surrounding land uses the proposed conditional rezone is not more appropriate than the current designation of “A” (Agricultural). The area is primarily agricultural in nature and approval of the requested conditional rezone to “CR-R1” (Conditional Rezone/ Single Family residential zone) would introduce an incompatible zoning district into a primarily agricultural area.

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

Conclusion: The proposed conditional rezone is not compatible with the surrounding land uses.

Finding: The proposed conditional rezone is not compatible with the surrounding land uses. The primary land use within the area is “A” (Agriculture). The requested zone is not compatible with the agricultural operations that exist within the vicinity of the site.

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

Conclusion: The proposed conditional rezone will have a negative impact to the character of the area.

Finding: The conditional rezone will negatively affect the character of the area by introducing a “CR-R1” (Conditional Rezone/Single Family Residential) zone into an area in which the predominant zoning district and land use is agriculture.

No additional mitigation measures are proposed.

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

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

Finding: No evidence has been provided to indicate there would be issues with the conditional rezone in regards to adequate water, sewer, irrigation, drainage and storm water drainage facilities.

Individual septic systems and individual domestic wells are proposed for the home site. All requirements of Southwest District Health and Idaho Department of Water Resources shall be adhered to. *[A septic permit was submitted with the building permit, BP2020-0566].*



Boise Project Board of Control indicated that a portion of the property has a valid surface water right (Exhibit 17). The applicant can also utilize a domestic well to irrigate up to ½ acre of the parcel.

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

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

Finding: The proposed conditional rezone will not require road improvements in order to provide adequate access and will not create an undue interference with existing or future traffic patterns.

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

Conclusion: The property has frontage & access on Dearborne Road, a public road.

Finding: The property has frontage on Dearborne Road, a public road.

Nampa Highway District No. 1 has issued an approach permit for the lot (Exhibit 18). The approach permit was submitted with the building permit application for the home [BP2020-0566].

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

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

Finding: Canyon County Ambulance District, Nampa School District, Canyon County Sheriff, and Nampa Fire Department were notified of the request and did not provide responses to indicate that the proposed conditional rezone would have a negative impact. No mitigation measures are proposed.

**ORDER OF DECISION:**

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein the Canyon County Board of County Commissioners orders that Case #CR2020-0011 a request for a **Conditional Rezone** of R29887011 & R29887011A from an "A" (Agricultural) Zone to an "CR-R-1" ( Conditional Rezone – Single Family Residential) Zone be **denied**. The development agreement is also **denied**.

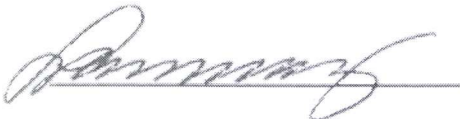
**What actions, if any the applicant could take to gain approval Idaho Code -67-6535**

- Explore options for building permit relocations from property owned by the Pancheri's.
- Apply for a Zoning Ordinance Text Amendment to allow for the requested use.

**BOARD OF COUNTY COMMISSIONERS**

**CANYON COUNTY,**

Yes                      No                      Did Not Vote



Commissioner Leslie Van Beek

\_\_\_\_\_



Commissioner Keri Smith

\_\_\_\_\_



Commissioner Pamela White

\_\_\_\_\_

Attest: Chris Yamamoto, Clerk

By: Jensen Ross

Date: 6/30/21

Deputy



2023-016797

RECORDED

05/26/2023 02:56 PM



00760789202300167970030036

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=3 ZBLAKESLEE

\$16.00

MISC

ALAN MILLS

Exhibit 2.h

**Administrative Decision Staff Report**  
**Jardine - Variance – AD2023-0019**

Development Services Department

**Owner/Applicant:**

Mike and Teresa Jardine

**Staff:** Ivan Kowalczyk, Planner I**Parcel Number:** R29887011A**Current Zone:** Agricultural (A)**2030 Comprehensive Plan – Future  
Land Use Designation:** Agriculture  
(A)**Lot Size:** 0.75 Acres**Current Use:** Residential**Applicable Regulations:**  
§07-08-01(2): Variance**Notifications:**

Public and Agencies: May 4th

**Exhibits:**

1. Letter of Intent
2. Notification Letters to public and agencies
3. SWDH health permit for secondary residence.

**Request**

The applicants, Mike and Teresa Jardine, are requesting a variance to reduce the lot size requirement of their Agricultural parcel from one (1) acre to 0.75 acres. This variance has been submitted concurrently with a non-viable land division application AD2023-0020 that is to be completed following approval of the variance.

**Analysis**

The applicants are requesting a variance to reduce the required lot requirement for an agricultural parcel from one (1) acre to 0.75 acres (CCZO §07-10-21(1)1). The subject property was not created in conformance with the Canyon County code – a secondary residence permit was obtained on a 1.75-acre parcel and then the property was divided by deed (a legal division was not available) creating a parcel that does not comply in size or by procedure with the Canyon County Code.

To bring the property into compliance with the ordinance, the Jardine's filed for a conditional rezone to R-1 (Single Family Residential). The rezone was denied by the Board of County Commissioners (BOCC) on June 30, 2021, finding that the introduction of R1 zoning into an agricultural area is not compatible with surrounding properties, the Comprehensive Plan, and will negatively affect the character of the area. The parcel currently does not conform to the standards of the Canyon County Zoning Ordinances.

The minimum parcel area for a legal administrative division is one (1) acre. The minimum lot size in the agricultural zone is forty (40) acres if an administrative division is not available to the properties. The requested variance is less than 33% of the minimum required one-acre lot size for the 0.75 acre parcel currently zoned Agricultural (CCZO §07-08-01(2)) providing for a Director Decision presuming that the applicant has filed for a 'non-viable administrative division' of the 1.75 acre property that the 0.75 acre subject property was divided from. The non-viable administrative division cannot be considered unless the variance for lot size reduction is approved.

The application was noticed on May 4, 2023 per CCZO §07-08-01(2)A to the public within a 300' radius of external property boundaries and to the affected agencies including Nampa Highway District and Upper Deer Flat Fire District. No public or agency comments were received.



## **Findings and Conclusions**

### **Variance Criteria CCZO §07-08-01(2)**

CCZO §07-08-01(2)C states *"The director shall consider all comments that are received within fifteen (15) calendar day comment period prior to making a written decision concerning the variance request. In considering comments, the director shall evaluate whether granting the variance will be consistent with the comprehensive plan and whether characteristics of the site create an undue hardship."*

The following criteria, stated in §07-08-03 CCZO, is required to be met in order to grant a variance:

#### **1. Will granting the variance be consistent with the comprehensive plan?**

Staff finds the proposed variance is consistent with the 2020 Canyon County Comprehensive Plan. The proposed variance is consistent the following policies:

- Property Rights Policy No. 1: *"No person shall be deprived of private property without due process of law"*.
- Property Rights Policy No. 8: *"Promote orderly development that benefits the public good and protects the individual with a minimum of conflict"*
- The current and future land use is agricultural. The applicant wishes to keep the zoning agricultural and will apply the variance of lot size in order to keep this zoning and conform to Canyon County ordinances.

#### **2. Do characteristics of the site create an undue hardship?**

Staff cannot find sufficient characteristics that would create an undue hardship for a variance. The applicant's assertion that a variance is required due to the parcel being restricted in growth by two residences north and south, Dearborne Rd to the east, and the large farm parcel to west is a self-imposed hardship because the parcel was illegally created through deed transfer after obtaining a secondary residence permit on the 1.75-acre parcel. Characteristics of the site do not create an undue hardship. No natural hindrances such as slope of greater than 15%, bodies of water, or rock outcroppings exist that would warrant a variance. The house complies with setbacks, including for a section line setback of seventy (70) feet along Dearborne Rd. The septic permit approved by Southwest District Health for the then secondary residence meets setback requirements for the current property.

#### **3. Is the variance in conflict with the public interest?**

Staff finds no evidence the variance is in conflict with the public interest.

#### **Order:**

Based upon the Findings of Fact and Conclusions of Law contained herein, the Director finds does not find the application consistent with §07-08-01(2)B of the Canyon County Zoning Ordinance and **Denies** Case No. AD2023-0019.

#### **What actions, if any the applicant could take to gain approval §67-6555:**

The applicant could attempt the following avenues to bring the property into compliance:

1. Re-combine the properties into one, 1.75 acre, parcel with a primary and secondary residence as originally permitted.
2. Work with the adjacent property owner to the west to obtain additional property to meet the minimum one (1) acre parcel size to provide for review of the proposed non-viable agriculture land division. To protect Ag ground, an Agricultural easement can be included in this additional property.
3. Apply for a Zoning Ordinance Text Amendment to allow for the proposed use/lot size.





  
\_\_\_\_\_  
Dan Lister, Planning Official

5.23.23

\_\_\_\_\_  
Date

State of Idaho                     )  
  )  
County of Canyon               )                     S.S.

On this 23rd day of May, in the year of 2023, before me Pamela Dilbeck, a Notary Public, personally appeared Dan Lister, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary Public: Pamela Dilbeck

My Commission Expires on: 10/14/2028





REVISED LETTER OF INTENT

April 15, 2024

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

Please approve this request.

Thank you,



Alan Mills

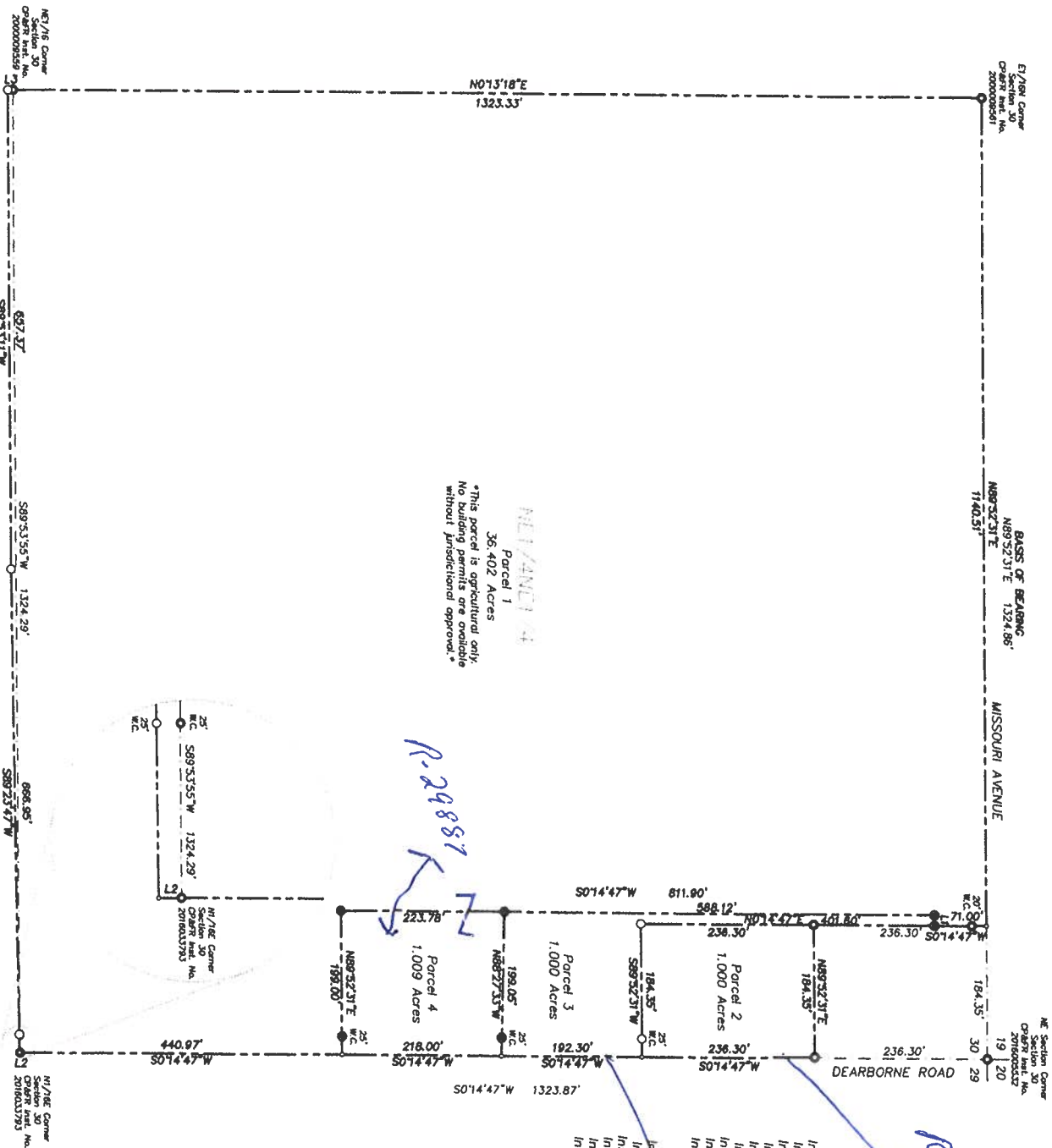
For the Jardine and Pancheri families

NO	BEARING	LENGTH
L1	S89°52'31"W	14.65'
L2	S01°44'47"W	1.00'
L3	N07°02'46"E	6.99'

LINE TABLE

# RECORD OF SURVEY

A PORTION OF THE NE 1/4 NE 1/4 AND THE SE 1/4 NE 1/4 OF SECTION 30,  
TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN,  
CANYON COUNTY, IDAHO



\*This parcel is agricultural only.  
No Building permits are available  
without jurisdictional approval.\*

Reference Surveys:  
Inst. No. 200250363  
Inst. No. 200010159  
Inst. No. 200008524  
Inst. No. 200127091  
Inst. No. 98950125  
Inst. No. 200127091  
Inst. No. 2016034638  
Inst. No. 2021018225  
Inst. No. 2020025801

Reference Deeds:  
Inst. No. 200127264  
Inst. No. 200412612  
Inst. No. 2007023778  
Inst. No. 2020029761  
Inst. No. 2020061621  
Inst. No. 2022014656

## LEGEND

- 5/8" REBAR - FOUND
- 5/8" x 24" REBAR PLUS 15352 - SET
- 1/2" REBAR - FOUND
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION/ALLOTMENT PART LINE
- W.C. WITNESS CORNER

SURVEYOR'S CERTIFICATE:  
This survey was performed at the request of Alan Miller on behalf of the Pancheri and Jardine families to adjust property lines and divide the parcels as shown. Section control was found and held as well as existing property corner monuments found. The new lines and parcels were created at the client's direction.

## CERTIFICATION

I, Thomas J. Skinner, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground under my direct supervision. That this map is an accurate representation of said survey, and that it is in conformity with the Corner Perpetuation Act, Idaho Code SS-1601 through SS-1612.



INDEX No. 224-30-1-1-0-00-00  
INDEX No. 224-30-1-2-0-00-00  
SURVEY FOR  
**PANCHERI/JARDINE**

Drawn By: TSW  
Date: Oct. 26, 2023  
Surveyed By: ZCL  
Job No. JY0123

**Skinner**  
**Land Survey**  
17942 Sand Hollow Road  
Caldwell, Idaho 83407  
(208) 434-0833  
WWW.SKINNERLANDSURVEY.COM  
survey@skinnerlandsurvey.com



# MASTER APPLICATION

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605

[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov)

Phone: 208-454-7458

Fax: 208-454-6633



<b>PROPERTY OWNER</b>	OWNER NAME: <u>Kurt &amp; Christy Pancheri</u>
	MAILING ADDRESS: <u>7873 Dearborne Rd Nampa ID 83686</u>
	PHONE: <u>208-573-9905</u> EMAIL: <u>KCPancheri@gmail.com</u>

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

Signature: Kurt Pancheri

Date: 2/9/2024

<b>(AGENT) ARCHITECT ENGINEER BUILDER</b>	CONTACT NAME: <u>ALAN MILLS</u>
	COMPANY NAME: <u>MILLS &amp; COMPANY REALTY INC.</u>
	MAILING ADDRESS: <u>Box 206 Middleton, Id. 83644</u>
	PHONE: <u>208-880-0525</u> EMAIL: <u>millscoerealty@msn.com</u>

<b>SITE INFO</b>	STREET ADDRESS:			
	PARCEL #: <u>R-29887</u>		LOT SIZE/AREA:	
	LOT:	BLOCK:	SUBDIVISION:	
	QUARTER:	SECTION:	TOWNSHIP:	RANGE:
	ZONING DISTRICT:		FLOODZONE (YES/NO):	

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

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

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

Revised 3/1/22



RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

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

---

---

(Space Above For Recorder's Use)

## QUITCLAIM DEED

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

### Parcel 3

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

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

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

thence continuing South 00°14'47" West along said East boundary a distance of 177.69 feet to a point witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 89°18'41" West a distance of 25.08 feet

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

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

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

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

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

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

Parcel 1

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

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

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

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

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

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

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

thence South 89°23'47" West a distance of 666.95 feet to a found 1/2 inch diameter rebar;

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

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

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

thence North 89°52'31" East along the North boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a distance of 1123.41 feet to the **TRUE POINT OF BEGINNING**, said parcel being 36.410 acres more or less, and being subject to any and all easements and rights of way of record or implied.

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

---

Kurt Pancheri

---

Christy Pancheri

State of Idaho            )  
                                      )ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of November, 2023, before me, the undersigned, a notary public in and for said state, personally appeared **Kurt Pancheri**, known or identified to me (or proved to me on the oath of **Kurt Pancheri**), to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
My Commission Expires: \_\_\_\_\_

State of Idaho            )  
                                      )ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of November, 2023, before me, the undersigned, a notary public in and for said state, personally appeared **Christy Pancheri**, known or identified to me (or proved to me on the oath of **Christy Pancheri**), to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
My Commission Expires: \_\_\_\_\_

11-1-2023

### Updated LETTER OF INTENT

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

The facts are as follows:

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

Thank you,



Applicant



Agricultural operator



Applicant



## LETTER OF INTENT

To Whom It May Concern,

March 8, 2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for your consideration,



---



---

To Whom it May Concern;

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

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

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

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

Thank you,

Kurt Pancheri



June 24, 2021

\* 7873 Dearborne Rd, Nampa 83686

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

- Kurt and Christy  
Pancheri

Christy Pancheri  
Kurt Pancheri

Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011


Jardine Trust proposal for County Commissioners to consider rezoning a  
 $\frac{3}{4}$  ac. Lot from Agricultural to Rural Residential

To Whom It May Concern;

We have been informed that the Jardine trust has requested a  
conditional rezone for a  $\frac{3}{4}$  acre lot at 7901 Dearborne Rd. Nampa, ID.

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

Thank you,

  
Mary A. Joacum

Address of

property:

7693 Dearborne Rd Nampa, ID 83686

Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011

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

To Whom It May Concern;

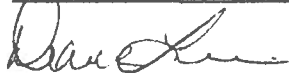
We have been informed that the Jardine trust has requested a  
conditional rezone for a ¾ acre lot at 7901 Dearborne Rd. Nampa, ID.

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

Thank you,

A handwritten signature in black ink, appearing to read "Dave Lema".

Address of

property: 7993 DEARBORNE ROAD, NAMPA ID 83686  
A handwritten signature in black ink, appearing to read "Dave Lema".



Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011

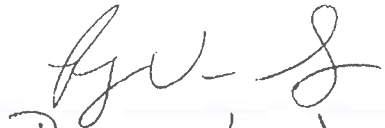
Jardine Trust proposal for County Commissioners to consider rezoning a  $\frac{3}{4}$  ac. Lot from Agricultural to Rural Residential

To Whom It May Concern;

We have been informed that the Jardine trust has requested a conditional rezone for a  $\frac{3}{4}$  acre lot at 7901 Dearborne Rd. Nampa, ID.

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

Thank you,

Dry Lake Dairy LLC,   
Ryan VanderStelt

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

Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011

Jardine Trust proposal for County Commissioners to consider rezoning a  $\frac{3}{4}$  ac. Lot from Agricultural to Rural Residential

To Whom It May Concern;

We have been informed that the Jardine trust has requested a conditional rezone for a  $\frac{3}{4}$  acre lot at 7901 Dearborne Rd. Nampa, ID.

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

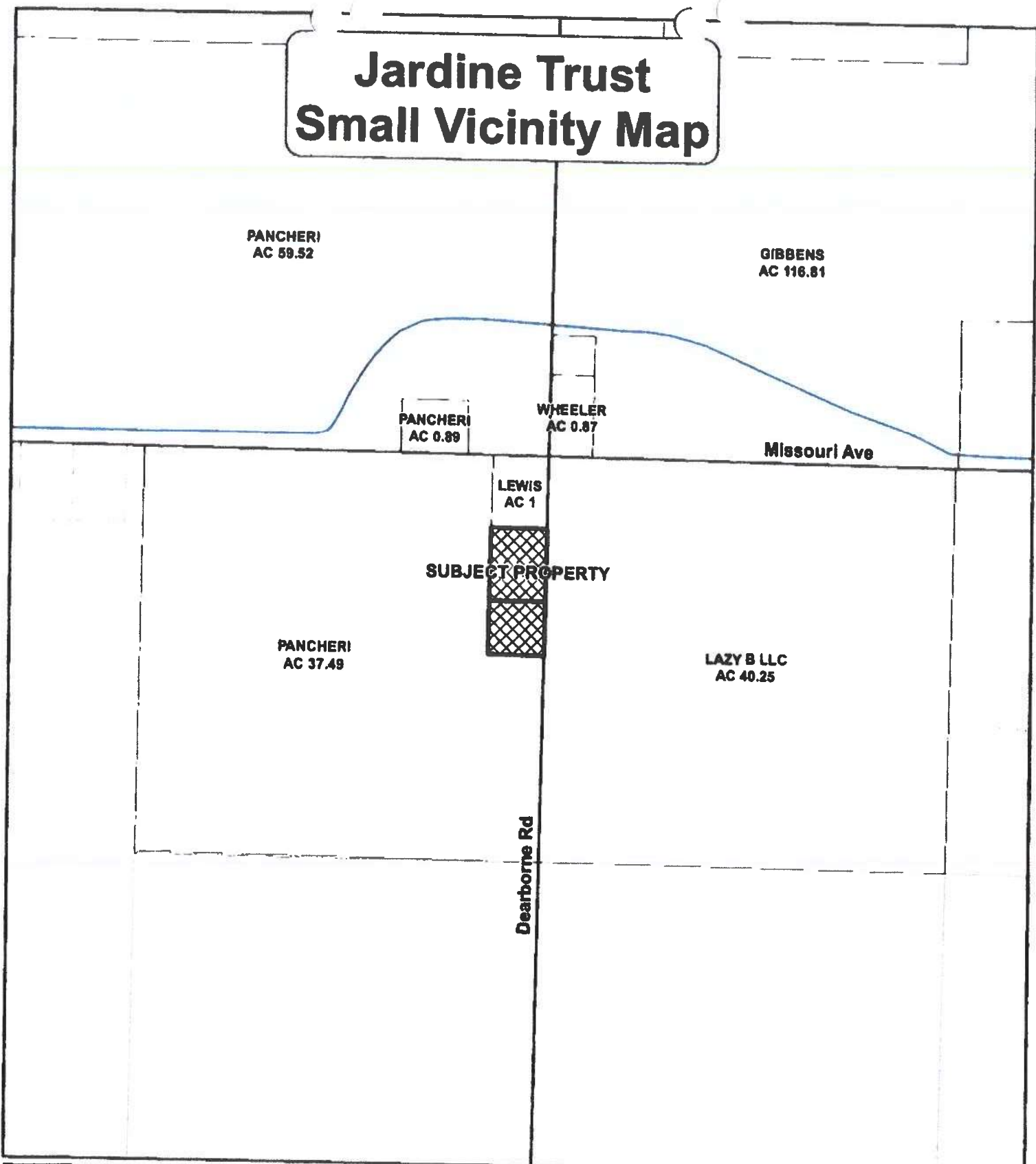
Thank you,

Darrel + Cheryl Rosti

Address of

property: 11621 Alamo Lane, Nampa ID 83686

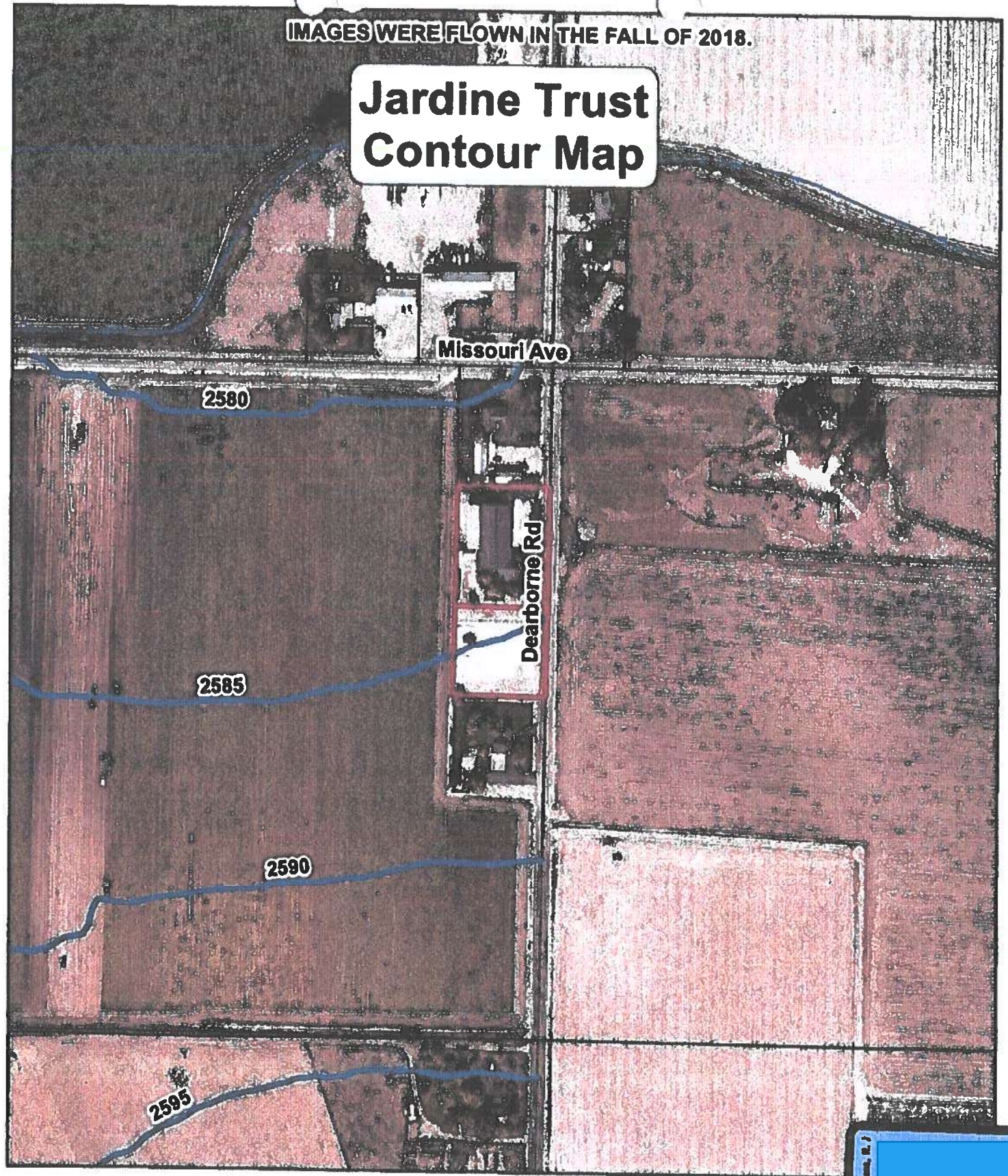
# Jardine Trust Small Vicinity Map





IMAGES WERE FLOWN IN THE FALL OF 2018.

# Jardine Trust Contour Map

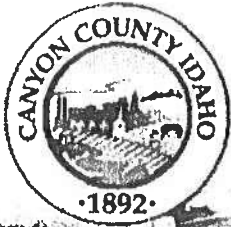


**Legend**

- SUBJECT\_PROPERTY
- TaxParcels
- SectionContours







# Development Services

Canyon County, 111 North 11<sup>th</sup> Avenue, Caldwell, ID 83605  
(208) 454 7458 • (208) 454 6633 Fax • [DSDInfo@canyonco.org](mailto:DSDInfo@canyonco.org) • [www.canyonco.org/dsd](http://www.canyonco.org/dsd)

September 18, 2019

RE: Parcel Inquiry for R29887

**Question: Is this parcel eligible for a lot split?**

*Canyon County Zoning Ordinance Article 18 Administrative Land Divisions, allows original parcels that predate adoption of the Zoning Ordinance on September 6, 1979 and have never been divided, a one-time lot split. The minimum lot size is 1 acre per parcel.*

The parcel was originally a 40 acre quarter section, the NE parcel (R2988) was split off prior to 1979 in 1978. The remaining parcel was considered original and underwent an Administrative Land Division in 2001 (LS2002-613) which split it into 2 parcels of 1.13 acres and 38.12 acres. As a result, the parcel is no longer considered original or eligible for Administrative Land Division.

However, the possibility remains to transfer the "building permit" from the 38 acre parcel and create a new parcel around the existing house and ½ acre lot between houses and build a secondary residence. The Agricultural zoning district does allow 1 primary residence and 1 secondary residence per parcel, so long as the property owner lives onsite in either residence. This is the easiest way to get what you are proposing.

In order to divide the ½ acre into a separate parcel, either a conditional rezone would be required or the full jurisdictional approval process. This requires a Comprehensive Plan Amendment (\$2500) to change the *future* zoning from agricultural to residential, a rezone (\$850) to change the *current* zoning from agriculture to residential, followed by the subdivision process (\$1680 + \$10/lot) to legally plat and record lots.

This parcel is *currently* zoned agriculture, the *future* zoning is designated agricultural and it is not located within a City impact area. There is no residential zoning in the vicinity, but there are a couple subdivisions. These conditions create an pretty unfavorable environment for a rezone to be considered for approval.

The minimum parcel size in the county is 1 acre, in order to meet individual well and septic setback standards to prevent contamination. A request for rezone would require the parcel be at least 1 acre once completed.

If you have any further questions please contact me.  
Sincerely,

Kate Dahl  
Planner III  
[kdahl@canyonco.org](mailto:kdahl@canyonco.org)  
208-455-5958

*For more information on  
parcel history please see case  
CR2020-0011*

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.*

**Dan Lister**

---

**From:** Dan Lister  
**Sent:** Tuesday, April 30, 2024 11:51 AM  
**To:** Alan Mills; 'jardineteresa2@gmail.com'  
**Subject:** AD2023-0020: Pre-Approval  
**Attachments:** PreApproval\_Jardine.pdf

Mr. Mills,

Attached is the pre-approval letter signed today regarding Case No. AD2023-0020 (Jardine). Please follow the instructions to gain final approval.

Please contact me if you have any questions.

Sincerely,

**Dan Lister, Principal Planner**

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

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

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

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

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



# Development Services Department



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

**Date:** May 1, 2024

**Re:** AD2023-0020 – Jardine

**Subject:** Pre-Approval

Owner/Applicant,

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

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

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

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

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

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

Sincerely,

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

CC: AD2023-0020



**Dan Lister**

---

**From:** Dan Lister  
**Sent:** Tuesday, August 6, 2024 3:06 PM  
**To:** 'Alan Mills'  
**Subject:** RE: [External] Jardine  
**Attachments:** PreApproval\_Jardine.pdf

Alan,

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

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

Sincerely,

**Dan Lister, Principal Planner**

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

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

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

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

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

---

**From:** Alan Mills <millscorealty@msn.com>  
**Sent:** Tuesday, May 7, 2024 1:24 PM  
**To:** Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; Dan Lister <Daniel.Lister@canyoncounty.id.gov>  
**Subject:** Re: [External] Jardine

Thanks for getting back to me Carl.

I need to be able to go over a map and explain the irrigation situation.

I can wait till next week .

Just let me know a time that will work.

Thanks,

Alan

---

**From:** Carl Anderson <[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>  
**Sent:** Tuesday, May 7, 2024 1:02 PM  
**To:** 'Alan Mills' <[millscorealty@msn.com](mailto:millscorealty@msn.com)>; Dan Lister <[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)>  
**Subject:** RE: [External] Jardine

Mr. Mills,

Thank you for reaching out regarding the Administrative Decision for Jardine (case file: AD2023-0020). Unfortunately, I am unavailable this afternoon or tomorrow morning.

We would be happy to assist you in providing clarification on the pre-approval. Please email us any comments or questions that you may have and we will endeavor to provide you a response.

Thank you,

**Carl Anderson, AICP, CNU-A**

Planning Supervisor

Canyon County Development Services Department

Email: [Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)

Phone: 208-454-6607



---

**From:** Alan Mills <[millscorealty@msn.com](mailto:millscorealty@msn.com)>

**Sent:** Monday, May 6, 2024 12:25 PM

**To:** Dan Lister <[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)>; Carl Anderson <[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>

**Subject:** [External] Jardine

Hi Dan and Carl, can I meet with you for some clarification on the Jardine pre approval?

Tomorrow afternoon or Wednesday morning are open for me.

Please let me know if one of those times work for you.

Thanks,

Alan

**Dan Lister**

---

**From:** Jay Gibbons  
**Sent:** Tuesday, August 6, 2024 2:56 PM  
**To:** Dan Lister  
**Subject:** Jardine documentation for Admin application

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



**Jay A. Gibbons, PLA ASLA**

Assistant Director  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: 208-455-5958  
Mobile: 208-599-6738  
Email: [Jay.Gibbons@canyoncounty.id.gov](mailto:Jay.Gibbons@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)  
Development Services Department (DSD)

**Dan Lister**

---

**From:** Dan Lister  
**Sent:** Friday, August 30, 2024 3:29 PM  
**To:** 'jardineteresa2@gmail.com'; Alan Mills  
**Subject:** AD2023-0020 - Jardine Nonviable Division  
**Attachments:** PreApproval\_Jardine.pdf

Teresa/Alan,

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

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

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

Contact me if you have any questions.

Sincerely,

**Dan Lister, Principal Planner**

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

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

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

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

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



**Dan Lister**

---

**From:** Teresa Jardine <jardineteresa2@gmail.com>  
**Sent:** Wednesday, September 11, 2024 11:05 AM  
**To:** Dan Lister  
**Subject:** [External] Re: AD2023-0020 - Jardine: Phone Discussion

Hi Dan,

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

Sincerely,  
Teresa Jardine

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

Teresa,

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



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

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

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

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

Attached are the applications for the variance and conditional rezone.

Contact me if you have any questions.

Sincerely,

**Dan Lister, Principal Planner**

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

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

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

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

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

**Dan Lister**

---

**From:** Dan Lister  
**Sent:** Wednesday, October 9, 2024 4:12 PM  
**To:** 'Teresa Jardine'; Alan Mills; Danny Bower  
**Subject:** RE: [External] Jardine land split denial  
**Attachments:** Appeal.pdf

Teresa,

Attached is the appeal application, submittal requirements, and fee. If it is not submitted and paid for by the end of the business day tomorrow (10/10/24), the ability to appeal expires.

Sincerely,

**Dan Lister, Principal Planner**

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

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

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

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

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

**From:** Teresa Jardine <jardineteresa2@gmail.com>

**Sent:** Wednesday, October 9, 2024 4:05 PM

**To:** Dan Lister <Daniel.Lister@canyoncounty.id.gov>; Alan Mills <millscorealty@msn.com>; Danny Bower <DBower@stm-law.com>

**Subject:** [External] Jardine land split denial

**Hi Dan,**

**We are in receipt of the denial letter regarding case#AD2023-0020, our request to divide our parcel from our parent's parcel and create a split between the two parcels. The application was denied due to the fact that we did not meet the minimum lot size requirement of one acre. We wish to appeal that decision. We would like the opportunity to explain our case and the process it took to get to this point if possible. We have worked for 5 years to get it split and would have never started building in the first place had we known we would be turned down. It's been a long and frustrating process, as well as expensive. At this point, our only option is to apply for the variance again and hope it will pass. We have no hope of getting our brother and sister-in-law to agree to give us more land at this time.**

**We are already living on the parcel and have been for 3 years. We had plenty of room for our septic system and even room for an additional one, if ever needed, without the extra 1/4 acre. We respectfully ask that you consider an appeal to your decision. We are happy to answer any questions regarding this situation.**



**Respectfully.  
Mike and Teresa Jardine  
208-941-9955**



**Director Administrative Decision**

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

Case Number: **AD2023-0020**

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

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

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

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

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

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

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

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

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

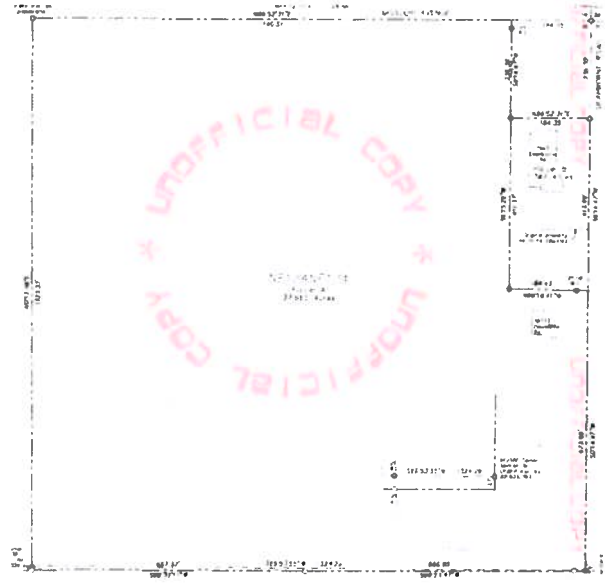
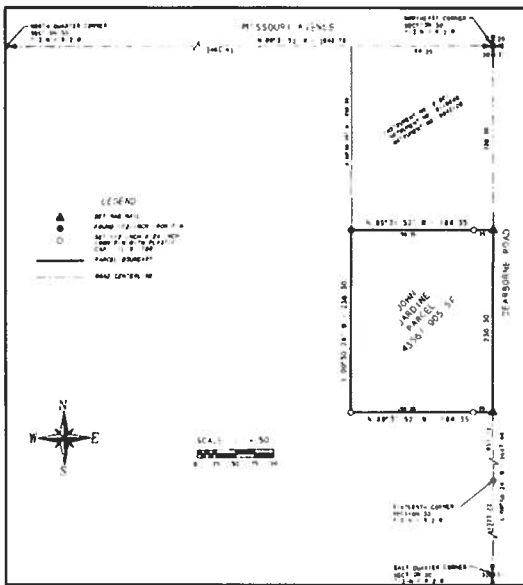
**Finding CCZO §07-18-09 – Administrative Division of a Nonviable Parcel in an Agricultural Zone:**  
The following was found inconsistent with CCZO §07-18-09:



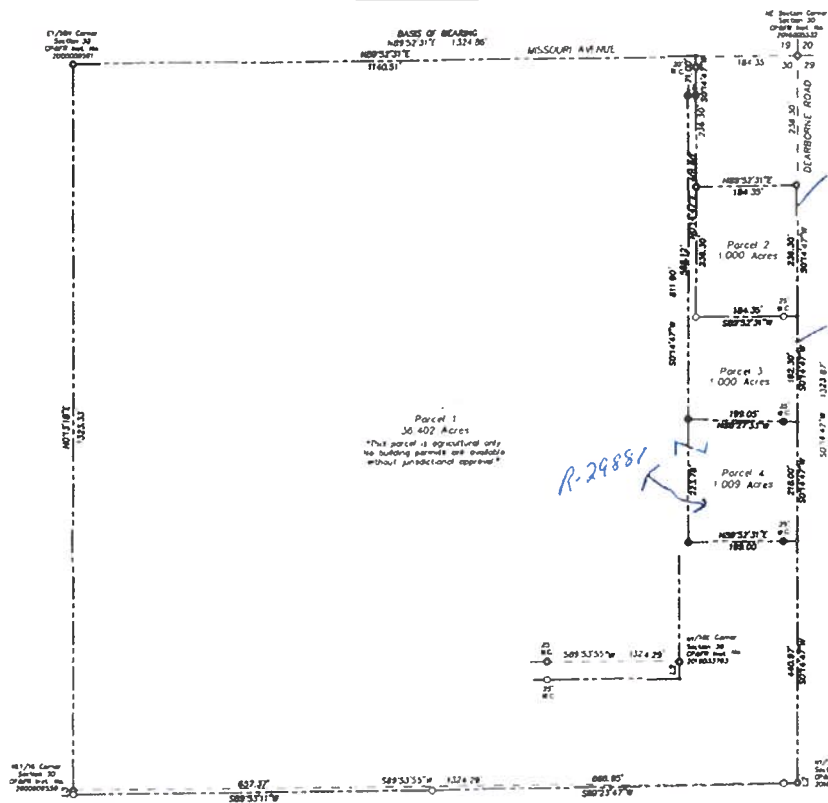
# EXHIBIT A

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

Existing (AD2020-0050)



## Proposed





**EXHIBIT B – Letter of Intent**  
**REVISED LETTER OF INTENT**

April 15, 2024

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

Please approve this request.

Thank you,



**Alan Mills**

**For the Jardine and Pancheri families**

11-1-2023

### Updated LETTER OF INTENT

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

The facts are as follows:

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

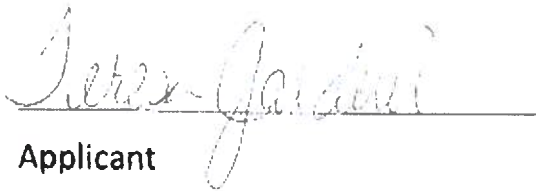
Thank you,



Applicant



Agricultural operator



Applicant



RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO

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

---

---

(Space Above For Recorder's Use)

## QUITCLAIM DEED

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

### Parcel 1

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

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

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

thence continuing South  $00^{\circ}14'47''$  West along said East boundary a distance of 177.69 feet to a point witnessed by a  $5/8 \times 24$  inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North  $89^{\circ}18'41''$  West a distance of 25.08 feet

thence North  $89^{\circ}18'41''$  West a distance of 201.35 feet to a  $5/8 \times 24$  inch rebar set with a plastic cap stamped P.L.S. 15352;

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

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

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

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

QUITCLAIM DEED - PAGE 1



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

Parcel 1

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

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

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

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

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

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

thence South 00°14'47" West along the East boundary of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a distance of 1.00 foot to a point witnessed by a found 5/8 inch diameter rebar bearing South 89°23'47" West a distance of 25.00 feet;

thence South 89°23'47" West a distance of 666.95 feet to a found 1/2 inch diameter rebar;

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

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

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

thence North 89°52'31" East along the North boundary of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  a distance of 1123.11 feet to the **TRUE POINT OF BEGINNING**, said parcel being .36410 acres more or less, and being subject to any and all easements and rights of way of record or implied.

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

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

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

QUITCLAIM DEED - PAGE 2

## LETTER OF INTENT

To Whom It May Concern,

March 8, 2023

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

Thank you for your consideration,



---



---



To Whom it May Concern;

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

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

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

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

Thank you,

Kurt Pancheri

June 24, 2021

\* 7873 Dearborne Rd, Nampa 83686

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

- Kurt and Christy  
Pancheri

Christy Pancheri  
Kurt Pancheri

Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011


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

To Whom It May Concern;

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

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

Thank you,

  
Mary A. Jodum  
Address of  
property: 7293 Dearborne Rd Nampa, ID 83686

Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011

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

To Whom It May Concern;

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

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

Thank you,



Address of

property:

7993 DEARBORNE ROAD, NAMPA ID 83686





Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011

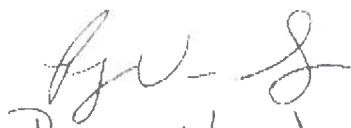
Jardine Trust proposal for County Commissioners to consider rezoning a  
 $\frac{3}{4}$  ac. Lot from Agricultural to Rural Residential

To Whom It May Concern;

We have been informed that the Jardine trust has requested a  
conditional rezone for a  $\frac{3}{4}$  acre lot at 7901 Dearborne Rd. Nampa, ID.

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

Thank you,

Dry Lake Dairy LLC,   
Ryan VanderStelt

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

Canyon County Commission

6/24/2021

RE: Case file # CT2020-0011

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

To Whom It May Concern;

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

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

Thank you,

Darrel & Cheryl Rosti

Address of

property: 11621 Alamo Lane, Nampa, ID 83686

EXHIBIT C – Pre-Approval letter



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

**Date:** May 1, 2024

**Re:** AD2023-0020 Jardine

**Subject:** Pre-Approval

Owner/Applicant,

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

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

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

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

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

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

Sincerely,

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

CC: AD2023-0020

## EXHIBIT D – Correspondence

8/6/2024



Tue 8/6/2024 12:55 PM

Jay Gibbons

Jardine documentation for Admin application

To: Dan Lister

Dan,

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



**Jay A. Gibbons, PLA ASLA**

Assistant Director

Canyon County Development Services Department

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

Direct Line: 208-455-5958

Mobile: 208-599-6738

Email: [jay.gibbons@canyoncounty.id.gov](mailto:jay.gibbons@canyoncounty.id.gov)

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

Development Services Department (DSD)



Fri 8/6/2024 3:08 PM

Dan Lister

RE: [External] Jardine

To: Alan Mills



Alan,

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

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

Sincerely,

Dan Lister, Principal Planner

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

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

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am - 5 pm

Wednesday

1 pm - 5 pm

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

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



**8/30/2024**



Teresa/Alan,

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

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

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

Contact me if you have any questions.

Sincerely,

**Dan Lister, Principal Planner**

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

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

9/11/2024

Wed 9/11/2024 11:15 AM  
TJ Teresa Jardine <jardineteresa2@gmail.com>  
[External] Re: AD2023-0020 - Jardine: Phone Discussion

To: Dan Lister

Hi Dan,

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

Sincerely,  
Teresa Jardine

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

Teresa,

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



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

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

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

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

Attached are the applications for the variance and conditional rezone.

Contact me if you have any questions.

Sincerely,

**Dan Lister, Principal Planner**

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

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



# Development Services Department

Canyon County, 1115 Albany Street, #310, Caldwell, ID 83605

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

## NOTICE OF DECISION

September 25, 2024

**Case Name:** Jardine

**Case Number:** AD2023-0020

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

Dear Canyon County Property Owner(s):

On March 15, 2023, the Canyon County Development Services Department (DSD) accepted an application for an Administrative Land Division for a non-viable farm ground in an agricultural zone (CCZO Section 09-18-09) from Teresa and Michael Jardine. If approved, the request would legalize the division creating the subject parcel and adjust the parcel to be one acre.

On September 24, 2024, the Director of Development Services denied the application due to the request not meeting the minimum lot size of one acre. A copy of the decision may be required through a public record request: <https://www.canyoncounty.id.gov/cc-public-records-request>.

Any affected person, defined by Idaho Code §67-6521, who is aggrieved by the decision, may file a written notice of appeal with the Director of Development Services within fifteen (15) calendar days from the date of this letter. A notice of appeal must include the appropriate fee (\$600), including the date of appeal, the affected person's name, and the specific objections to the decision (CCZO §07-05-07).

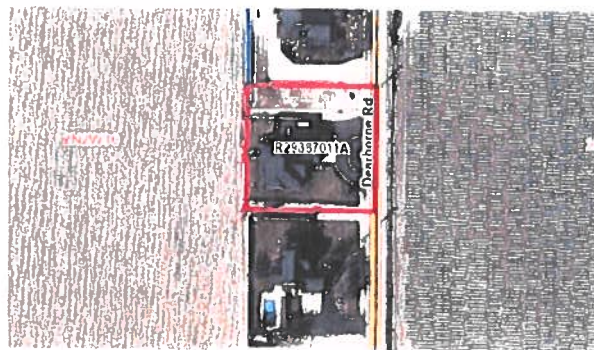
Sincerely,

**Dan Lister, Principal Planner**

Canyon County Development Services Department (DSD)

Office: (208) 454-7458 | Direct: (208) 455-5959

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



**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.*

**EXHIBIT**

**A**

PARCEL_NO	OwnerName	Address	City	State	ZipCode
R29884	LAZY B LLC	10249 MISSOURI AVE	NAMPA	ID	83686
R29646	K AND C CASA LLC	7873 DEARBORNE RD	NAMPA	ID	83686
R29646010	KURT PANCHERI FARMS LLC	7873 DEARBORNE RD	NAMPA	ID	83686
R29887	PANCHERI KURT	7873 DEARBORNE RD	NAMPA	ID	83686
R29887011A	JARDINE TERESA D	7901 DEARBORNE RD	NAMPA	ID	83686
R29887011	JARDINE TRUST	7942 DEARBORNE RD	NAMPA	ID	83686
R29888	LEWIS DIANE KAY	7993 DEARBORNE RD	NAMPA	ID	83686
R29658	WHEELER DENNIS J	8010 DEARBORNE RD	NAMPA	ID	83686
R29657010	DESERT VIEW RANCH LLC	8725 BIG FOOT RD	MELBA	ID	83641





# **CERTIFICATE OF LEGAL NOTIFICATION**

**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605

Phone: 208-454-7458



**CASE NAME: Jardine**

**CASE NO: AD2023-0020**

**HEARING BODY: Director's Decision**

I, Amber Lewter, as the representative of Canyon County Development Services, hereby certify that on this 25<sup>th</sup> day of September 2024, I mailed by regular first-class mail, or emailed, a true and correct copy of the notice attached hereto as Exhibit A to those referenced in Exhibit B in accordance with the requirements of the Canyon County Zoning Ordinance § 07-05-01.

- ☐ Agencies – Initial Notice for Comment
- ☐ JEPA / (City of Nampa)
- ☐ Agencies – 30 Day Notice of Hearing Date
- ☐ Full Political
- ☒ Property Owners – Decision Letter

**Signed:**

Amber Lewter  
(Signature of DSD staff who mailed/e-mailed notice)

**Date Completed:**

9/25/24

**EXHIBIT 3**

**BOCC Draft FCOs**

-

**Board of County Commissioners**

**Case#** AD2023-0020-APL

**Hearing date:** December 5, 2024



**Findings of Fact, Conclusions of Law, and Order**

**Findings of Fact**

1. The applicant, Teresa Jardine, requests an appeal regarding the denial of AD2023-0020 for a non-viable parcel land division per CCCO §07-18-09. The appellant requests the Board of County Commissioners approve the appeal (Exhibit 1 of the staff report). The affected properties are 7901 & 7943 Dearborn Road, Nampa (R29887011 & R29887011A); also referenced as a portion of the SE¼ of Section 30, T2N, R2W, B-M, Canyon County, Idaho.
2. The subject parcels are zoned “A” (Agricultural). The 2030 Canyon County Comprehensive Plan designates the property and surrounding area as “agriculture” with an “intensive agriculture” overlay. The 2020 Canyon County Comprehensive Plan also designated the property and surrounding area as “agriculture” (Exhibit 2.a of the staff report).
3. Parcel R29887011 was created by the land division as a one-acre parcel in 2002 (LS2002-613). The primary dwelling was built via a building permit in 2005 (ZC2005-694). The parcel was adjusted into 1.75 acres in 2020 (AD2020-0050, Exhibit 2.c of the staff report). A secondary residence per CCCO §07-10-27 and §07-14-25 was submitted in 2020 and received a permanent certificate of occupancy on February 3, 2021 (BP2020-0566, Exhibit 2.d of the staff report).
4. In 2020, Parcel R29887011A was created by a quitclaim deed dividing the secondary residence from the primary (Inst. No. 2020-061621, Exhibit 2.e of the staff report).
5. In 2020, a conditional rezone was submitted to rezone parcel R29887011 to an “R-1” (Single-Family Residential) Zone so the secondary residence could legally be divided from the primary dwelling on Parcel R29887011 (CR2020-0011). The request included an approved variance to allow the reduction of the lot size subject to the conditional rezone to an “R-1” zone being approved (AD2020-0134, Exhibit 2.f of the staff report). The conditional rezone to an “R-1” zone was denied by the Board of County Commissioners on June 30, 2021 (Exhibit 2.g of the staff report).
6. On March 15, 2023, a non-viable parcel land division per CCCO §07-18-09 and variance to allow a 0.75-acre lot size was submitted to DSD (AD2023-0020 and AD2023-0019). The variance was denied on March 23, 2023, due to the undue hardship being created by the illegal creation of Parcel R29887011A (Exhibit 2.h of the staff report). The denial was not appealed by the applicant per Section 07-05-07 of the Canyon County Code of Ordinances (CCCO).
7. On April 15, 2024, the non-viable land division was amended to meet the one-acre lot size minimum by including a property boundary adjustment with the farmland to the west, Parcel R29887 (Pancheri; Exhibit 2.i of the staff report). On May 1, 2024, a pre-approval letter was sent to the applicant finding the request complied with CCCO §07-18-09 and providing 120 days to comply with the requirements in the letter (Exhibit 2.j of the staff report).
8. After 120 days, the requirements of the pre-approval letter were not met. The applicant was informed and provided time to comply (Exhibit 2.k.i, ii & iii of the staff report). The applicant informed DSD that the Pancheri (Parcel R29887) no longer wished to adjust land to make Parcel R29887011A one acre. After notification and e-mail providing options (Exhibit 2.k.iv & v of the staff report), the non-viable parcel land division was denied on September 24, 2024, due to the request not meeting the minimum lot size of one acre (Exhibit 2.l of the staff report). A notice of decision was sent on September 25, 2024 (Exhibit 2.m of the staff report).
9. On October 10, 2024, property owner Teresa Jardine submitted an appeal of the decision (Exhibit 1 of the staff report).
10. Required hearing noticing was completed per CCCO §07-05-01. Affected agencies and property owners within 600’ of the parcel boundaries were noticed on November 5, 2024. The notice was posted on the property on November 7, 2024. A notice was published in the newspaper on November 5, 2024.

### **Summary of the Record**

All record herein consists of exhibits provided in the public hearing staff report, testimony, and exhibits provided during the public hearing on December 5, 2024, and all information in case file AD2023-0020-APL.

### **Applicable County Ordinance**

1. The following laws and ordinances apply to this decision: CCCO §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-02 (Definitions), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-05-07 (Appeal of Director Administrative Decision), and CCCO §07-18-09 (Administrative Decision of Nonviable Parcels in an Agricultural Zone).
2. The Board can sustain, modify, or reject the Director's recommendations. *See* CCCO §07-05-07(2).
3. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-18-09(6).

### **Conclusions of Law**

Upon review, the Board of County Commissioners finds and concludes the following regarding the Standards of Review for Appeal of Director Administrative Decision (CCCO §07-05-07):

- (1) **Appeal to Board: An affected person aggrieved by a final administrative decision or action of the director that was made pursuant to the provisions of this chapter may appeal to the board.**
- (2) **Appeal Procedures:**
  - A. **Appeals shall be filed with DSD within fifteen (15) calendar days after the date of the decision. A notice of appeal should include a statement of the reasons for the appeal and must be accompanied with all appropriate fees as established by the adopted fee schedule.**
    1. On October 10, 2024, Teresa Jardine submitted an appeal of the decision (Exhibit 1 of the staff report) requesting the Board of County Commissioners approve the appeal and allow a lot size of less than one acre.
  - B. **At the public hearing held in accordance with this article, the board shall consider the decision of the director and any additional evidence that may be offered by the public, applicant, or director.**
    1. All record herein consists of exhibits provided in the public hearing staff report, testimony, and exhibits provided during the public hearing on December 5, 2024, and all information in case file AD2023-0020-APL.
    2. Required hearing noticing was completed per CCCO §07-05-01. Affected agencies and property owners within 600' of the parcel boundaries were noticed on November 5, 2024. The notice was posted on the property on November 7, 2024. A notice was published in the newspaper on November 5, 2024.
  - C. **The board may affirm, reverse, or modify, in whole or in part, the director's decision.**

After reviewing all applicable codes and requirements and considering all information presented at a duly noticed hearing, the Board of County Commissioners affirms the decision made by the Director of DSD on September 24, 2024 (Exhibit 3 of the staff report).

    1. The Board finds that the request complies with all requirements of CCCO §07-18-05 and 09 except for the following:
      - a. The request does not meet the minimum lot size of one acre per CCCO §07-18-09(2) which states: *"Minimum Parcel: The proposed parcel created and its remnant shall be at least one (1) acre in size."*
        - i. *See Exhibit 2.k & 2.1 of the staff report for evidence.*
      - b. The request to reduce the minimum lot size (Exhibit 1 of the staff report) cannot be considered without a variance application per Chapter 7, Article 8 – Variances - of the Canyon County Code of Ordinances (CCCO).
        - i. The variance submitted on March 14, 2023 (AD2023-0019), was denied on May 23, 2023 (Exhibit 2.h of the staff report). The property owner did not appeal the decision within the 15-

day appeal period per CCCO §07-05-07(2)A: “Appeals shall be filed with DSD within fifteen (15) calendar days after the date of the decision. A notice of appeal should include a statement of the reasons for the appeal and must be accompanied with all appropriate fees as established by the adopted fee schedule.”

- c. The Board concurs with the options provided in the Director’s Decision dated September 24, 2024, for ways to gain approval (Exhibit 3 of the staff report).
  - i. *Reapply for an Administrative Division of a Nonviable Parcel in an Agricultural Zone (CCCO §07-18-05 & 09) and provide information demonstrating the proposed parcel can (1) meet the minimum lot size of one-acre (CCZO §07-18-09(2), and (2) ensuring the request does not impact adjacent viable agricultural uses (CCZO §07-18-09(5)D); or*
  - ii. *Combine the parcel with Parcel R29887011 and reestablish the dwelling as a secondary residence as approved by BP2020-0566.*

**Order**

Based upon the Findings of Fact and Conclusions of Law enumerated above, the Board of County Commissioners hereby **denies** the appeal **affirming** the decision by the Director of DSD for Case No. AD2023-0020.

**APPEAL DENIED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

**BOARD OF COUNTY COMMISSIONERS  
CANYON COUNTY,**

	Yes	No	Did Not Vote
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____
_____ Commissioner Leslie Van Beek	_____	_____	_____
Attest: Rick Hogaboam, Clerk			
By: _____			