



# Development Services Department

Canyon County, 111 North 11<sup>th</sup> Avenue, Caldwell, ID 83605

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

## Memorandum

**To:** Planning and Zoning Commission

**From:** Arbay Mberwa, Associate Planner

**Date:** December 9, 2024

**RE:** Case No. CU2023-0027- postponed to a date certain of December 19, 2024

Case No. CU2023-0027, Harris, was noticed for public hearing on September 11, 2024, before the Planning and Zoning Commission. On October 17, 2024, the Planning and Zoning Commission postponed the hearing to a date certain on December 19, 2024, to allow the applicant to provide additional information so the Commission can make a decision on the case.

On November 19, 2024, DSD staff and the applicants, Rick and Laura Harris, met to discuss the information requested by staff and the Planning and Zoning Commission. Discussed during the meeting was fencing, how to mitigate concerns such as dogs running at large and noise complaints. How all 40 dogs will safely live and sleep on the property, and the actions that can be taken to gain approval in the Findings of Fact, Conclusion of Law and Order. On December 4, 2024, the applicants submitted information requested by staff and the Commission (**Attachments i & ii**).

### Optional Motions:

- **Approval of the Application:** finding CU2023-0027, **does** meet the criteria for approval under Article 07.07.05 of Canyon County Zoning Regulations, **with the conditions listed in the staff report.**
- **Denial of the Application:** finding CU2023-0027, **does not** meet the criteria for approval under Article 07.07.05 of Canyon County Zoning Regulations.
- **Table the Application:** move to continue CU2023-0027, Harris to a [date certain or uncertain].

### Attachments:

- i- Email correspondence between DSD Staff and Applicant
- ii- Updated Site Plan
- iii- Staff Report from October 17, 2024

**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.*

**Attachment i**

**Email Correspondence**

Planning & Zoning Commission

Case# CU2023-0027

Hearing date: December 19, 2024

**From:** Laura Harris <laura@boisedoodle.co>  
**Sent:** Wednesday, December 4, 2024 9:03 AM  
**To:** Arbay Mberwa  
**Subject:** Re: [External] Re: CU2023-0027  
**Attachments:** processed-420877C3-EFFC-478F-A4C7-BC69957A6F0D.jpeg;  
original-445C03CF-0BAB-4609-8D65-5D002EE7DE4D.jpeg

Does this cover everything we discussed?

I'll forward the updated site plan in a separate email if I can't attach it here

## Canyon County CUP Items

- Perimeter fence to be 72" Tall, No climb wire fence. Wire also attached along the bottom so dogs/pups cannot dig out. Electric wire to be placed on the inside to help deter any escapes.
- Dogs to be put to bed at 10 pm
- Majority of dogs on the west side have already been moved to assist with comfort of our neighbors, the Hunts.
- All runs pictured have warm insulated shelters that also have metal roofing to keep any moisture or rain out so that they can stay warm and dry.
- All runs are minimum of 20x20. Most are 20x35 or larger so dogs have lots of room to exercise
- We have indoor kennels and runs in our garage to fit 48 adult dogs. Garage dimensions are 36' x 45'
- We will be adding privacy fence in some places in the near future, simply for privacy from the road. After speaking with those involved helping us with this, the need for fencing is to keep the dogs from leaving our property and we are very confident in the 72" no climb wire fence with the wire attached along the ground.
- We are planning to put a large shed on the west side of the property. We don't have exact dimensions, but we're currently pricing a 16x48 loft style. There will be a small run off the back of

this and then indoor will be used as office space, future grooming (not baths until plumbed and septic) and puppy care.

- Majority of people meet us off site as we like to limit access to our property to help control germs and viruses for our dogs. If we do have someone come, it's generally between 11:00-3:00 or in the evening between 6:30-8:00. Probably 4-6 times a month.
- I have hired a lady that comes and cleans my house and helps with things 2x a week. From 10:30 am -2:30 pm on Tuesdays and Thursdays
- All barking in the evening hours will be mitigated by using bark collars or housing dogs in the garage or future shop/kennel space.

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**From:** Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>

**Sent:** Monday, December 2, 2024 9:36:35 AM

**To:** 'Laura Harris' <laura@boisedoodle.co>

**Subject:** RE: [External] Re: CU2023-0027

Good Morning,

This is a courtesy reminder to submit all updated materials and additional information for the dog kennel conditional use permit to me no later than **December 6, 2024** to be included for the December 19<sup>th</sup> hearing.

Thanks,



Arbay Mberwa

Associate Planner

Canyon County Development Services Department

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

Direct Line: 208-455-6039

Email: [Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)

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

Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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



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**From:** Arbay Mberwa  
**Sent:** Tuesday, November 19, 2024 12:19 PM  
**To:** 'Laura Harris' <laura@boisedoodle.co>  
**Subject:** RE: [External] Re: CU2023-0027

Hello,

Thanks for meeting as noted during the meeting please provide the following information, either as an email and/or updated site plan, letter of intent and operation plan- please be detailed:

Demonstrate how noise and dogs running at large can be minimized and how the facility can adequately and safely accommodate 40 dogs.

- a. Provide a detailed operation plan regarding viewings and pick-up times to mitigate noise.
- b. Address in the letter of intent how the proposed use is consistent with the 2030 Comprehensive Plan and that the use will not be injurious or change the essential character of the area.
- c. All dogs shall either be completely indoors or placed away from adjacent residences. All habitual barking sounds must cease by 9 PM. by putting the dogs in an indoor structure to sleep. A building shall be constructed to house the dogs or a site plan demonstrating that there is adequate space in the garage to sleep all forty (40) dogs indoors.
- d. The number of canines on the premises shall not exceed 40 regardless of age at any one time.
- e. Provide a fencing plan for when the and where the fencing will be installed on the site plan and/or the letter of intent.

In addition if you could please address the following in your letter of intent:

1. Will essential services be provided to accommodate the proposed use, specifically Animal Control and Emergency Medical Services.

Due to the operations already taking place the commencement shall be in three years and all improvements shall be completed in five years.

You may find the staff report on Canyon County website under land hearings.

If you have further questions please let me know.

Thanks,



*Arbay Mberwa*

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

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**From:** Arbay Mberwa  
**Sent:** Wednesday, November 6, 2024 4:42 PM  
**To:** 'Laura Harris' <[laura@boisedoodle.co](mailto:laura@boisedoodle.co)>  
**Subject:** RE: [External] Re: CU2023-0027

Hi,

The meeting has been scheduled for Tuesday, November 19, 2024, at 11:00 am.

See you then.



Arbay Mberwa  
Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6039  
Email: [Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)  
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**From:** Laura Harris <[laura@boisedoodle.co](mailto:laura@boisedoodle.co)>  
**Sent:** Tuesday, November 5, 2024 1:04 PM  
**To:** Arbay Mberwa <[Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)>  
**Subject:** Re: [External] Re: CU2023-0027

Let's do Tuesday November 19th at 11:00 am

Thanks!

Laura

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**From:** Arbay Mberwa <[Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)>  
**Sent:** Tuesday, November 5, 2024 10:22:36 AM

To: 'Laura Harris' <[laura@boisedoodle.co](mailto:laura@boisedoodle.co)>

Subject: RE: [External] Re: CU2023-0027

Good Morning,

Please select a date and time to meet, the meeting will be held at 111 N 11<sup>th</sup> Ave room #310, Caldwell ID, 83605.

Tuesday, November 19, 11am-4pm

Wednesday, November 20, 11am -4pm

Tuesday, November 26, 11am-4pm

Wednesday, November 27, 11am-4pm

If the dates above don't work for you, please propose new dates.

Kennels are defined as "Any portion of land, or any building, structure, enclosure or premises on the same or adjacent parcels, in which canines are housed, groomed, bred, boarded, trained, or sold, in which a total of six (6) or more dogs, **three (3) months of age or over** are kept or maintained in conformance with section [03-05-09](#): of this Code." (§07-02-03)

Thanks,



Arbay Mberwa

Associate Planner

Canyon County Development Services Department

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**From:** Laura Harris <[laura@boisedoodle.co](mailto:laura@boisedoodle.co)>

**Sent:** Tuesday, November 5, 2024 9:04 AM

**To:** Arbey Mberwa <[Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)>

**Subject:** Re: [External] Re: CU2023-0027

Hello!! For some reason your emails go into my junk folder. The guy told me you were going to call me. I was getting ready to reach out.

I'd love an in person meeting so I can more fully understand all details you need. I really want and need this to be a success.

Can you also verify that Canyon County is six dogs over the age of three months because animal control the prosecuting attorney and the judge of all told me that it's dogs over the age of six months old. When I go online and look at the code myself it also states six months old so I'm just trying to figure out where the three months of age and over came from

Please let me know what availability you have to meet in person and I would love to get on your calendar

Thank you!!

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**From:** Arbay Mberwa <[Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)>

**Sent:** Monday, November 4, 2024 11:45:33 AM

**To:** 'Laura Harris' <[laura@boisedoodle.co](mailto:laura@boisedoodle.co)>

**Subject:** RE: [External] Re: CU2023-0027

Hello,

This is a curtsey reminder to please provide information regarding the Kennel (CU2024-0027).

If you wish we may schedule a time to meet to discuss further. Please let me know if you have questions.

Thanks,



*Arbay Mberwa*

Associate Planner

Canyon County Development Services Department

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**From:** Arbay Mberwa

**Sent:** Monday, October 21, 2024 9:04 AM

**To:** 'Laura Harris' <[laura@boisedoodle.co](mailto:laura@boisedoodle.co)>

**Subject:** RE: [External] Re: CU2023-0027

Good Morning,

The hearing on October 17, 2024, has been tabled to December 19, 2024, so that you may provide essential information regarding the case. As noted during the public hearing there are 3 criteria's that did not meet due to inadequate information. If you could please address the following in your letter of intent

1. How the proposed use is consistent with the 2030 Comprehensive Plan.
2. How the proposed use may or may not be injurious to other property in the vicinity and/or change the essential character of the area.
3. Will essential services be provided to accommodate the proposed use, specifically Animal Control and Emergency Medical Services.

On the site plan please note where the dogs will be housed and if all 40-45 dogs will safely fit in the garage or the space they will be living in. The type and height of fencing around the perimeter of the property. How the noise and dogs running at large will be mitigated. Will the dog kennels be enclosed or sound proofed? Take these questions into consideration and please address them. Similarly with the questions asked during the public hearing, answer those questions in the letter of intent, the more detailed the better. The hours of operation plan could be updated to include more information.

You may find the Staff Report on Canyon County Website under Land Hearings. In exhibit F of the staff report you may find additional information on what you may do and/or provide information for to gain approval. On page 8 of the staff report there are conditions of approval if the planning and zoning commission wish to approve your request, please read through the conditions if you are okay with those, would like to propose your own or edit the conditions. If approved how and when do you plan on implementing fencing, bark collars etc.

**Please provide additional information, materials and presentation slides before the deadline of December 9, 2024, the sooner the better.**

If you wish we may schedule a time to meet to discuss further. Please let me know if you have questions.

Thanks,



*Arbay Mberwa*

Associate Planner

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Submitted by applicant on December 4, 2024

**Attachment ii**

**Updated Site Plan**










Planning & Zoning Commission

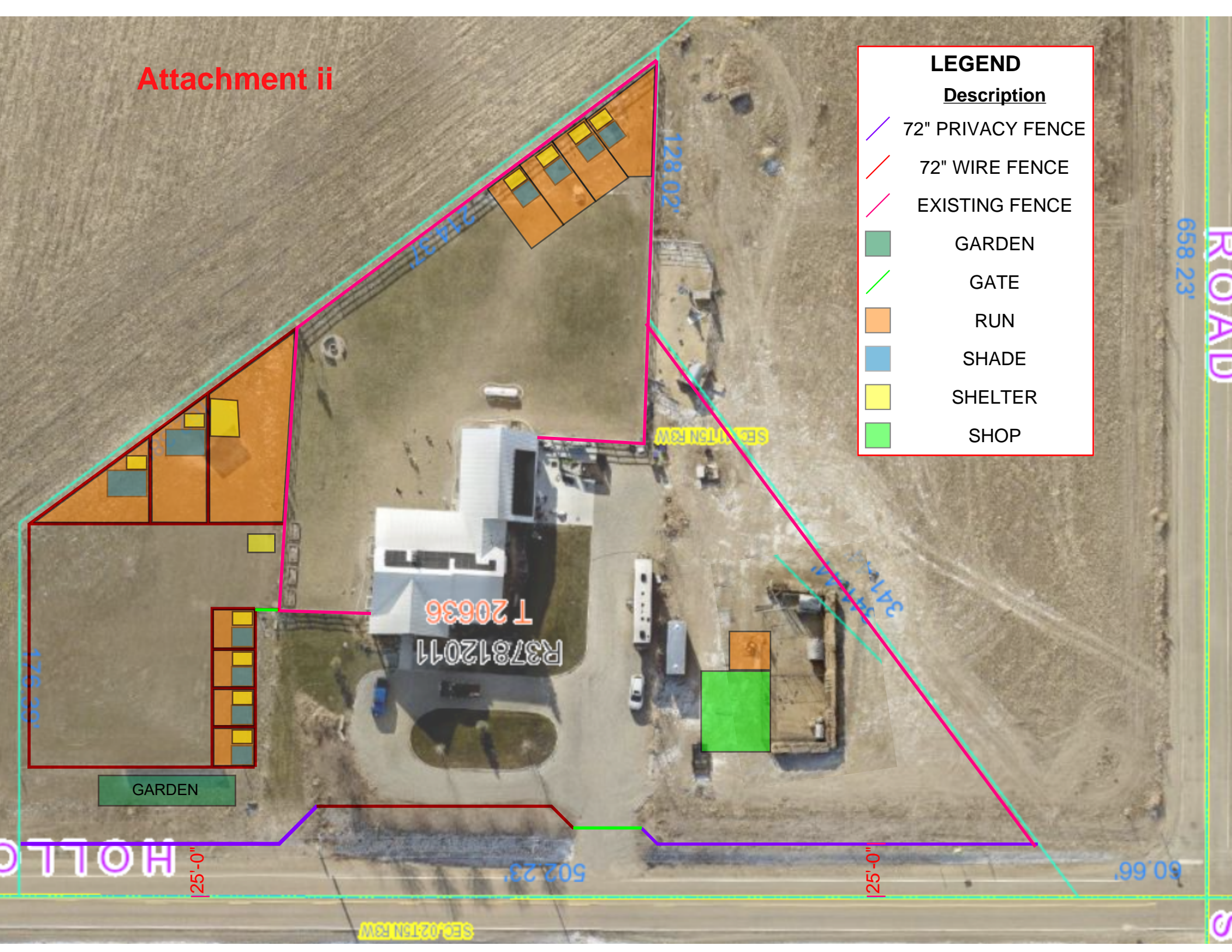
Case# CU2023-0027

Hearing date: December 19, 2024



# Attachment ii

LEGEND	
Description	
	72" PRIVACY FENCE
	72" WIRE FENCE
	EXISTING FENCE
	GARDEN
	GATE
	RUN
	SHADE
	SHELTER
	SHOP





**Attachment iii**

**Staff Report dated October 17, 2024**

Planning & Zoning Commission

Case# CU2023-0027

Hearing date: December 19, 2024



**Planning and Zoning Commissioners**  
**Hearing Date: October 17, 2024**  
*Canyon County Development Services Department*

**Attachment iii**

**PLANNING DIVISION STAFF REPORT**

**CASE NUMER:** CU2023-0027  
**APPLICANT/REPRESENTATIVE:** Rick and Laura Harris  
**PROPERTY OWNER:** Rick and Laura Harris

**APPLICATION:** Conditional Use Permit

**LOCATION:** 13979 Hollow Rd. Caldwell, ID, 83607, Parcel R37812011, a portion of the NW ¼ of Section 11, T5N R3W BM, Canyon County, Idaho.

**ANALYST:** Arbay Mberwa, Associate Planner  
**REVIEWED BY:** Carl Anderson, Planning Supervisor

**REQUEST:**

The applicants Laura and Rick Harris request a conditional use permit to allow a dog kennel on parcel R37812011 where the applicant is proposing that there will be a maximum of forty (40) dogs above the age of six (6) months.

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**PUBLIC NOTICIFICATION:**

Neighborhood meeting conducted on:	December 1, 2023
Neighbor notification within 600 feet was mailed on:	September 11, 2024
Newspaper notice published on:	September 17, 2024
Notice posted on-site on:	September 13, 2024

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**1. BACKGROUND:**

The subject parcel is zoned "A" (Agricultural) and requires a conditional use permit to run a dog kennel. The subject parcel was created via an Administrative Land Division approved in 2017, which resulted in one (1) 2.73-acre parcel, one (1) 2.42-acre parcel, and one (1) 69.94-acre parcel as an agricultural-only parcel (AD2017-23) **See Exhibit B2.g.** In 2018, a property boundary adjustment was approved, which resulted in the current configuration of the property (AD2020-0120) **See Exhibit B2.h.**

The property has an open violation for dog kennel use. On April 5, 2023, an initial site inspection was completed and the site was being monitored by Development Service Code Enforcement. On September 22, 2023, the applicant received the first citation from Animal Control. On October 5, 2023, a notice of violation was sent to the applicant from Development Services Code Enforcement (CDEF2023-0061). On October 16, 2023, Animal Control issued a second citation. Canyon County Code Enforcement was called out to the property due to noise complaints and running a kennel without a conditional use permit. On November 29, 2023, Code Enforcement sent a final notice of violation to the applicant. **See Exhibit 2.i-k.** On December 29, 2023, the conditional use permit application was submitted.

## **2. HEARING BODY ACTION:**

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

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

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

## **OPTIONAL MOTIONS:**

**Approval of the Application:** "I move to approve for CU2023-0027, Harris, finding the application **does** meet the criteria for approval under Article 07.07.05 of Canyon County zoning Regulations, **with the conditions listed in the staff report, finding that;** [*Cite reasons for approval & Insert any additional conditions of approval*].

**Denial of the Application:** "I move to deny CU2023-0027, Harris finding the application **does not** meet the criteria for approval under Article 07.07.05 of Canyon County zoning Regulations, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5))*].

**Table the Application:** "I move to continue CU2023-0027, Harris to a [*date certain or uncertain*]

### 3. HEARING CRITERIA

**Table 1. Conditional Use Permit Review Criteria Analysis**

<b>HEARING CRITERIA (07-07-05):</b> The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:				
<b>Compliant</b>			<b>County Ordinance and Staff Review</b>	
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Code Section</b>	<b>Analysis</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(1)</b>	<b>Is the proposed use permitted in the zone by conditional use permit;</b>
			<b>Staff Analysis</b>	<p>The proposed use consists of a dog kennel in the “A” (Agricultural) zone which is allowed with a conditional use permit (CCCO §07-10-27). The applicants submitted a conditional use permit on December 29, 2023, in accordance with CCCO §07-07-03.</p> <p>Per CCCO §07-02-03, Dog kennels are defined as “Any portion of land, or any building, structure, enclosure or premises on the same or adjacent parcels, in which canines are housed, groomed, bred, boarded, trained, or sold, in which a total of six (6) or more dogs, three (3) months of age or over are kept or maintained in conformance with CCCO §03-05-09.”</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(2)</b>	<b>What is the nature of the request;</b>
			<b>Staff Analysis</b>	<p>The request consists of a conditional use permit to allow a dog kennel use on parcel R37812011. The purpose of the request is to have dog training and breeding on site for a maximum of 40 dogs (above six (6) months in age) mainly for ongoing care, training, and management related to the dogs.</p> <p>Currently, on the east side of the parcel, there is a pasture with two separate sections, that is used to kennel the dogs. On the west side of the parcel, there are four (4) large dog runs with shelters that are shaded roughly 20’x30’ and 15’x20’ in size. The garage is converted into an indoor dog run with a large dog door from the backyard that can be accessed at any time according to the letter of intent. <b>See Exhibit A1. a. and A1. b.</b></p> <p>The operation plan states that there will not be standard hours of operations as the dog kennel will also be the applicant’s residence. Potential clients and collaborators are welcome to the property for services or viewings via a scheduled appointment only. Most meetings are completed off-site to keep the environment stable and clean for the dogs. The applicant states that there are only a couple of visits per month on-site that are by appointment only. <b>See Exhibit A1. e.</b> According to the land use worksheet, the applicant will have 1-2 employees. <b>See Exhibit A1. d.</b></p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(3)</b>	<b>Is the proposed use consistent with the comprehensive plan;</b>
			<b>Staff Analysis</b>	<p>The request does not adequately address impacts such as noise and dogs running at large and does not demonstrate there will be adequate facilities to maintain forty (40) dogs (above the age of six (6) months) on site which doesn’t align with the 2030 Canyon County Comprehensive Plan. <b>See Exhibits B2.m.</b></p> <p>The subject property is designated as “agriculture” in the 2030 Canyon County Comprehensive Plan’s Future Land Use Plan. Without mitigation measures, the</p>

				<p>proposed use potentially violates the right to enjoy the property for its intended use without creating nuisances.</p> <p>The applicant has not provided information on how impacts can be mitigated (<i>See Findings for Section 07-07-05(4) for more details</i>). Through mitigations and conditions, the proposed use would align with the following goals, policies, and actions of the comprehensive plan:</p> <p><b><u>Chapter 1. Property Rights:</u></b></p> <ul style="list-style-type: none"><li>• G1.01.00: <i>Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.</i></li><li>• A1.01.00a: <i>Require properties to conform to the zoning code before receiving additional zoning approvals.</i></li><li>• A1.01.00b: <i>Canyon County will take appropriate measures to enforce all nuisance ordinances to protect the quality of life and private property rights.</i></li></ul> <p><b><u>Chapter 4- Land Use and Community Design:</u></b></p> <ul style="list-style-type: none"><li>• G4.02.00: <i>Ensure that growth maintains and enhances the unique character throughout the county.</i></li><li>• P4.02.01: <i>Consider site capability and characteristics when determining the appropriate location and intensities of various land uses.</i></li><li>• P4.03.03: <i>Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.</i></li></ul>																				
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>07-07-05(4)</b></p> <p><b>Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;</b></p>	<p><b>Staff Analysis</b></p> <p>The request does not adequately address impacts such as noise and dogs running at large and does not demonstrate there will be adequate facilities to maintain forty (40) dogs (above the age of six (6) months) on site. Without adequate mitigation measures and conditions, the use is injurious to other properties in the immediate vicinity and will negatively change the essential character of the area.</p> <p><b>Adjacent Existing Conditions:</b></p> <table><tr><th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Lot Size</th></tr><tr><td>N</td><td>US Dept. of Interior</td><td>A</td><td>421.24 acres</td></tr><tr><td>E</td><td>Agricultural use</td><td>A</td><td>69.86 acres</td></tr><tr><td>S</td><td>Agricultural use</td><td>A</td><td>69.86 acres</td></tr><tr><td>W</td><td>Agricultural use</td><td>A</td><td>2.66</td></tr></table> <p>“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)</p> <p><b>Surrounding Land Use Cases:</b> To the southwest of the property there was a conditional rezone application submitted in 2021, to conditionally rezone approximately 55 acres of a 120-acre parcel from “A” Agricultural to “CR-R-R” (Condition Rezone-Rural Residential). The request included a development</p>	Direction	Existing Use	Primary Zone	Lot Size	N	US Dept. of Interior	A	421.24 acres	E	Agricultural use	A	69.86 acres	S	Agricultural use	A	69.86 acres	W	Agricultural use	A	2.66
Direction	Existing Use	Primary Zone	Lot Size																					
N	US Dept. of Interior	A	421.24 acres																					
E	Agricultural use	A	69.86 acres																					
S	Agricultural use	A	69.86 acres																					
W	Agricultural use	A	2.66																					

			<p>agreement restricting development to a maximum of 15 residential lots. The request was denied in 2022 (CR2021-0008). <b>See Exhibit B2.l.</b></p> <p><b>Character of the Area:</b> The surrounding area is zoned “A” (Agricultural) and is used as such. To the northwest, there are three (3) residences in the 600’ radius of the subject property. Directly to the north, the land is managed by The U.S. Department of Interior and there is one (1) residence on the property. To the west, there is one (1) residence. <b>See Exhibits B2.b-2.e.</b></p> <p>On April 5, 2023, an initial site inspection was completed and the site was being monitored. On September 22, 2023, the applicant received the first citation from Animal Control (Canyon County Sheriff’s Department). On October 5, 2023, a notice of violation was sent to the applicant from Development Services Code Enforcement (CDEF2023-0061). On October 16, 2023, Animal Control issued a second citation. Canyon County Code Enforcement was called out to the property due to noise complaints and running a kennel without a conditional use permit. On November 29, 2023, Code Enforcement sent a final notice of violation to the applicant. <b>See exhibit B2. i-k.</b></p> <p>On December 29, 2023, the conditional use permit application was submitted. The application did not provide information on how impacts can be mitigated. It is unclear if all 40 dogs will be on-site at any given time. According to the email correspondence on October 7, 2024, there will be 40 dogs above the age of six months. The applicant states the dogs are placed in the garage or outside runs with shade (unenclosed). However, there is no information regarding the number of dogs that can safely live in the existing garage, if the outside runs will have enclosures, and if the enclosures will be soundproofed to reduce noise. <b>See exhibit A1.e and 1.b.</b></p> <p>On October 7, 2024, a letter of opposition was received from a neighbor stating that the impact of the operation in its current condition is larger than what is presented. Claiming that there are fifty (50) plus dogs that “bark, howl and carry on twenty-fours of the day.” The barking is not a part of the agricultural characteristic of the area. <b>See Exhibit E5.a.</b></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>07-07-05(5)</b> <b>Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;</b></p>
			<p><b>Staff Analysis</b></p> <p>The project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein.</p> <p><b>Water:</b> The applicant uses well irrigation as a source of surface water. In addition, the applicant uses an individual domestic well for water. <b>See Exhibit A1.d.</b></p> <p><b>Sewer:</b> The applicant has an individual septic for sewer and wastewater. According to comments provided by Southwest District Health on December 19, 2023, and August 26, 2024, the dog kennel will require hair traps/floor drains with effluent filters in the septic tank with an adequately fixed septic system to accommodate the use of a kennel. Solid waste shall be disposed of in a manner consistent with local sanitation and landfill requirements. <b>See Exhibit D4.e.</b></p>

				<p><b>Irrigation:</b> Irrigation shall be provided via an irrigation well. The parcel is not a part of an irrigation district. <b>See Exhibit B2.a.</b></p> <p><b>Drainage:</b> The parcel is not in a drain district, it's not anticipated that drainage will need to be accommodated for the proposed use. <b>See Exhibit B2.a.</b></p> <p><b>Stormwater drainage facilities:</b> It's not anticipated that stormwater drainage facilities will need to be accommodated for the proposed use.</p> <p><b>Utility Systems:</b> There are adequate utility systems to service the home and the dog kennel as the current use is in operation. An agency notice was sent out to Idaho Power, Century Link, and Intermountain Gas on August 1, 2024. No comments were received.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(6)</b>	<b>Does legal access to the subject property for the development exist or will it exist at the time of development;</b>
			<b>Staff Analysis</b>	<p>The subject property does have legal access to the property and will exist at the time of approval.</p> <p>The property takes access from Hollow Road a public road under Highway District No. 4 (HD4) jurisdiction. There is a circular driveway with one approach from Hollow Rd. Agency comments were sent out on August 1, 2024, to Highway District No. 4 which then commented on August 27, 2024, "the existing approach is suitable for the proposed conditional use." Idaho Transportation Department had no comments or concerns. <b>See Exhibit D4.c and D4.f.</b></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(7)</b>	<b>Will there be undue interference with existing or future traffic patterns; and</b>
			<b>Staff Analysis</b>	<p>There will not be undue interference with the existing and/or future traffic patterns as there will be minimal client contact on site.</p> <p>According to Highway District No. 4, there does not appear to be additional impacts on the transportation systems. Highway District No. 4 has the right to assess transportation impact fees and the vehicle trips generated by the conditional use permit in the future and if warranted apply mitigation requirements. <b>See Exhibit D4.f.</b></p> <p>According to the applicant's operations plan, there will be minimal contact with clients on-site as most meetings are conducted off-site at a neutral location to minimize traffic to the site. <b>See exhibit A1.c.</b></p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(8)</b>	<b>Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?</b>
			<b>Staff Analysis</b>	<p>The request does not adequately address impacts such as noise, dogs running at large, and adequate facilities to maintain 40 dogs onsite which may impact the Animal Control services (Sherriff's Department).</p> <p>The following essential services will not be impacted by the request:</p> <p><b>School Facilities:</b> Parcel R37812011 is serviced by Middleton School District #4, it's not anticipated that any impacts or accommodations will be needed for the</p>

				<p>dog kennel. Agency comments were sent out on August 1, 2024, no comments were received.</p> <p><b>Fire protection:</b> The parcel is under the Middleton Rural Fire District. Middleton Rural Fire District is required to provide services to the parcel. All development shall comply with the 2018 International Fire Code and codes set forth by Canyon County. Agency notice was sent on August 1, 2024, and no comments were submitted.</p> <p><b>Emergency Medical Services:</b> The approval of a dog kennel is not anticipated to impact Emergency Medical Services. Agency notice was sent on August 1, 2024, and no comments were submitted.</p> <p><b>Irrigation Facilities:</b> The parcel is not in an irrigation district. It's not anticipated that there will be services required.</p> <p><b>Animal Control:</b> Without conditions/mitigation measures, the request will impact Animal Control (Canyon County Sherriff's Department). Animal Control department has been onsite on multiple occasions to address kennel violations. <b>See Exhibit B2. i-k.</b> If impacts such as noise and dogs running at large are not adequately addressed, Animal Control will continue to be called to address public nuisances created by the operation.</p>
--	--	--	--	--

#### 4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, State Fire Marshall, Middleton Fire District, Highway District No. 4, Middleton School District, Idaho Transportation Department, Compass, Idaho Power, Intermountain Gas, CenturyLink, Canyon County Animal Control, Canyon County Building Department, Canyon County Code Enforcement Department, Idaho Department of Water Resources (Water Rights), Department of Environmental Quality, Southwest District Health, and the City of Middleton were notified of the subject application.

Staff received agency comments from the Idaho Transportation Department, Highway District No. 4, Southwest Health District, and the Department of Environmental Quality. All agency comments received by the aforementioned materials deadline are located in **Exhibit D**.

Pursuant to Canyon County Ordinance 01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

#### 5. PUBLIC COMMENTS:

Staff received one (1) total written public comment by the materials deadline of October 7, 2024. Generally, of the comments received zero (0) were in favor, zero (0) were neutral, and one (1) was opposed. All public comments received by the aforementioned materials deadline are located in **Exhibit E**.

Pursuant to Canyon County Ordinance 01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for



public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

## **6. SUMMARY & RECOMMENDED CONDITIONS:**

In consideration of the application and supporting materials, staff concludes that the proposed Conditional Use Permit is **not compliant** with Canyon County Ordinance 07-07-05. A full analysis is detailed within the staff report.

Should the Commission wish to approve the subject application, staff recommends the following conditions be attached:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The area shall have a minimum six-foot sight obscuring fence (as defined by CCCO Section 07-02-03) on the east, south, and west sides of the property, to minimize loud, frequent, or habitual barking and dogs running at large. Fencing compliance shall be submitted to DSD no later than 90 days after approval.
3. Dogs shall not trespass onto adjacent parcels. A fence shall be installed to ensure trespassing does not occur. Evidence shall be submitted to DSD no later than 90 days after approval.
4. The area site and fencing shall be maintained and kept in good repair. The area and surrounding fence line shall be kept weed-free and/or maintained with weeds being 6" in height or less.
5. The dog kennel and property shall be maintained in a clean and sanitary condition.
6. The applicant shall not impede, disrupt, or otherwise disrupt the adjacent properties. All structures shall comply with Canyon County Code of Ordinance (CCCO) setback requirements §07-10-21
7. The operator shall dispose of waste in a manner that does not contribute to potential environmental and water contamination in and around the subject property. Canine waste shall be disposed of at a regular frequency at the Landfill per disposal requirements or another approved means of waste disposal.
8. Pursuant to Southwest District Health the septic tank shall have hair traps/floor drains with effluent filters. The required improvement must be completed no later than 90 days after approval. Evidence shall be written approval by Southwest District Health. Evidence shall be submitted to DSD.
9. The proposed development shall be in general conformance with the applicant's site plan and Letter of Intent (**Exhibit A 1.b and 1.c**) subject to the following conditions:
  - a. The number of canines on the premises shall not exceed 40 dogs at any one time, regardless of age.
  - b. The hours of viewing and pick-up shall be between 9 a.m. to 7 p.m. daily, to mitigate noise.
  - c. All habitual barking sounds must cease by 9 PM by putting the dogs to sleep completely indoors in an enclosed kennel. Enclosed kennels must be soundproofed to reduce noise impacts at night.

10. This conditional use permit must follow land use time limitation as stated in CCCO 07-07-23:  
“When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
11. The conditional use permit shall be limited to parcel R37812011. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission.

## **7. EXHIBITS:**

### **A. Application Packet & Supporting Materials**

- 1.a - Letter of Intent
- 1.b - Site Plan
- 1.c - Operation Plan
- 1.d - Land Use Worksheet
- 1.e - Email correspondence

### **B. Supplemental Documents**

- 2.a - Parcel Tool Report
- 2.b - Notification Map
- 2.c - Small Air Photo Map
- 2.d - Neighborhood Notification Map
- 2.e - Hearing Notice Map
- 2.f - Neighborhood Notification List
- 2.g - AD2017-23
- 2.h - AD2020-0120
- 2.i - CDEF2023-0061
- 2.j - CDEF2023-0262
- 2.k - Animal Control Violation
- 2.l - CR2021-0008
- 2.m - 2030 Comprehensive Plan

### **C. Site Visit Photos: July 30, 2024**

### **D. Agency Comments Received by: August 30, 2024**

- 4.a. - AGENCY Legal Notice Transmittal; Date: **July 31, 2024**
- 4.b. - AGENCY Notification- Response Requested; Date: **July 31, 2024**
- 4.c. - Idaho Transportation Department; Received: **August 13, 2024**
- 4.d. - Department of Environmental Quality; Received: **August 21, 2024**
- 4.e. - Southwest District health; Received: **August 26, 2024**
- 4.f. - Highway District No. 4; Received: **August 17, 2024**

### **E. Public Comments Received by: October 7, 2024**

- 5.a. Hunt; Received: **October 7, 2024**

### **F. DRAFT – Findings of Fact, Conclusions of Law & Order (FCOs)**

**EXHIBIT A**

**Application Packet & Supporting Materials**

Planning & Zoning Commission

Case# CU2023-0027

Hearing date: October 17, 2024



## Exhibit A

### CONDITIONAL USE PERMIT PUBLIC HEARING - APPLICATION

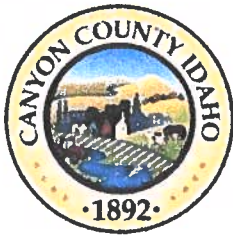
PROPERTY OWNER	OWNER NAME:	Rick & Laura Harris	
	MAILING ADDRESS:	13979 Hollow Rd Caldwell, ID 83607	
	PHONE:	[REDACTED]	EMAIL:
<p>I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.</p>			
Signature: <u>Laura Harris</u> Date: <u>10/21/2023</u>			

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

SITE INFO	STREET ADDRESS:	13979 Hollow Rd Caldwell	
	PARCEL NUMBER:	R378120110	
	PARCEL SIZE:	2.61	
	REQUESTED USE:	Kennel : Dog Breeder	
	FLOOD ZONE (YES/NO)	no	ZONING DISTRICT:

#### FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	CU2023-0027	DATE RECEIVED:	12-29-23
RECEIVED BY:	Dely Root	APPLICATION FEE:	\$950.00 <u>\$5099</u>
		<input checked="" type="radio"/> CK <input type="radio"/> MO <input type="radio"/> CC CASH	



# CONDITIONAL USE PERMIT

## PUBLIC HEARING - CHECKLIST

### CONDITIONAL USE PERMIT - CCZO Section 07-07-05

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

Description	Applicant	Staff
Master Application completed and signed	✓	✓
Letter of Intent (see standards on next page)	✓	✓
Site Plan (see standards on next page)	✓	✓
Land Use Worksheet	✓	✓
Neighborhood Meeting sheet/letter completed and signed		dr
Proof of application/communication with (varies per application):		
Southwest District Health		dr
Irrigation District N/A		
Fire District MIDDLETON FIRE		dr
Highway District/ Idaho Transportation Dept. CANYON #4		dr
Area of City Impact N/A		
Deed or evidence of property interest to the subject property	✓	✓
Fee: \$950.00	\$950	OK 5099
\$600.00 (CUP Modification)		

\*\*Fees are non-refundable\*\*

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

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

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

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

Chris Hopper  
chopper@hwydistrict4.org

1500 gallon tank

missing

Need list of prop owners that it was sent to?

What Date was the letter sent to the neighbors?

Need a more detailed Site plan.

## Exhibit 1.a

To whom it concerns,

My name is Laura Harris and my family owns and lives at the property located at 13979 Hollow Rd. Caldwell, ID 83607. I grew up on a farm/ranch and absolutely love animals. I raise AKC Poodles and Doodles of different sizes.

We have several Sheds as multiple outside dog houses/shelters. On the East side of our property we turned our pasture into a dog pasture with 2 separate sections and plan on dividing the larger section into 2 sections. On the west side of our property we have 4 large dogs runs with shelters. They are roughly 20x30 or 15x20 in size. All have shelter and shade.

We also converted our garage into indoor dog runs with a large dog door from our backyard. Dogs can come and go as they please unless I have then kenneled for some reason. Our backyard is probably half an acre. Our total property is about 2.7 acres.

This does not affect any traffic or water quality. We only have our private drive for parking which is sufficient as I generally meet people at their place, fly pups from the airport or meet them in a public parking lot.

My dogs do bark, as all dogs do but only when someone comes into my driveway or if the neighbors dogs are barking. They are all put to bed at night.

Rick & Laura Harris

13979 Hollow Rd

Caldwell, ID 83607

*Laura Harris*  
*R Harris*



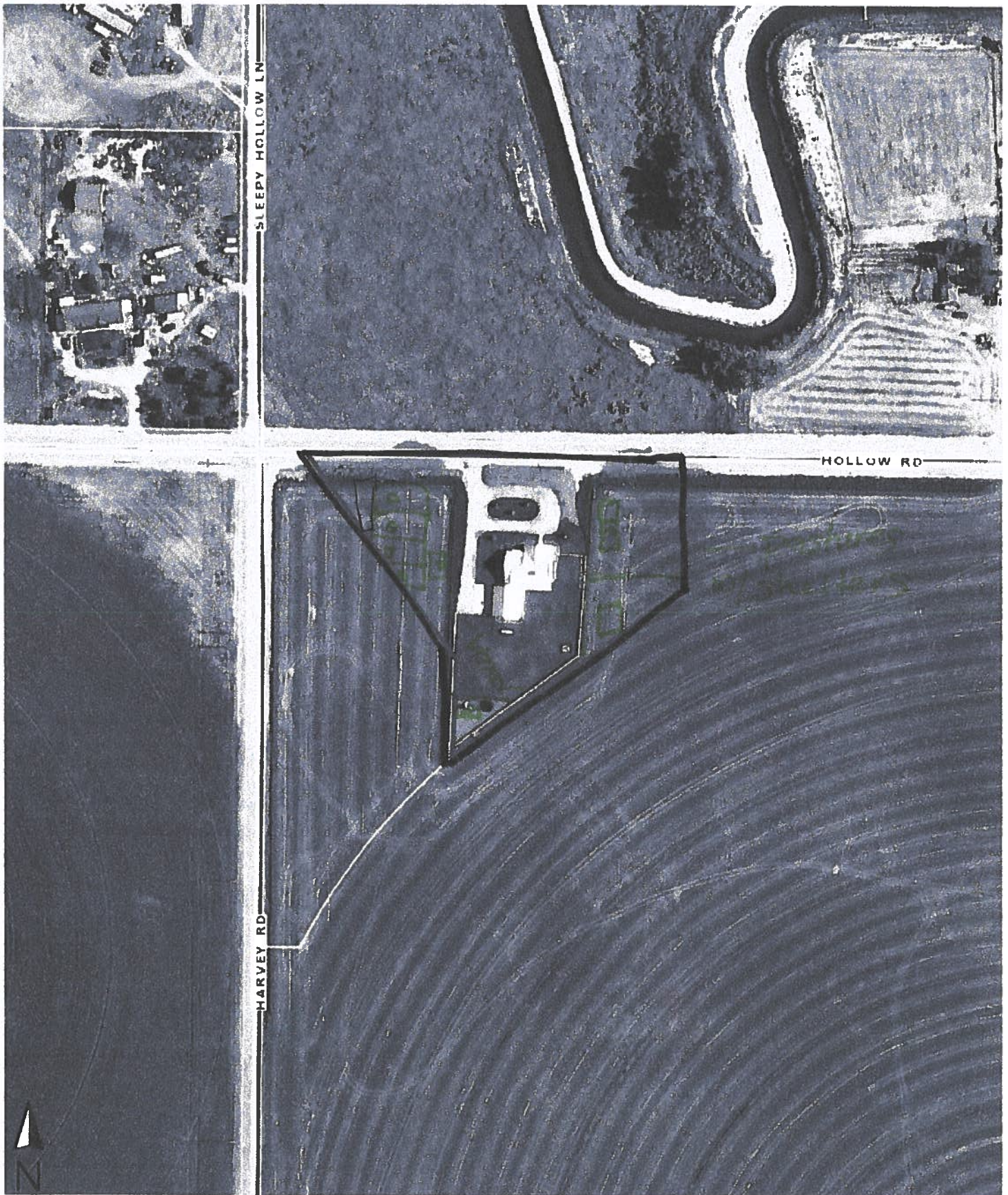


13979 Hollow Rd  
Caldwell, ID 83607  
Rick & Laura Harris

Exhibit 1.b





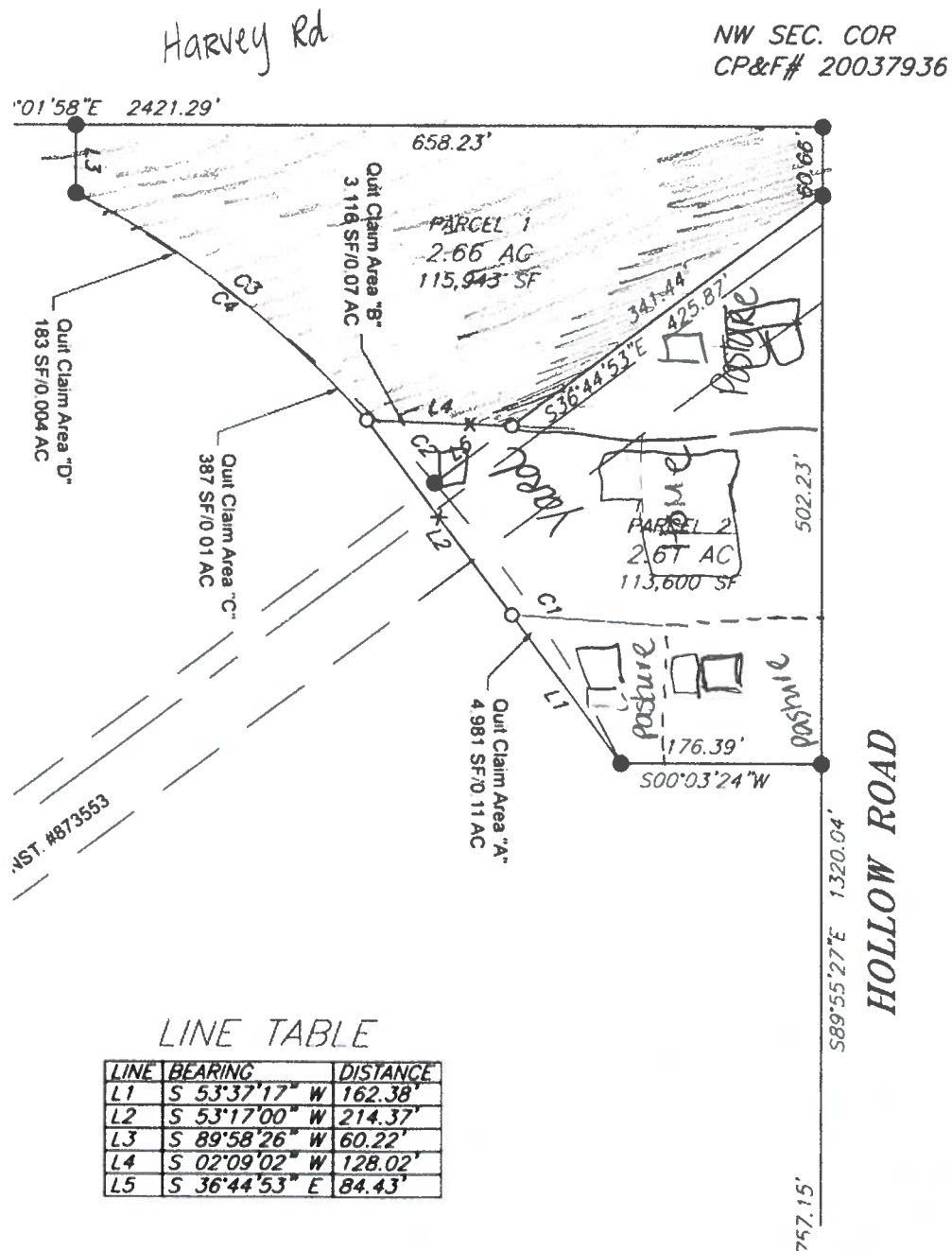


T.A. OF  
SOUTHERN  
IDAHO

#### 13979 Hollow Rd Aerial

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.





### LINE TABLE

LINE	BEARING	DISTANCE
L1	S 53°37'17" W	162.38'
L2	S 53°17'00" W	214.37'
L3	S 89°58'26" W	60.22'
L4	S 02°09'02" W	128.02'
L5	S 36°44'53" E	84.43'

## CURVE TABLE

NGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
------	--------------	---------------	-------------



Sleepy Hollow



R37812010

Hollow Rd

5N3W02

5N3W04

R37812011



Subject: Application for Conditional Use Land Permit - 13979 Hollow Road

To Whom It May Concern,

I am writing to apply for a Conditional Use Land Permit for my property located at 13979 Hollow Road. This location serves as both my personal residence and the primary site for my dog breeding and training business.

As this is my family home, I do not maintain standard business hours. My daily activities include ongoing care, training, and management related to my dogs. This work is continuous and varies day by day, ensuring the welfare and proper training of the animals under my care.

Although I occasionally welcome potential clients and collaborators to my property for services such as stud or viewing of puppies, I prefer conducting most of these meetings off-site. For the convenience and comfort of all parties, meetings are generally arranged at neutral locations in Middleton, Nampa, or Boise. This practice not only minimizes the traffic to my home but also supports the well-being of the dogs by keeping their environment stable and calm.

Furthermore, a significant portion of our puppies are placed with new owners who live out of state. In these cases, the puppies are transported via trusted flight nannies or professional ground transport services, ensuring their safety and comfort throughout the journey.

The nature of my business necessitates a flexible use of my property, and the proposed conditional use will enable me to continue providing top-notch care and training for my dogs.

I appreciate your consideration of my application and am happy to provide any additional information needed or to participate in a discussion regarding this matter.

Thank you for your time and attention.

Warm regards,

Laura Harris

[REDACTED]

13979 Hollow Road

Caldwell, ID 83607

[REDACTED]

# LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

## GENERAL INFORMATION

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

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

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

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

5. **ACCESS:**  
☒ Frontage ☐ Easement Easement width \_\_\_\_\_ Inst. # \_\_\_\_\_

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

7. **FENCING** ☐ Fencing will be provided (Please show location on site plan)  
Type: Multiple; Wire, Vinyl Height: \_\_\_\_\_

8. **STORMWATER:** ☐ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches  
☐ Other: \_\_\_\_\_

9. **SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)  
We use Well irrigation

## RESIDENTIAL USES

### 1. NUMBER OF LOTS REQUESTED:

- ☐ Residential \_\_\_\_\_ ☐ Commercial \_\_\_\_\_ ☐ Industrial \_\_\_\_\_  
☐ Common \_\_\_\_\_ ☐ Non-Buildable \_\_\_\_\_

### 2. FIRE SUPPRESSION:

- ☐ Water supply source: \_\_\_\_\_

### 3. INCLUDED IN YOUR PROPOSED PLAN?

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

## NON-RESIDENTIAL USES

### 1. SPECIFIC USE: Kennel ; Dogs + puppies How Many? Order 40

### 2. DAYS AND HOURS OF OPERATION:

- ☐ Monday \_\_\_\_\_ to \_\_\_\_\_  
☐ Tuesday \_\_\_\_\_ to \_\_\_\_\_  
☐ Wednesday \_\_\_\_\_ to \_\_\_\_\_  
☐ Thursday \_\_\_\_\_ to \_\_\_\_\_  
☐ Friday \_\_\_\_\_ to \_\_\_\_\_  
☐ Saturday \_\_\_\_\_ to \_\_\_\_\_  
☐ Sunday \_\_\_\_\_ to \_\_\_\_\_

?

### 3. WILL YOU HAVE EMPLOYEES? ☒ Yes If so, how many? 1-2 ☐ No

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

Height: \_\_\_\_\_ ft Width: \_\_\_\_\_ ft. Height above ground: \_\_\_\_\_ ft

What type of sign: \_\_\_\_\_ Wall \_\_\_\_\_ Freestanding \_\_\_\_\_ Other \_\_\_\_\_

### 5. PARKING AND LOADING:

How many parking spaces? private

Is there is a loading or unloading area? \_\_\_\_\_

### ANIMAL CARE-RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: 40

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☒ Building ☒ Kennel ☒ Individual Housing ☒ Other in house; Garage

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☒ Building ☒ Enclosure ☒ Barrier/Berm ☒ Bark Collars

4. ANIMAL WASTE DISPOSAL

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☒ Other: Trash Services ; Its all picked up daily.

# NEIGHBORHOOD MEETING INSTRUCTIONS

## 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



### CANYON COUNTY ZONING ORDINANCE §07-01-15

Before submitting an application for a public hearing, these steps must be completed:

- (1) Applicants shall conduct a neighborhood meeting for any proposed variance, conditional use, zoning ordinance map amendment, expansion, or extension of nonconforming uses requiring a public hearing.
- (2) It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within six hundred (600) feet of the exterior boundary of the property subject to the application. Notice of a neighborhood meeting shall be in addition to, and not combined with, notices already required by this chapter, and shall include the date, time, location and purpose of the meeting.
- (3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.
  - A. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday.
  - B. The meeting shall be held at one of the following locations:
    1. On the property subject to the application;
    2. At a nearby available public meeting place including, but not limited to, a fire station, library, school, or community center; or
    3. At a location with suitable meeting facilities if such facilities are within a one (1) mile radius of the nearest public meeting place.
- (4) The neighborhood meeting shall be conducted prior to acceptance of the application by Development Services. The neighborhood meeting shall not be conducted earlier than six (6) months prior to the acceptance of the application, and shall be held no sooner than ten (10) calendar days from the mailing of the notice of the neighborhood meeting.
- (5) Each application for a public hearing shall include a form acceptable to the director, which requires the applicant to provide the starting and ending times of the neighborhood meeting and an attendance list, with names and addresses of those who attended the neighborhood meeting. (Ord.10-006, 8-16-2010)

**Notice of Neighborhood Meeting**  
**Conditional Use Permit**  
**Pre-application requirement for a Public Hearing**

**Date**

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit (*or variance, zoning ordinance map amendment, expansion or extension of nonconforming uses, etc.*) to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

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

The Neighborhood Meeting details are as follows:

**Date:** Dec. 01

**Time:** 8:30 am

**Location:** 13979 Hollow Rd Caldwell, ID 83607

**Property description:** 13979 Hollow Rd Caldwell, ID  
Kennel License - Land Use Permit

The project is summarized below:

**Site Location:** 13979 Hollow Rd Caldwell, ID 83607

**Proposed access:** N/A

**Total acreage:** 2.62

**Proposed lots:** 0

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have.

Please do **not** call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project.

If you have any questions prior to the meeting, please contact me at (phone, email, written correspondence).

Sincerely,

*Laura Harris*



## NEIGHBORHOOD MEETING SIGN-UP

### 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



## NEIGHBORHOOD MEETING SIGN UP SHEET

### CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

#### SITE INFORMATION

Site Address: 13979 Hollow Rd	Parcel Number: <del>R30</del> R3781200110	
City: Caldwell, ID	State: ID	ZIP Code: 83607
Notices Mailed Date: Nov. 20 2023	Number of Acres: 2.66	Current Zoning: RR
Description of the Request: Land use permit - Kennel License		

#### APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Laura Harris		
Company Name: Boise Doodle Co		
Current address: 13979 Hollow Rd		
City: Caldwell	State: ID	ZIP Code: 83607
Phone: [REDACTED]	Cell:	Fax:
Email: [REDACTED]		

#### MEETING INFORMATION

DATE OF MEETING: Dec 01 2023	MEETING LOCATION: 13979 Hollow Rd	
MEETING START TIME: 8:30 am	MEETING END TIME: 9 am	
ATTENDEES: <input checked="" type="checkbox"/> Rick & Laura Harris		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.

**NEIGHBORHOOD MEETING CERTIFICATION:**

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Laura Harris

APPLICANT/REPRESENTATIVE (Signature): Laura Harris

DATE: 12 / 02 / 2023



## AGENCY ACKNOWLEDGMENT

Date: 10/21/2023  
Applicant: Rick & Laura Harris  
Parcel Number: R3781200110  
Site Address: 13979 Hollow Rd Caldwell, ID 83407

### OFFICIAL USE ONLY BELOW THIS LINE - ACKNOWLEDGMENT ACTION:

\* **Southwest District Health:**

☒ Applicant submitted/met for official review.

Date: 12/17/23 Signed: Anthony Lee  
Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

\* **Fire District:**

District: Middleton

☒ Applicant submitted/met for official review.

Date: 12/22/23 Signed: [Signature]  
Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

**Highway District:**

District: Canyon #4

☐ Applicant submitted/met for official review.

Date: 12/28/23 Signed: Chris Hopper, P.E. District Engineer  
Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

**Irrigation District:**

District: \_\_\_\_\_

☐ Applicant submitted/met for official review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

**Area of City Impact:**

City: \_\_\_\_\_

☐ Applicant submitted/met for official review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)

### Received by Canyon County Development Services:

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Canyon County Development Services Staff

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

# APPLICATION-Acknowledgement Notice



Receipt No: _____	Date: _____
\$100 Fee: _____	Document No: _____

Parcel #: R378120110 (Official Use Only) Acres: 2.61

Property Address: 13979 Hollow Rd. City Caldwell Zip Code 83607

Legal Description: Township 5N Range 3W Section 11 County Canyon

Subdivision: N/A Lot \_\_\_\_\_ Block \_\_\_\_\_

Applicants Name: Laura + Rick Harris Email: [REDACTED]

Mailing Address: \_\_\_\_\_ Phone #: [REDACTED]

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: 83607

Applicant is: ☒ Landowner ☐ Contractor ☐ Installer ☐ Other \_\_\_\_\_ Date: \_\_\_\_\_

Owners Name: Same

Mailing Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

The proposed use will be: ☒ Residential ☐ Commercial

Is there an existing structure(s) on this parcel? ☐ Yes ☐ No

Is a Letter of Intended Use provided? ☒ Yes ☐ No

The proposed change will be: ☐ Land Split ☐ Land Use Changes (i.e., zoning)

☐ Preliminary Plat Review ☒ Other (See below description of proposal)

Number of lots on the parcel (if applicable): 1

Property is located in: ☐ City ☐ Impact Zone ☒ County

Is the proximity of the structure to city sewer or central wastewater collection system 200 feet or less? ☐ Yes ☒ No

Water supply: ☒ Private Well ☐ Shared Well ☐ Public Water System

Description of proposal:

Dog Kennel ~~License~~ License

See letter of Intended use

SIGNATURE: Laura Harris DATE: 12/19/2022

By my signature above, I certify that all answers and statements on this application are true and complete to the best of my knowledge. I understand that should evaluation disclose untruthful or misleading answers, my application may be rejected or permit canceled. SWDH does not guarantee conditions of approval by signing the application form. The applicant must apply for a subsurface sewage disposal system within one (1) year from the date of signature on this application.

25704

## IDAHO UNIFORM CITATION

IN THE DISTRICT COURT OF THE 3RD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON  
STATE OF IDAHO ) COMPLAINT AND SUMMONS

VS

☐ **Infraction Citation**

OR

☐ Misdemeanor Citation

☐ Accident involved☐ S.T.E.

☐ Commercial Vehicle Driven by this Driver

First Name

Middle Initial

IPUC # \_\_\_\_\_ USDOT TK Census # \_\_\_\_\_

☐ Operator   ☐ Class A   ☐ Class B   ☐ Class C   ☐ Class D   ☐ Other

☐ GVWR 26001 + ☐ 16 + Persons ☐ Placard Hazardous Materials ☐ DR#

Home Address\_

**Business Address** \_\_\_\_\_ **Ph #** \_\_\_\_\_

THE UNDERSIGNED OFFICER (PARTY) HEREBY CERTIFIES AND SAYS:

I certify-I have reasonable grounds, and believe the above-named Defendant

DL or SS# \_\_\_\_\_ State \_\_\_\_\_ Sex: ☐ M ☐ F

Height \_\_\_\_\_ Wt. \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_ DOB \_\_\_\_\_

Veh. Lic. # \_\_\_\_\_ State \_\_\_\_\_ Yr. of Vehicle \_\_\_\_\_ Make \_\_\_\_\_

Model \_\_\_\_\_ Color \_\_\_\_\_

Did commit the following act(s) on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Vio. #1

# Vio. #2

Code Section

Location
Point of view

County Idaho

**CBS**

Date	Officer/Party	Serial #/Address	Dept.

Date	Witnessing Officer	Serial #/Address	Dept.

THE STATE OF IDAHO TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned to appear before the Clerk of the Magistrate's Court of the

District Court of **CANYON** County, **CALDWELL**, Idaho, located at \_\_\_\_\_

**1115 ALBANY** on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(AT) \_\_\_\_\_ o'clock \_\_\_\_\_ M. (OR) on or after \_\_\_\_\_, 20\_\_\_\_, and

on or before \_\_\_\_\_, 20\_\_\_\_, (AT) \_\_\_\_\_ o'clock \_\_\_\_\_ M.

I acknowledge receipt of this summons and I promise to appear at the time indicated

I understand the receipt of the summons and I promise to appear at the time indicated.

Defendant's Signature \_\_\_\_\_

I hereby certify service upon the defendant personally on

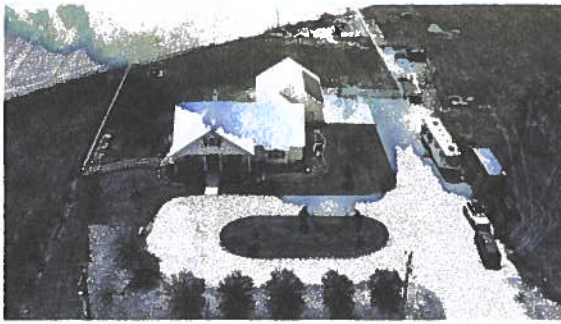
Primary service users are uncertainly personally on

Officer \_\_\_\_\_

**NOTICE:** See reverse side of your copy for **PENALTY** and **COMPLIANCE** instructions.

DEFENDANT'S COPY





MLS # **98842221**  
 Class **Residential**  
 Type **Single Family w/ Acreage**  
 Area **Middleton - 1285**  
 Address **13979 Hollow Road**  
 Unit #  
 City **Caldwell**  
 Zip **83607**

Asking Price **\$1,250,000**  
 Status **Cancelled**  
 # Beds **6**  
 # Baths **4.5**  
 Level **Singlew/BG**  
 Garage **3**  
 Apx SqFt **4666**

**ADDITIONAL PHOTOS** Documents Map: Walk: Mortgage Info:



Open House: [<-- Click For Open House Info](#)

Virtual Unbranded 1 2 3

## GENERAL

Listing Date **5/12/2022**  
 DOM **12**  
 Year Built **2017**  
 Age **1 - 5 Years**  
 Lot Size **irr irr**  
 # Acres **2.680**  
 Land Size **1 - 4.99 AC**  
 School District **Middleton School District #134**  
 Grade School **Purple Sage**  
 Jr High **Middleton Jr**  
 Sr High **Middleton**  
 County **Canyon**  
 Subdivision **0 Not Applicable**  
 Builder  
 Est. Comp Date  
 Assoc. Fees\$ **\$0.00**  
 Assoc Freq **Not Applicable**  
 Assoc Setup **0 Type of Fee \$**  
 Parcel # **R3781201100**  
 Taxes: Yr/Amt **2021 \$4,965.78**

Prc/SqFt **\$267.90**  
 # Beds - **2** Apx Above Grade Fin **2333**  
 # Beds - Upper **0** Apx Above Grade Unfin **0**  
 # Beds - Below **4** Apx Below Grade Fin **2333**  
 # Baths - Main **3.0** Apx BelowGrade Unfin **0**  
 # Baths - **0.0** Apx Fin SQFT **4666**  
 # Baths - **1.5** Apx Unfin SQFT **0**  
 Flood Ins Req? **No** Detached Add'l Dwelling **0**  
 Water Deliv? **No** Total Apx SQFT  
 Water Shares? **No** Home Owner Exempt? **Yes**  
 Irrigation Dist? **Yes** Improvment. District? **No**  
 Irrig Dist Name **Black Canyon Irrigation D**

## REMARKS

Enjoy Modern amenities in a country setting with spectacular views. Your private piece of Idaho awaits you. Enjoy the peaceful surroundings and breathtaking views of the sunrise & sunset with views of Bogus Basin & Shafer Butte, the Boise foothills, the Owyhee Mountains and Squaw Mountain. The gourmet kitchen boasts a gas range, double ovens, huge gourmet pantry, built in desk all while enjoying the wood pellet stove and shiplap vaulted ceilings. Basement has 10' ceilings throughout, 4 bedrooms, 2 bathrooms, a storage room and a workout room.

	Level	Size
Living		
Dining		
Family		
Great		
Kitchen		
Master	<b>Main</b>	
Bed 2	<b>Main</b>	
Bed 3	<b>Down</b>	
Bed 4	<b>Down</b>	
Bed 5	<b>Down</b>	
Bonus		
Entry		
Den		
Eating		
Rec Rm		
Office		
Other		
Utility		
Garage		
Shop		

REO/Bank Owned? **No** In Foreclosure? **No** Short Sale? **No** Auction? **No** HUD Owned? **No**  
 Legal **11-5N-3W NW TX 20636 IN NWNW**  
 Includes **Swingset, Water Softner**  
 Excludes **Refrigerator, Washer/Dryer, Workout equipment, Dog Kennels and Runs**  
 Directions **I-84, Exit Hwy 44 and head east, N Old Hwy 30, E Goodson, N El Paso, E Hollow**

## FEATURES

COOLING	<b>Central Air</b>	LAND USE	<b>2-4 Units</b>	SPRINKLERS	<b>Auto, Drip</b>
FIREPLACE	<b>Pellet, Wood Stove</b>	ZONING		SEWER	<b>Septic</b>
GARAGE TYPE	<b>Attached</b>	POOL/SPA		WATER	<b>Individual Well</b>
HEATING	<b>Forced Air, Propane</b>	ROOF		ACCESS	
CONSTRUCTION	<b>Hardi Type Siding</b>				
KITCHEN FEAT	<b>Breakfast Bar, Dishwasher, Disposal, Double Oven, Microwave, Oven/Range Built-In, Pantry, Refrigerator, Washer, Dryer, Water Softener, Island, Granit/Tile/Quartz Count</b>				
LOT FEAT	<b>Garden Space, Horses, Irrigation Available, View, Public Road</b>				

GREEN CERTS:

STRUCTURE FEAT **Bath-Master, Bed-Master Main Level, Cable/Satellite TV, Covered Patio/Deck, Guest Room, Formal Dining, Family Room, Great Room, Broadband Internet, Dual Vanities, Walk in Closet**  
 TERMS **Cash, Consider All, Conventional**

Co-Op Broker  
**3.00 %**



**Laura Harris**  
**Build Idaho | Fathom Realty**  
**208-989-5629**  
**laura@buildidaho.com**  
 Today's Date: 11/01/2023

This information is not guaranteed. Equal Housing Opportunity. Copyright 2010-2023 Intermountain MLS. All Rights Reserved



## CRS Tax Full Report - Idaho

### Tax ID and Location Info

<b>Tax Id</b>	37812011 0	<b>Address</b>	13979 Hollow Rd
<b>Unit No</b>		<b>City</b>	Caldwell
<b>State</b>	ID	<b>Zip Code</b>	83607
<b>Zip Plus4</b>	7527	<b>County</b>	Canyon
<b>Subdivision</b>		<b>Latitude</b>	43.793071
<b>Longitude</b>	-116.670287	<b>Lot</b>	
<b>Block</b>		<b>Carrier Route</b>	R007
<b>Census Block</b>	3	<b>Census Tract</b>	021905

### Property Characteristics

<b>Baths</b>	4F 1H	<b>Half Baths</b>	1
<b>Full Baths</b>	4	<b>Bedrooms</b>	6
<b>Fireplaces</b>	0	<b>Has Fireplace</b>	
<b>Year Built</b>	2017	<b>Property Type</b>	RESIDENTIAL
<b>Stories</b>	1	<b>Building SqFt</b>	4644
<b>Building SqFt Total</b>	10602	<b># of Buildings</b>	1
<b>Acreage</b>	2.61	<b>Lot SqFt</b>	113692

### Taxes and Assessments

<b>Total Taxes</b>	4762.43	<b>Assessment Year</b>	2022
<b>Total Assessment</b>	1055630.00	<b>Tax Area</b>	032-00
<b>Tax Year</b>	2022		

### Owner Information

<b>Owner Name</b>	Rick J Harris & Laura Harris	<b>Owner Street Address</b>	13979 HOLLOW RD
<b>Owner City</b>	CALDWELL	<b>Owner State</b>	ID
<b>Owner Zip</b>	83607-7527		

Disclaimer:

This information is deemed reliable but not guaranteed.

EXHIBIT A

Parcel 2

Part of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho described as:

Commencing at a found 5/8" rebar marking the Northwest corner of Section 11, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and running thence  
S89°55'27"E 60.66 feet along the North line of said Section to a point on the West right-of-way line of an easement in favor of the Pacific Northwest Pipeline Corporation filed as Instrument No. 873553 (said point being the POINT OF BEGINNING); thence  
S89°55'27"E 502.23 feet along the North line of said Section; thence  
S00°03'24"W 176.39 feet; thence  
S53°37'17"W 162.38 feet; thence  
S53°17'00"W 214.37 feet; thence  
N02°09'02"E 128.02 feet to a point on the West right-of-way line of an easement in favor of the Pacific Northwest Pipeline Corporation filed as Instrument No. 873553; thence  
N36°44'53"W 341.44 feet along said right-of-way to the POINT OF BEGINNING.

Laura Harris

05/18/2022 1:47 PM MDT

Rick Harris

05/18/2022 1:48 PM MDT



<b>MANUFACTURING/PROCESSING OF HAZARDOUS CHEMICALS/GASES (07-14-15) - REQUIRED</b>	<b>Applicant</b>	<b>Staff</b>
Show 300' setbacks from any property line		
Show 1,000 setback from any residential district		
Demonstrate how chemicals/gases will be stored within an enclosed structure.		
Demonstrate how the use will be gates and fenced with 8' high security fencing.		
Provide documentation from the local fire district approving the location and plan.		
Include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been, or shall be, eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.		
The facility must register and maintain current hazardous waste generation notification as required by Environmental Protection Agency and/or Idaho Department of Environmental Quality and provide such proof of registration		

<b>STAGING AREA (07-14-15) - REQUIRED</b>	<b>Applicant</b>	<b>Staff</b>
Demonstrate how all work will be conducted off-site, business vehicles will remain operable and parked on-site, and employees/persons on the premises for parking and business vehicle pickup all maintained on-site.		

## **STANDARDS**

### **SITE/OPERATION PLAN – CCZO Section 07-02-03**

A scaled drawing showing:

- The parcel and all existing and proposed uses and structures and roads all with dimensions, distances, and private and public road names.
- Includes lot lines, lot area, parking spaces, private roadways, walkways, topographic features, reserved open space, buildings and other structures, major landscape features, and the location of proposed utility easements.

A plan of action to include:

- Time requirements, the commencement of the operation, hours of operation, noise levels, dust levels, air and water quality, raw material delivery, finished product and marketing, site improvements, public and private facilities, public amenities, and infrastructure.

### **LETTER OF INTENT – CCZO Section 07-07-05**

State the nature of the request. Include, a description of business operations, such as a number of employees, hours of operation, delivery and shipping.

Consistency with the Comprehensive Plan (CCZO Section 07-07-05(3))

Address potential impacts to property in the immediate vicinity and character of the area (CCZO Section 07-07-05(4))

Demonstrate how facility and utilities such as water, sewer, irrigation, drainage and stormwater drainage, will be provided.

Demonstrate legal access

Address potential impacts to existing or future traffic patterns.

Address potential impacts to essential services such as schools, irrigation facilities and emergency services.

If the use will create impacts, provide measures to mitigate impacts.

### **CONTRACTOR SHOP (07-14-09) - REQUIRED**

**Applicant**

**Staff**

Demonstrate how the use will be contained within a building or behind a sight-obscuring fence.

### **MINERAL EXTRACTION (07-14-19) - REQUIRED**

**Applicant**

**Staff**

Show how the 30' setbacks on all sides will be met.

Name of operator/extractor

Duration of proposed use: Commencement & Completion dates

Provide an approved reclamation from Idaho Dept. Of Lands

Location of proposed pits and accessory uses

### **WIND FARM (07-14-33) - REQUIRED**

**Applicant**

**Staff**

Need to include on the site plan: lot size, configuration, proximity to structures, topography, viewsheds.

### **MINISTORAGE FACILITY (07-14-29) - REQUIRED**

**Applicant**

**Staff**

Demonstrate how materials will not be sold or delivered to customers directly from the storage compartment.

**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

Revised 3/29/23

# **PUBLIC HEARING APPLICATION PROCESS**

## **CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

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

[www.canyoncounty.id.gov](http://www.canyoncounty.id.gov) Phone: 208-454-7458



1.

- **DUE DILIGENCE BY APPLICANT (PARCEL INQUIRY OR PRE-APPLICATION MEETING)**

2.

- **NEIGHBORHOOD MEETING (HOSTED BY APPLICANT) PER CCZO SECTION 07-01-15**

3.

- **SUBMIT APPLICATION, SUBMITTAL MATERIALS & FEES TO DEVELOPMENT SERVICES**
  - Incomplete submittals will not be accepted

4.

- **STAFF REVIEW OF APPLICATION**
  - APPLICATION WILL BE POSTED UNDER "LAND HEARINGS" ON THE COUNTY WEBSITE

5.

- **SCHEDULE FOR PUBLIC HEARING (41-Day PROCESS)**
  - SUPPLEMENTAL CASE INFORMATION WILL BE POSTED UNDER "LAND HEARINGS" ON THE COUNTY WEBSITE
  - **DAY 1-5:** Hearing notices sent with comment deadline to affected agencies and property owners
  - **DAY 19:** Comment deadline ends. Comments received late will not be accepted. Late comments may be provided during the public hearing as testimony if accepted by the hearing body.
  - **DAY 20-30:** Staff Report Packet preparation
  - **DAY 31:** Staff Report Packet sent to hearing body
  - STAFF REPORT WILL BE POSTED UNDER "LAND HEARINGS" ON THE COUNTY WEBSITE
  - **Day 41:** Public Hearing

6.

- **PUBLIC HEARING**
  - Planning & Zoning Commission hearing (1st and 3rd Thursday evenings);
  - Hearing Examiner hearing (3rd Wednesday afternoon); or
  - Board of County Commissioners hearing (Day-time)
  - HEARING DECISIONS WILL BE POSTED UNDER "LAND HEARINGS" ON THE COUNTY WEBSITE

7.

- **IF 2nd HEARING Required, SEE ITEM 5 & 6 SCHEDULING FOR HEARING AND PUBLIC HEARING**
  - Substantial changes to an application between hearings may be considered a new application and may be required to restart the process

8.

- **CLOSED/REQUEST FOR RECONSIDERATION (IDAHO CODE SECTION 67-6535(b))**
  - FINAL DECISIONS WILL BE POSTED UNDER "LAND HEARINGS" ON THE COUNTY WEBSITE

**From:** Laura Harris <[REDACTED]>  
**Sent:** Monday, October 7, 2024 12:34 PM  
**To:** Arbay Mberwa  
**Subject:** Re: [External] Re: CU2023-0027

1. Only a couple per month on site generally. Scheduled by appointment only.
2. The dogs are either in the garage or outside runs with shelters.
3. 40 dogs over the age of 6 months per Animal Control and canyon counties code. Animals under the age of 6 months aren't relevant.

We will have a 6' fence along the front perimeter of our property. It hasn't been installed yet as we don't have the available funds to do it yet. The goal would be to have that as well as a gate coming into our property.

On Wed, Oct 2, 2024 at 2:55 PM Arbay Mberwa <[Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)> wrote:

Hello,

As I finalize the staff report I have a few questions regarding the case, if you could please provide details about.

1. The hours of operation don't have a specific time, generally when are clients coming on site for viewings and/or pic-up and how many views occur in a week or a month? Are the viewings scheduled as an appointment?
2. The letter of intent states that the garage has been converted to be a dog run. Where are dogs being put to bed at night?
3. The land use worksheet states there will be 40 dogs, will there be 40 dogs at any give time or will there always be 40 dogs? How many will be adults how many will be puppies and/or neutered?

As noted before the public hearing will take place before the Planning and Zoning Commission, on October 17, 2024. The meeting will start at 6:30pm at 111 N. 11<sup>th</sup> Ave. Caldwell, ID 83605. If you will be submitting any presentation materials to me please do so by Oct. 7, 2024 so it can be included in the public record.

If you have questions please let me know.

Thanks,





## Arbay Mberwa

Associate Planner

Canyon County Development Services Department

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

Direct Line: 208-455-6039

Email: [Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)

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

### Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

---

**From:** Arbay Mberwa

**Sent:** Tuesday, September 24, 2024 11:38 AM

**To:** 'Laura Harris' <[REDACTED]>

**Subject:** RE: [External] Re: CU2023-0027

Hello,

Your dog kennel case (CU2023-0027), has been scheduled for public hearing before the Planning and Zoning Commission, on October 17, 2024. The meeting will start at 6:30pm at 111 N. 11<sup>th</sup> Ave. Caldwell, ID 83605.

Please be advised:

- You can find the staff report on the Development Service website under Land Hearing and Planning and Zoning. You can expect to find it no later than Oct 11, 2024. This will include a proposed conditions of approval, which will be important to review prior to the hearing date.
- As the applicant you will be representing your application first. You will need to come prepared to present and introduce your concept before the Planning and Zoning Commission and stand for questions.
- You will need to submit any presentation materials to Development Services by Oct. 7, 2024 so it can be included in the public record.

As I complete the staff report are there any mitigating factors that will be in place to keep the dogs from running at large? The site plan shows that there will be fencing, how tall will the privacy and wire fencing be? How tall is the existing fencing? Please note the fencing shall be installed prior to commencement if approved. Will the proposed dog kennel be injurious to other property in the immediate vicinity and or change the essential character of the area?

Please respond with the answer by October 1<sup>st</sup>, 2024.



**Arbay Mberwa**

Associate Planner

Canyon County Development Services Department

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

Direct Line: 208-455-6039

Email: [Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)

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

## Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

---

**From:** Laura Harris <[REDACTED]>

**Sent:** Thursday, July 18, 2024 12:54 PM

**To:** Barbra Ferre <[REDACTED]>; Arbay Mberwa <[Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)>

**Subject:** [External] Re: CU2023-0027

Here you go

Get [Outlook for iOS](#)

---

**From:** Laura Harris <[REDACTED]>

**Sent:** Thursday, July 18, 2024 10:51:56 AM

**To:** Barbra Ferre <[REDACTED]>; Arbay Mberwa <[Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)>

**Subject:** Re: CU2023-0027

I will have that to you shortly. Thank you!

Get [Outlook for iOS](#)

---

**From:** Barbra Ferre <[REDACTED]>  
**Sent:** Thursday, July 18, 2024 10:44:25 AM  
**To:** Arbay Mberwa <[Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)>; '[REDACTED]>  
**Subject:** Re: CU2023-0027

Thank-you very much Ms. Mberwa, I appreciate your getting back to us on short notice. We will work on this last part of the application.

---

**From:** Arbay Mberwa <[Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)>  
**Date:** Thursday, July 18, 2024 at 9:13 AM  
**To:** Barbra Ferre <[REDACTED]>  
**Subject:** CU2023-0027

Good morning,

After completing a completeness review check the materials submitted are inadequate. Please provide an hours of operations plan. From a previous discussion with another planner that occurred on June 6, 2024 the planner requested an updated site plan, a list of who the neighborhood meeting was sent out to and hours of operations. Two out of the three documents were submitted on July 1, 2024. It appears that there aren't any hours of operation due to breeding, training and meeting people off site however we need that statement as a written document, the application will not be complete without it.

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

Thanks,



**Arbay Mberwa**

Associate Planner

Canyon County Development Services Department



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

Direct Line: 208-455-6039

Email: [Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)

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

## Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

**EXHIBIT B**

**Supplemental Documents**

Planning & Zoning Commission

Case# CU2023-0027

Hearing date: October 17, 2024

# R37812011 PARCEL INFORMATION REPORT

9/27/2024 10:30:44 AM

PARCEL NUMBER: **R37812011**

OWNER NAME: **HARRIS RICK J**

CO-OWNER: **HARRIS LAURA**

MAILING ADDRESS: **13979 HOLLOW RD CALDWELL ID 83607**

SITE ADDRESS: **13979 HOLLOW RD**

TAX CODE: **0320000**

TWP: **5N** RNG: **3W** SEC: **11** QUARTER: **NW**

ACRES: **2.61**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **HIGHWAY DISTRICT #4**

FIRE DISTRICT: **MIDDLETON FIRE**

SCHOOL DISTRICT: **MIDDLETON SCHOOL DIST #134**

IMPACT AREA: **NOT In Impact Area**

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

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AG**

IRRIGATION DISTRICT: **NOT In IRRIG\_DIST**

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY** FIRM PANEL: **16027C0125F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **NO Nitrate Prio**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2020065798**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **11-5N-3W NW TX 20636 IN NWNW**

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.

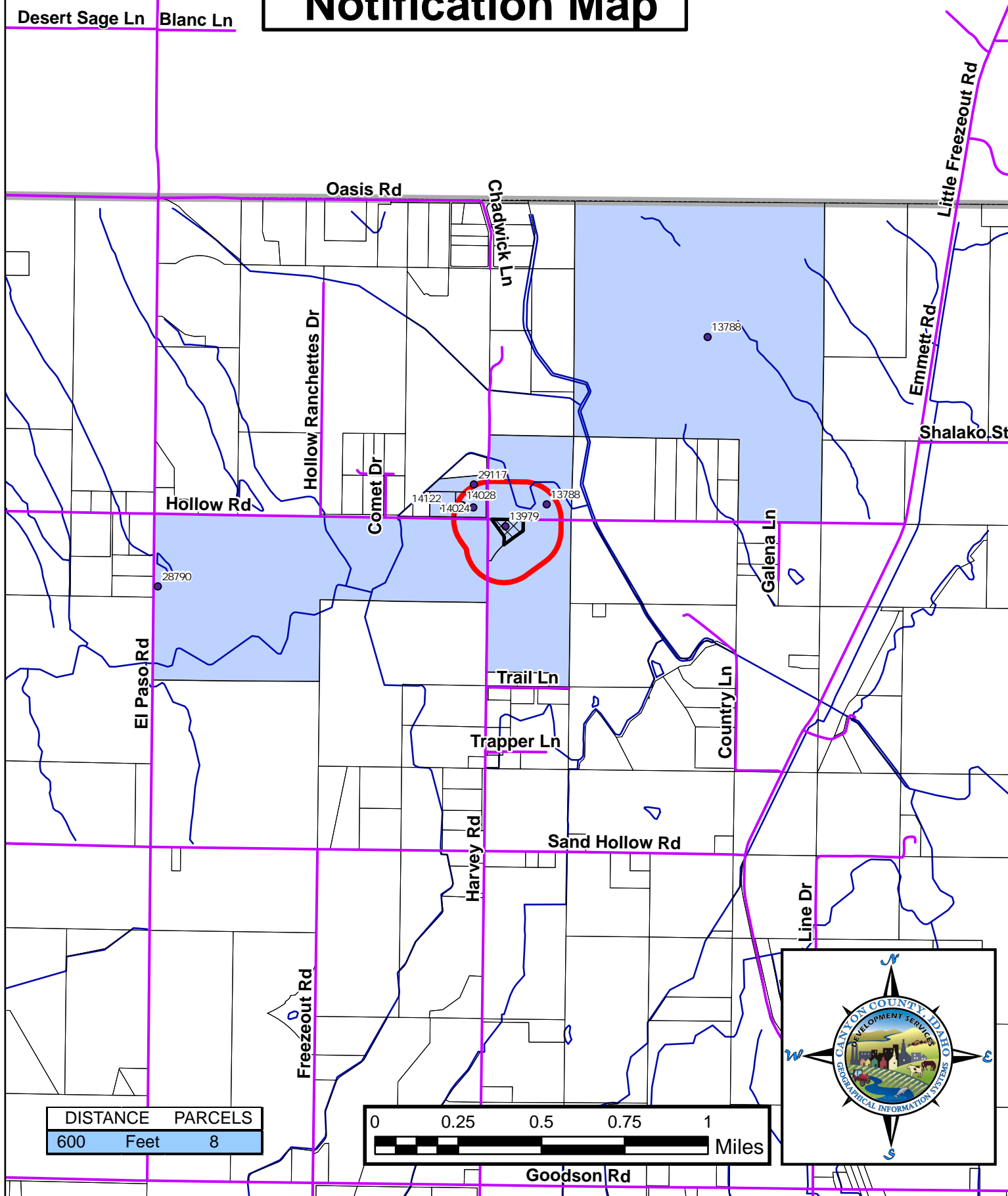
CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

Cloud Ct

Desert Sage Ln    Blanc Ln

# Rick & Laura Harris Notification Map

Exhibit 2.b

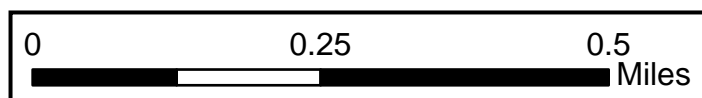
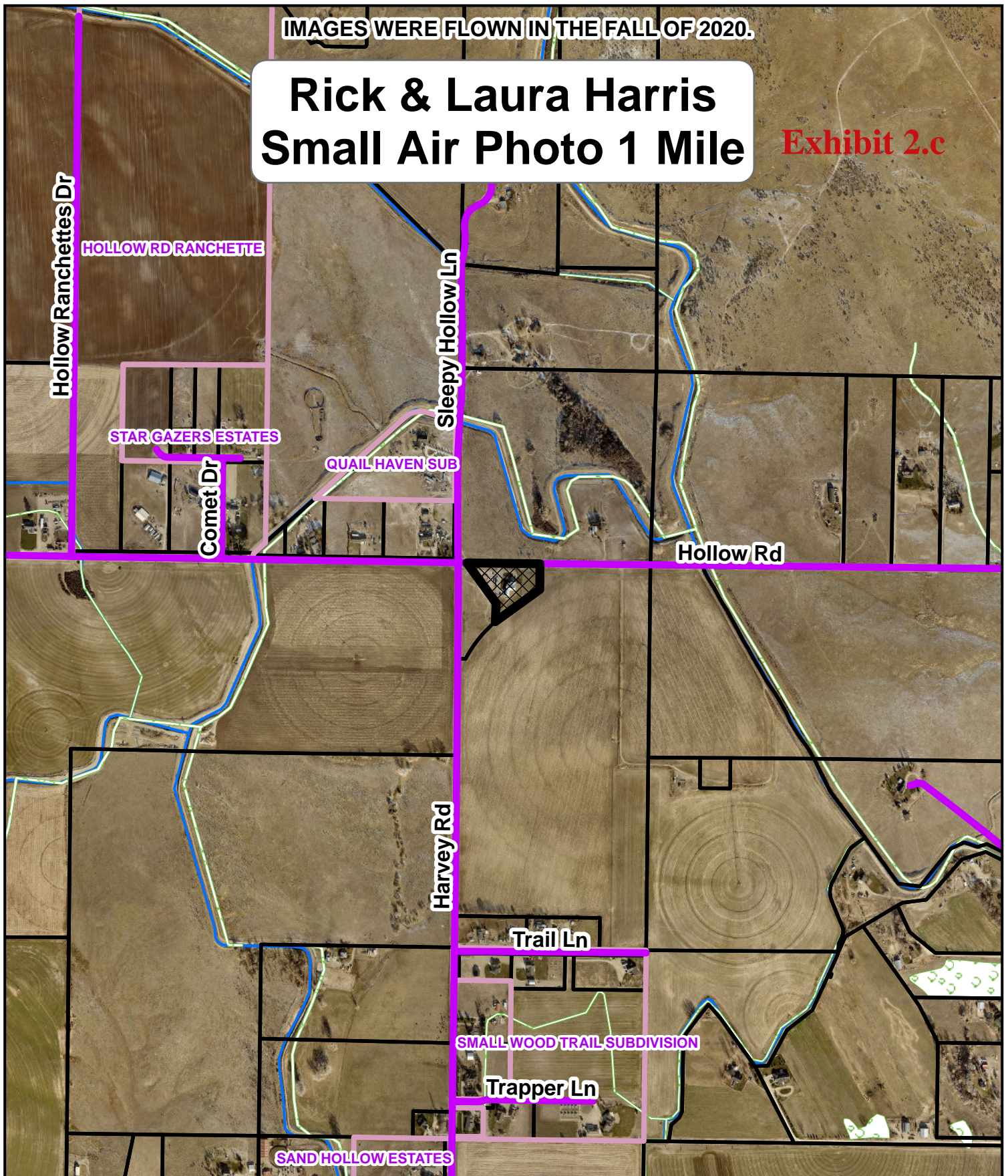




IMAGES WERE FLOWN IN THE FALL OF 2020.

# Rick & Laura Harris Small Air Photo 1 Mile

Exhibit 2.c





# Neighborhood Notification Map

Parcel No. R37812011

Buffer Distance 600 Feet

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

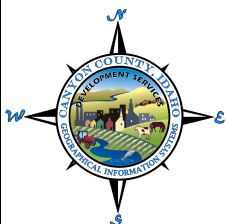
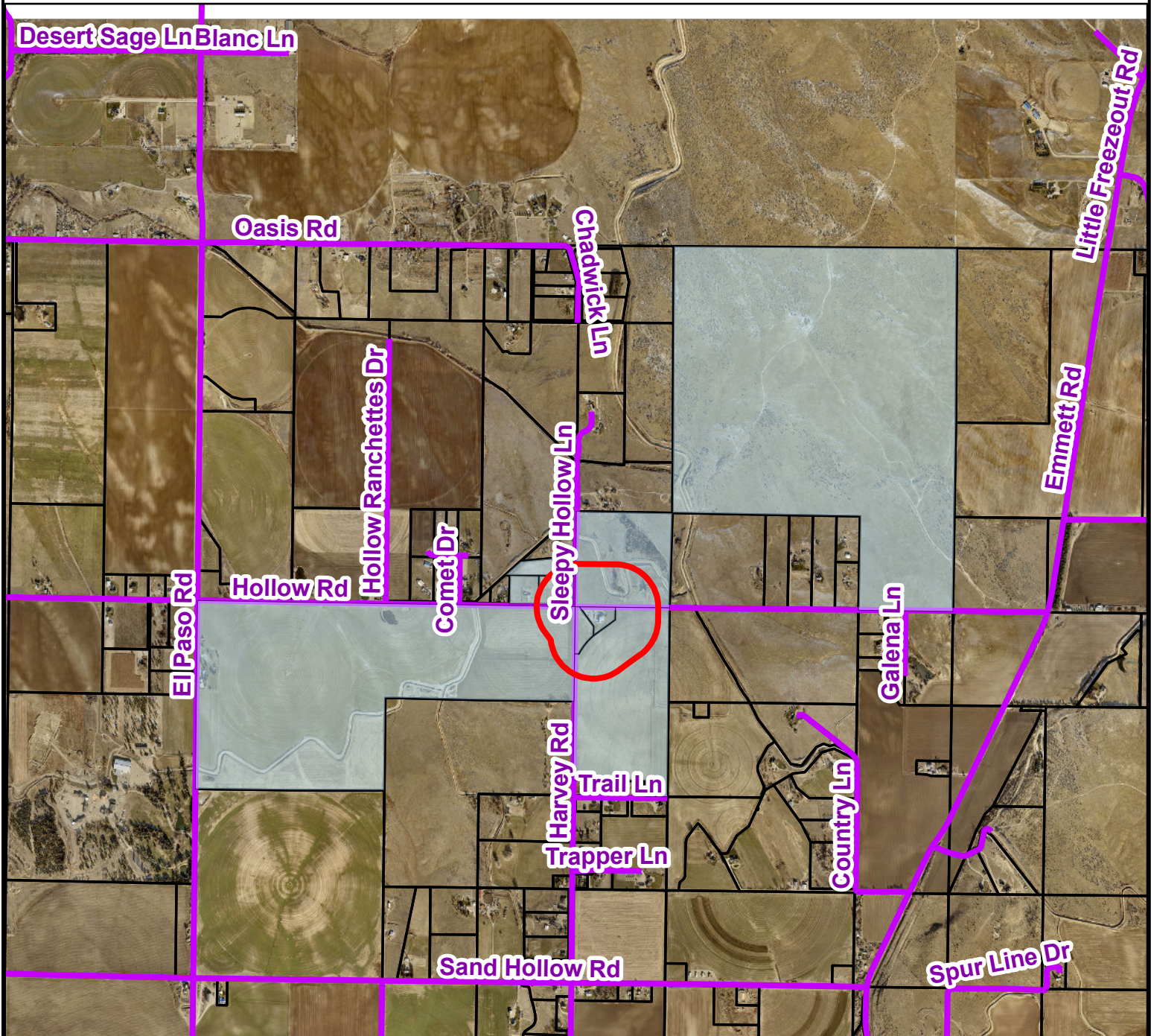


This map is for informational purposes only and does not suggest approval of the project.

Date: 9/10/2024

By: Talmeida

**Exhibit 2.d**



## Legend

- |  |                     |  |            |
|--|---------------------|--|------------|
|  | NOTIFICATION BUFFER |  | Highway    |
|  | SUBJECT_PROPERTY    |  | Interstate |
|  | NOTIFIED PARCELS    |  | Local Road |
|  | TAX PARCELS         |  |            |

## SCALE

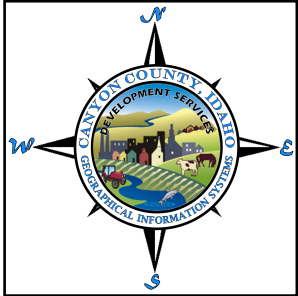
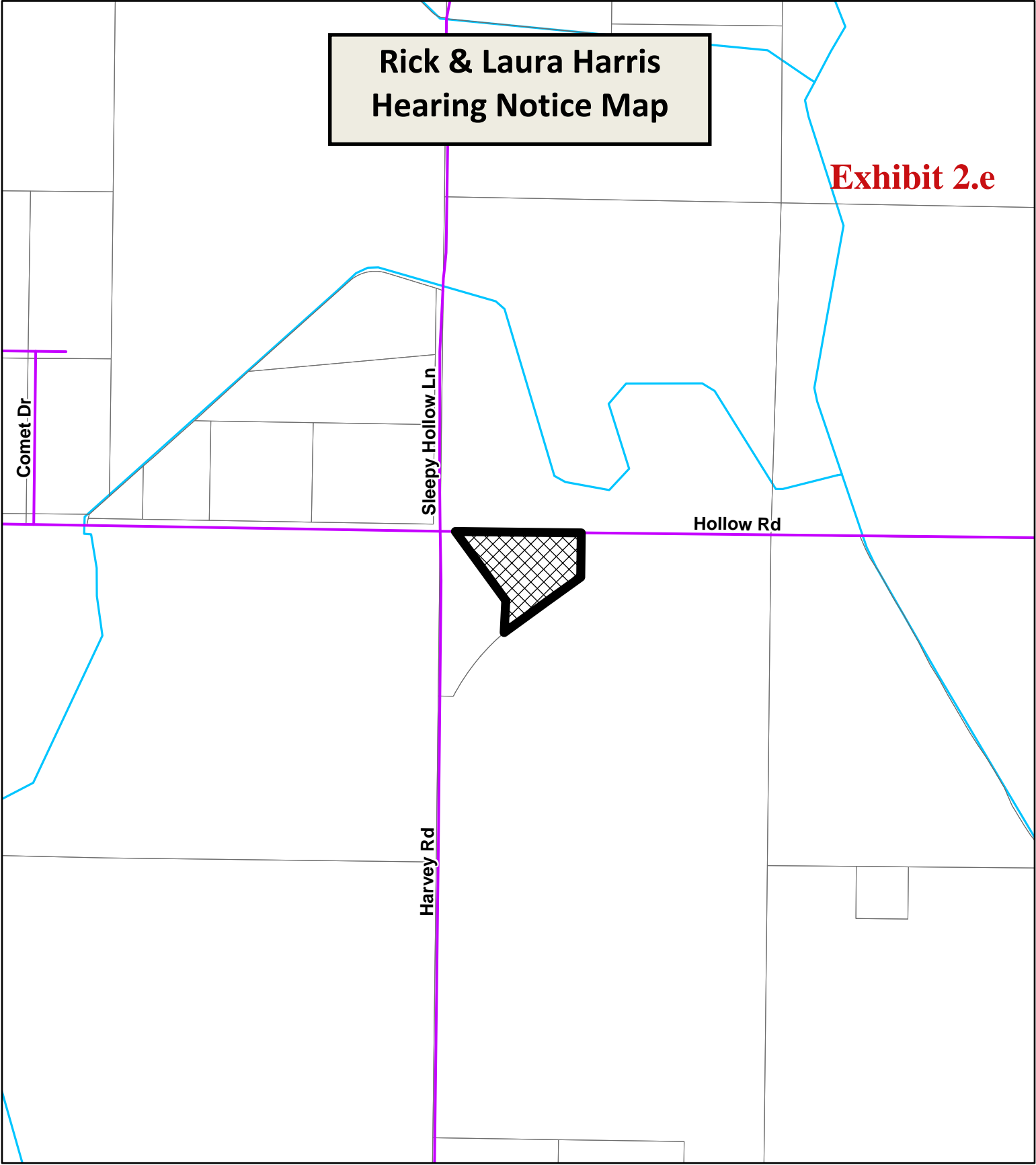
1:24,000

1:24,000

The maps are provided "as-is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the user accessing this information. Canyon County, ID makes no warranties, express or implied, as to the use of the maps. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts all inherent limitations of the maps, including the fact 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.

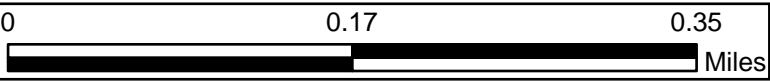
**Rick & Laura Harris  
Hearing Notice Map**

**Exhibit 2.e**



**Legend**

 **SUBJECT\_PROPERTY**



## Exhibit 2.f

PARCEL_NO	OwnerName	Address	City	State	ZipCode
R37643010A	VOSS ASHLEY	14122 HOLLOW RD	CALDWELL	ID	83607
R37643010B	HUNT BERYL LYNN @@	14024 HOLLOW RD	CALDWELL	ID	83607
R37643101	DEANE WESLEY GARRETT TRUST	PO BOX 1550	CALDWELL	ID	83606
R37637	U S DEPT OF INTERIOR	3948 DEVELOPMENT ST	BOISE	ID	83705
R37791	MC KINNEY NATHAN	14390 HOLLOW DR	CALDWELL	ID	83607
R37812	BEUTLER ZACHARY H	2605 W 2800 N	MALAD CITY	ID	83252
R37812010	CHASE KALVIN	406 BIRCH AVE	MIDDLETON	ID	83644
R37812011	HARRIS RICK J	13979 HOLLOW RD	CALDWELL	ID	83607





**Exhibit 2.g**      *Director Decision*  
**Administrative Land Division- AD2017-23**

Canyon County Code of Ordinances 16-007, Article 18

Development Services Department

**Case Number:** AD2017-23  
**Parcel # (s):** R37819  
**Property Owner:** Zach & Trisha Beutler

**2017-013625**

RECORDED

**04/11/2017 04:16 PM**



00292164201700136250060069

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=6 MBROWN

\$25.00

MISC

REMITTER TRISHA

**Request and Finding:** Zach and Trisha Beutler, property owners, request the division of tax parcel R37819 into three (3) parcels per CCZO 16-007 §07-18-01. The approximate 75.09 acre unplatted parcel is an original parcel (dated 1976). Therefore, the property is eligible for an administrative land division.

The parcels shall be divided in substantial compliance with Instrument No. 2017-013582. The subject parcel shall be divided as follows:

Parcel 1: Approx. 2.73 acres (Building Permit available)  
Parcel 2: Approx. 2.42 acres (Building Permit available)  
Parcel 3: Approx. 69.94 acres (No building permit available/ agriculture only)

**Decision:** The application to complete an Article 18, Administrative Land Division, for the division of tax parcel R37819 into two (2) residential parcels and one (1) agricultural parcel per CCZO 16-007 §07-18-01 is **APPROVED**.

The application documents, including the metes and bounds description(s) and, if applicable, the record of survey and/or perpetual easement(s) for ingress/egress evidence the land division tentatively approved. Therefore, the administrative land division is hereby approved. Idaho Right to Farm Act (Idaho Code § 22-4503) applies to this land use decision.

Patricia Nilsson, Director

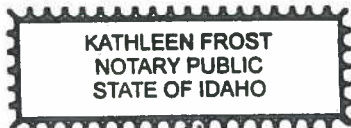
Date

State of Idaho )

SS

County of Canyon County )

On this 11 day of April, in the year of 2017, before me Kathleen Frost, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.



Notary:

My Commission Expires: 06-03-2022

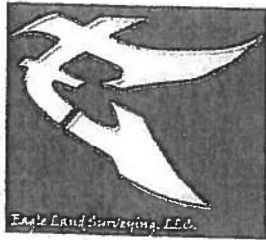
To whom it may concern:

We are requesting administrative land division on our 150 acre farm located on Hollow Road in Caldwell Idaho, in order to build a primary residence. We would like to have the 2 allotted building permits for the 75.16 acre original parcel (R3781200000) to be designated to the Northwest corner of the parcel. Parcel #2 is where we intend to build our home. The second building site would be designated to Parcel #1 in the newly surveyed area for possible future use.

Sincerely,

Zach and Trisha Beutler





Job No. 2017-033

J.B.F.

3-22-17

BOUNDARY DESCRIPTION  
FOR  
ZACH BEUTLER

Parcel 1

Part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 11, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho described as:

Beginning at a found  $\frac{5}{8}$ " rebar marking the Northwest corner of Section 11, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and running thence  $S89^{\circ}55'27''E$  60.66 feet along the North line of said Section to a point on the West right-of-way line of an easement in favor of the Pacific Northwest Pipeline Corporation filed as Instrument No. 873553; thence  $S36^{\circ}44'53''E$  425.87 feet along said right-of-way to a point on a curve; thence Southwesterly 409.27 feet along said curve to the left (Curve data: Radius= 1155.83', Delta=  $20^{\circ}17'16''$  Chord Bearing and Distance=  $S38^{\circ}53'33''W$  407.13 feet); thence  $S89^{\circ}58'26''W$  60.22 feet to a point on the West line of said Section; thence  $N00^{\circ}01'58''E$  658.23 feet along said West line to the Point of Beginning.

Parcel contains 118, 885 square feet or 2.73 acres.







Job No. 2017-033

J.B.F.

3-22-17

BOUNDARY DESCRIPTION  
FOR  
ZACH BEUTLER

Parcel 2

Part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 11, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho described as:

Commencing at a found  $\frac{5}{8}$ " rebar marking the Northwest corner of Section 11, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and running thence  $S89^{\circ}55'27''E$  60.66 feet along the North line of said Section to a point on the West right-of-way line of an easement in favor of the Pacific Northwest Pipeline Corporation filed as Instrument No. 873553 (said point being the Point of Beginning); thence  $S89^{\circ}55'27''E$  502.23 feet along the North line of said Section; thence  $S00^{\circ}03'24''W$  176.39 feet to a point on a curve; thence Southwesterly 297.63 feet along said curve to the left (Curve data: Radius= 1155.83', Delta=  $14^{\circ}45'13''$  Chord Bearing and Distance=  $S56^{\circ}24'33''W$  296.81 feet) to a point on the West right-of-way line of an easement in favor of the Pacific Northwest Pipeline Corporation filed as Instrument No. 873553; thence  $N36^{\circ}44'53''W$  425.87 feet along said right-of-way to the Point of Beginning.

Parcel contains 105,503 square feet or 2.42 acres.





Job No. 2017-033

J.B.F.

3-22-17

BOUNDARY DESCRIPTION  
FOR  
ZACH BEUTLER

Parcel 3

Part of the West ½ of the Northwest ¼ of Section 11, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho described as:

Commencing at a found 5/8" rebar marking the Northwest corner of Section 11, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and running thence S00°01'58"W 658.23 feet along the West line of said Section to the Point of Beginning; thence N89°58'26"E 60.22 feet to a point on a curve; thence Northeasterly 706.90 feet along said curve to the right (Curve data: Radius= 1155.83', Delta= 35°02'29", Chord Bearing and Distance= N46°16'10"E 695.93 feet); thence N00°03'24"E 176.39 feet to a point on the North line of said Section; thence S89°55'27"E 757.15 feet along said North line to a point marking the Northeast corner of the West ½ of the Northwest ¼ of said Section; thence S00°02'39"E 2640.87 feet to a found 5/8" rebar marking the Southeast corner of the West ½ of the Northwest ¼ of said Section; thence N89°49'38"W 319.87 feet along the South line of the West ½ of the Northwest ¼ of said Section to a found 5/8" rebar; thence N00°21'06"E 217.34 feet to a found 5/8" rebar; thence N89°49'38"W 1004.93 feet to a point on the West line of said Section; thence N00°01'58"E 1763.05 feet along said West line to the Point of Beginning.

Parcel contains 3,046,600 square feet or 69.94 acres.





# Exhibit 2.h

## DSD Director Administrative Decision

Canyon County Code of Ordinances

§07-18-01, §07-10-03

2020-063003

RECORDED

10/27/2020 01:13 PM



00558535202000630030040046

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 MKEYES

\$19.00

MISC

ZACH BEUTLER

Case Number: AD2020-0120 (Amending AD2017-23)

Parcel #'s: R37812, R37812010 & R37812011

Property Owner/Applicant(s): Zach & Trisha Beutler

**Request:** The applicants are requesting a minor property boundary adjustment amending a previous land division (AD2017-23, Attachment A). The parcels are zoned "A" (Agricultural). The result does not significantly alter the land division previously approved.

**Property History:** In 2017, an administrative land was approved creating a total of three lots (AD2017-23, Attachment A).

**Finding:** The adjustment does not adjust the property boundaries more than 80 feet. 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 parcels shall be adjusted in compliance with Record of Survey Instrument No. 2020-060197 (Attachment B). The subject parcels will be adjusted as follows:

Parcel #:	Existing Acreage	New Acreage
Parcel 1	2.73 acres	2.66 ± acres (Building permit available)
Parcel 2	2.42 acres	2.61 ± acres (Building permit available)
Parcel 3	69.94 acres	69.82± acres (Ag. only, no building permit)

**DISCLAIMER:** Parcels will not be adjusted by the Assessor's Office until deeds are recorded.

**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*

Director

*October 20, 2020*

Date

State of Idaho )

SS

County of Canyon County )

On this 20<sup>th</sup> day of October, in the year of 2020, before me Kathleen Frost, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

Notary: K Frost

My Commission Expires: 6-3-2022

KATHLEEN FROST  
COMMISSION #67887  
NOTARY PUBLIC  
STATE OF IDAHO



ATTACHMENT A

Director Decision  
Administrative Land Division- AD2017-23

Canyon County Code of Ordinances 16-007, Article 18

Development Services Department

**Case Number:** AD2017-23  
**Parcel # (s):** R37819  
**Property Owner:** Zach & Trisha Beutler

2017-013625

RECORDED

04/11/2017 04:16 PM



00292164201700136250060069

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=6 MBROWN

\$25.00

MISC

BEUTLER TRISHA

**Request and Finding:** Zach and Trisha Beutler, property owners, request the division of tax parcel R37819 into three (3) parcels per CCZO 16-007 §07-18-01. The approximate 75.09 acre unplatted parcel is an original parcel (dated 1976). Therefore, the property is eligible for an administrative land division.

The parcels shall be divided in substantial compliance with Instrument No. 2017-013582. The subject parcel shall be divided as follows:

- Parcel 1: Approx. 2.73 acres (Building Permit available)
- Parcel 2: Approx. 2.42 acres (Building Permit available)
- Parcel 3: Approx. 69.94 acres (No building permit available/ agriculture only)

**Decision:** The application to complete an Article 18, Administrative Land Division, for the division of tax parcel R37819 into two (2) residential parcels and one (1) agricultural parcel per CCZO 16-007 §07-18-01 is **APPROVED**.

The application documents, including the metes and bounds description(s) and, if applicable, the record of survey and or perpetual easement(s) for ingress/egress evidence the land division tentatively approved. Therefore, the administrative land division is hereby approved. Idaho Right to Farm Act (Idaho Code § 22-4503) applies to this land use decision.

Patricia Nilsson, Director

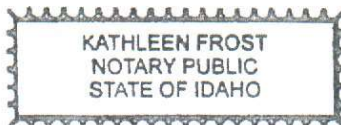
Date

State of Idaho )

SS

County of Canyon County )

On this 11 day of April, in the year of 2017, before me Kathleen Frost, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.



Notary:

My Commission Expires: 06-03-2022



## RECORDED'S CERTIFICATE



ANAL. Calcd for  $C_{10}H_{12}O_2$ : C, 80.0%; H, 8.0%. Found: C, 79.8%; H, 8.2%.



100% Satisfaction  
 Guaranteed  
 24/7 Support  
 100% Satisfaction  
 Guaranteed

## SURVEYOR'S CERTIFICATE

N 1/4 C28  
C28BN of 300/600000

1. Song lyrics of "Gloria" No. 200, 67, 1980 and "Gloria" No. 42, 1981, 42, 1982, and 47, 1983 for Gloria hymns are:  
Gloria, Gloria, Gloria

*J. Phys. Soc. Japan* **1964**, *19*, 1045

STAND DISTANCE TO 1230

**EAGLE LAND SURVEYING, INC.**  
1200 W. 12th Ave. Suite 11, Anchorage, AK 99501  
(907) 561-2711, Fax (907) 561-2712, www.eaglesurveying.com

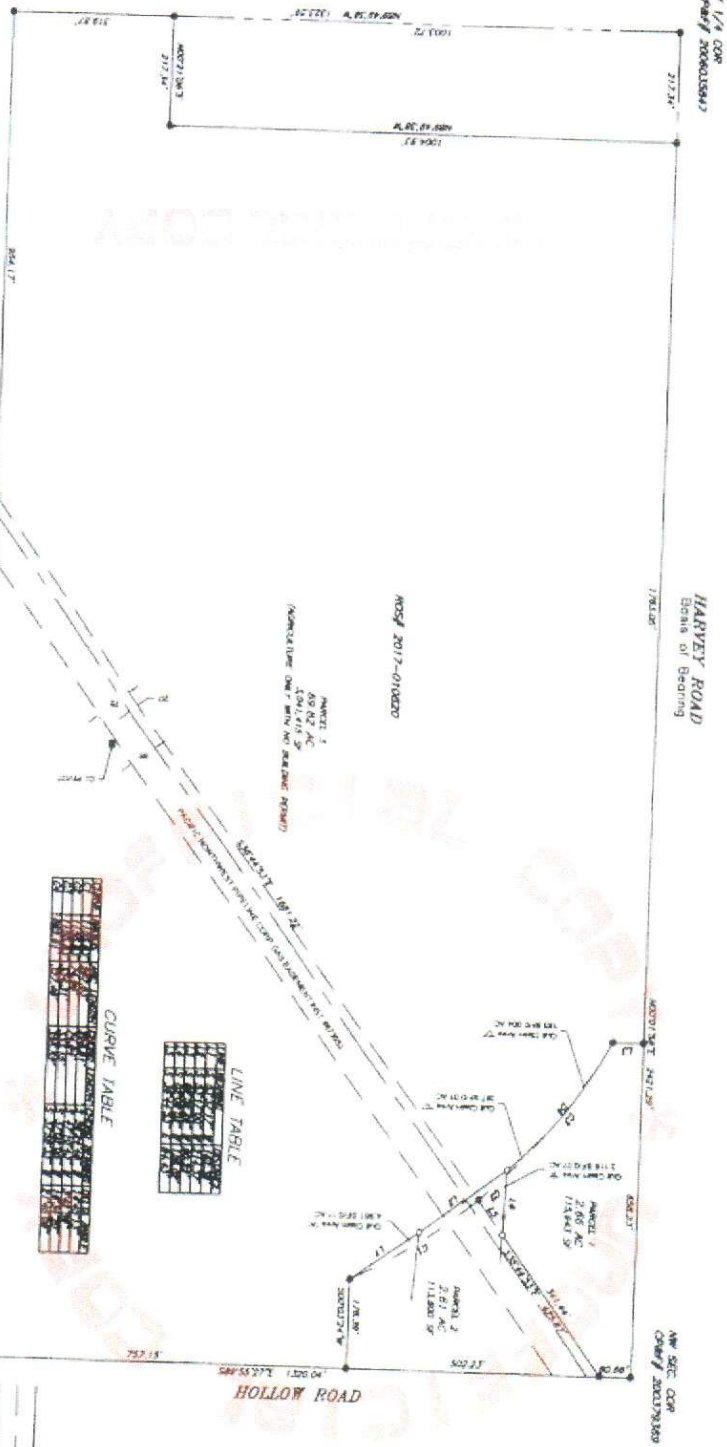
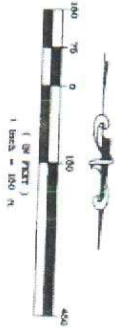
$$A(350) = A(300) + A(400) + A(450)$$

RECORD OF SURVEY					
NO.					
EACH BEUTLER					
SEC. 11, T. 5 N., R. 3 W., E.M.					
Acres	7-70	Plotted	1-8-91	SHEET	OF
Map No.	20	Surveyed by	Wm. H. Beutler	1	1
CERT. BY	WM				



PART OF THE W 1/2 OF THE NW 1/4 OF  
SECTION 11, T. 5 N., R. 3 W., B.M.  
CANYON COUNTY, IDAHO  
2020

RECORDER'S CERTIFICATE



LEGEND

- Found 1" Pipe
- Calculated Point
- Found 5/8" rebar
- Set 5/8" x 30" rebar with cap marked P.L.S. 12220
- Centerline
- Corner Boundary Line
- Section Line
- Lot Line to be Adjusted

CURVE TABLE

1	100.00	180.00	1.5708	157.08	100.00
2	100.00	180.00	1.5708	157.08	100.00
3	100.00	180.00	1.5708	157.08	100.00
4	100.00	180.00	1.5708	157.08	100.00
5	100.00	180.00	1.5708	157.08	100.00
6	100.00	180.00	1.5708	157.08	100.00
7	100.00	180.00	1.5708	157.08	100.00
8	100.00	180.00	1.5708	157.08	100.00
9	100.00	180.00	1.5708	157.08	100.00
10	100.00	180.00	1.5708	157.08	100.00

LINE TABLE

1	100.00	180.00	1.5708	157.08	100.00
2	100.00	180.00	1.5708	157.08	100.00
3	100.00	180.00	1.5708	157.08	100.00
4	100.00	180.00	1.5708	157.08	100.00
5	100.00	180.00	1.5708	157.08	100.00
6	100.00	180.00	1.5708	157.08	100.00
7	100.00	180.00	1.5708	157.08	100.00
8	100.00	180.00	1.5708	157.08	100.00
9	100.00	180.00	1.5708	157.08	100.00
10	100.00	180.00	1.5708	157.08	100.00

**SURVEYOR'S CERTIFICATE**  
I, JEREMIAH B. FETLAND, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF THE SURVEY.

JEREMIAH B. FETLAND, N.E.  
IDAHO LAND SURVEYING, LLC  
10-1-5-20  
BOARD LICENSE NO. 12220

IDAHO LAND SURVEYING, LLC  
12220  
10-1-5-20

INDEX & MAP-11-4-01-0000

RECORD OF SURVEY	
NO.	2020
ZACH BEUTLER	
SEC. 11, T. 5 N., R. 3 W., B.M.	
DATE	12-20-20
BY	JBF
DATE	12-20-20
BY	JBF

**NOTE AND NARRATIVE:**  
1. See Record of Survey No. 200101060, 2017-010620 and 2017-010621 for boundary information.  
2. The survey was made at the request of Zach Beutler to adjust the boundary between the 1/4 section and the 1/4 section.  
3. Boundaries taken from Record of Survey No. 2017-010620.

CANYON COUNTY RECORDER AND PASSPORTS  
111 North 11th Ave  
Suite 330  
Caldwell, Idaho 83605

Receipt #: 333788      Receipt Date: 10/27/2020 01:14 PM  
Station: 18      Cashier: MKEYES  
Receipt Name: ZACH BEUTLER

Comments:

RECORDING

Document #	Recording Date	Doc Type	Doc Fee	Add A/R	Other	Total
2020-063003	10/27/2020 01:13:34 PM	REC-MISC	19.00			\$19.00
Totals:			\$19.00	\$0.00	\$0.00	\$19.00

Thank You

Receipt Total      \$19.00  
CASH      \$20.00  
CHANGE      (\$1.00)



# Development Services Department

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

(208) 454 7458 ▪ (208) 454 6633 Fax ▪ [DSDInfo@canyoncounty.id.gov](mailto:DSDInfo@canyoncounty.id.gov) ▪ [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

## NOTICE OF VIOLATION

October 5, 2023

**Sent US First Class & Certified Mail**

Rick J. and Laura Harris  
13979 Hollow Road  
Caldwell, ID 83607

Dear Property Owner:

Canyon County Development Services is investigating a violation of the Canyon County Zoning Ordinance on your property located at 13979 Hollow Road, Caldwell, ID; also identified as Assessor Parcel Number R37812011. This property is located in an area in Canyon County that is zoned "A" (Agricultural).

A site inspection was conducted on or about September 22, 2023, by Canyon County Animal Control at which time a citation was issued. Your property was found to be in violation for the following:

- **ZONING ORDINANCE § 07-10-27: Kennel**  
This type of activity is not allowed in an area zoned "A" (Agricultural) unless you apply for and are approved for a **Conditional Use Permit** from Development Services.

### **§ 07-10-27: LAND USE REGULATIONS (MATRIX):**

This section lists uses within each land use zone: allowed uses (A), permitted uses through a **conditional use permit (C)**, Director administrative decision (D), not applicable because covered by different use/section (n/a), or prohibited (-).

Zoning Classification	A	R-R	R-1	R-2	C-1	C-2	M-1	M-2	MU-A
Kennel	C	C	C	C	C	C	A	A	C

**CORRECTION:** Please meet with Development Services **within the next 10 days or no later than October 16, 2023** to discuss the Conditional Use Permit process and submit an application.

Development Services desires that property owners voluntarily correct all ordinance violations. You may call 208-454-7458 for Development Services to discuss available options and obtain appropriate permits; or select option four to contact a Code Enforcement Officer. To view the Canyon County Code, please visit our website at <http://www.canyoncounty.id.gov>.

RE: 13979 Hollow Rd.  
October 5, 2023  
Page 2

Failure to respond to this notice will result in additional code enforcement action and may result in criminal prosecution pursuant to Canyon County Zoning Ordinance § 07-19-03:

**07-19-03: CRIMINAL ENFORCEMENT PROCEDURE:**

It shall be unlawful for any person to fail to comply with the preceding sections, or any part or provision, of this chapter. Upon conviction violations shall be punishable according to section 01-01-07 of the County's Ordinance, General Penalty. Criminal enforcement shall not foreclose use of other remedies in this chapter...

Criminal prosecution will require you to appear in the District Court of Canyon County. Should you be found guilty of a misdemeanor, you would be subject to fines and possible incarceration. Each day violations continue after notification of said violations shall constitute a separate offense and each violation shall be punishable as stated above. *Development Services Department is hopeful such action will not be necessary.*

Thank you for your cooperation in this matter.



Eric Arthur  
Code Enforcement Supervisor  
[eric.arthur@canyoncounty.id.gov](mailto:eric.arthur@canyoncounty.id.gov)  
cc: Case file CDEF2023-0061



# Development Services Department

Exhibit 2.j

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

(208) 454 7458 ▪ (208) 454 6633 Fax ▪ [DSDInfo@canyoncounty.id.gov](mailto:DSDInfo@canyoncounty.id.gov) ▪ [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

## COURTESY NOTICE

November 29, 2023

Sent US First Class & Certified Mail

Stockboise, LLC  
P. O. Box 5551  
Boise, ID 83705

Canyon County Development Services is investigating a violation of the Canyon County Zoning Ordinance on your property located at 0 Harvey Road, Caldwell, ID; also identified as Assessor Parcel Number R37812010. This property is located in an area in Canyon County that is zoned "A" (Agricultural).

Your property is in violation for the following: ZONING ORDINANCE § 07-10-27 Operating a Kennel

This type of activity is not allowed in an area zoned "A" (Agricultural) unless you apply for and are approved for a **Conditional Use Permit** from Development Services.

**§ 07-10-27: LAND USE REGULATIONS (MATRIX):** This section lists uses within each land use zone: allowed uses (A), permitted uses through a conditional use permit (C), Director administrative decision (D), not applicable because covered by different use/section (n/a), or prohibited (-).

Zoning Classification	A	R-R	R-1	R-2	C-1	C-2	M-1	M-2	MU-A
Kennel	C	C	C	C	C	C	A	A	C

Please cease and desist all business activities at this site immediately and meet with Development Services within the next 10 days or no later than December 13, 2023, to discuss the Conditional Use Permit process.

Development Services desires that property owners voluntarily correct all ordinance violations. You may call 208-454-7458 for Development Services to discuss available options and obtain appropriate permits; or select option four to contact a Code Enforcement Officer. To view the Canyon County Code, please visit our website at <http://www.canyoncounty.id.gov>.

Respectfully,

Eric Arthur, Code Enforcement Supervisor  
[eric.arthur@canyoncounty.id.gov](mailto:eric.arthur@canyoncounty.id.gov)  
cc: Case file CDEF2023-0262





CANYON COUNTY  
**SHERIFF**

**Exhibit 2.k**

**Deputy Tweedy**

**Deputy ACO**

**ACO - A9**

Canyon County Sheriff's Office  
1115 Albany Street  
Caldwell, Idaho 83605

Phone: (208) 454-7531  
Fax: (208) 454-9355

*Public Safety, Teamwork, Community*

**CANYON COUNTY ANIMAL ORDINANCE VIOLATION**

Canyon County Animal Control

5801 Graye Lane - 455-5920

Caldwell, Idaho 83607

*9-22-23*  
*Laura Harris - owner*  
*13979 Hollow Rd*  
*Caldwell-Nampa-County*

Type of Complaint	Date/Time Reported	Report Number
Location of Complaint	Owner's Name	Address
	Telephone	

(Please check one)

<input type="checkbox"/> Dog	<input type="checkbox"/> Sheep	<input type="checkbox"/> Poultry	<input type="checkbox"/> Horse	<input type="checkbox"/> Cattle	<input type="checkbox"/> Other
Breed _____			Male <input type="checkbox"/>	Female <input type="checkbox"/>	
Coat: <input type="checkbox"/> Smooth	<input type="checkbox"/> Wire Hair	<input type="checkbox"/> Long	<input type="checkbox"/> Curly	<input type="checkbox"/> Other	
Color: <input type="checkbox"/> Brown	<input type="checkbox"/> Black	<input type="checkbox"/> White	<input type="checkbox"/> Red	<input type="checkbox"/> Golden	<input type="checkbox"/> Tan

You are hereby notified that you are in violation of the Canyon County Animal Ordinance code for the following:

- |   |  |
|---|--|
| <input type="checkbox"/> Dog Running at Large     | <input type="checkbox"/> Failure to Purchase License |
| <input type="checkbox"/> Animal Running at Large  | <input type="checkbox"/> Nuisances                   |
| <input type="checkbox"/> Poultry Running at Large | <input type="checkbox"/> Disturbing the Peace        |
| <input type="checkbox"/> No Kennel License        | <input type="checkbox"/> Cruelty to Animals          |
| <input type="checkbox"/> Other(Please specify)    |  |

*71 total dogs - some under 6 mos -*  
*31+ total adults*

Disposition of Animal: ☐ Impounded ☐ Returned to Owner  
☐ Transported to Shelter ☐ Other (Please specify)

*30 dogs to get Conditional Use permit.*

This warning notice is issued as a courtesy.  
Any future violations will result in a summons.

Transported to Canyon Animal Shelter by:

Reporting Officer/Number: *Tweedy #19*



## Exhibit 2.1

### Planning and Zoning Commission - Staff Report Treasure Valley LLC – CR2021-0008

July 7, 2022

Development Services Department

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

Conditional Rezone – CR2021-0008

#### **Findings of Fact**

1. The applicant, Treasure Valley LLC, is requesting a Conditional Rezone of approximately 55 acres of a 120-acre parcel from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone, Rural Residential) zone. The request includes a development agreement restricting development to a maximum of 15 residential lots. The subject property, parcel R37792, is located on Harvey Road north of the Sand Hollow Road intersection, Middleton, ID in the S½ of the NE¼ and the NW¼ of the SW¼ of Section 10, T5N, R3W, BM, Canyon County, Idaho.
2. The subject property is designated "agricultural" in the Future Land Use plan within the 2020 Canyon County Comprehensive Plan.
3. The subject property is not located within an Area of City Impact.
4. The subject property is located within the Canyon Highway District #4, Middleton Fire District, Middleton School District and Black Canyon Irrigation District.
5. A neighborhood meeting was conducted on August 3, 2021 in accordance with CCZO Section §07-01-15.
6. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on April 1, 2022. Newspaper notice was published on June 19, 2022. Property owners within 600' were notified by mail on June 16, 2022. Full political notice was provided on April 1, 2022. The property was posted on June 21, 2022.
7. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2021-0008.

#### **Conclusions of Law**

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

#### **1. Is the proposed zone change generally consistent with the comprehensive plan?**

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

Finding: The Canyon County Future Land Use Map designates the subject property as "agricultural". The request is not located within an Area of City Impact.

The area is still predominantly agricultural in nature with scattered rural homesteads. The requested "CR-R-R" is not consistent with the agricultural and rural character of the existing area. The request is inconsistent with the following goals and policies of the 2020 Canyon County Comprehensive Plan including, but not limited to:

#### **Chapter 2. Population**

- Population Goal No. 1: "Consider population growth trends when making land use decisions."
- 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."

#### **Chapter 4. Economic Development**



- Economic Development Goal No. 2: “To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities.”

#### **Chapter 5. Land Use**

- Land Use Goal No. 2: “To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area.”
- Land Use Goal No. 4: “To encourage development in those areas of the county which provide the most favorable conditions for future community services.”
- Land Use Policy No. 2: “Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.
- Land Use Residential Policy No. 2: “Encourage residential development in areas where agricultural uses are not viable.”

#### **Chapter 6. Natural Resources**

- Natural Resources Goal No. 1: “To support the agricultural industry and preservation of agricultural land.”
- Natural Resources Policy No. 1: “Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development.
- Natural Resources Policy No. 3: “Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.”

#### **Chapter 13. Agriculture**

- Agricultural Goal No. 1: “Acknowledge, support and preserve the essential role of agriculture in Canyon County.”
- Agricultural Goal No. 2: “Support and encourage the agricultural use of agricultural lands.”
- Agricultural Policy No. 1: “Preserve agricultural lands and zoning classifications.”

**Residential Land Use Categories (Page 37 of the Comprehensive Plan)**: Residential development should be encouraged in or near Areas of City Impact or within areas that demonstrate a development pattern of residential land uses.

### **2. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?**

Conclusion: The proposed zone change is not more appropriate than the current zone.

Finding: The property is zoned “A” (Agricultural). Within the immediate vicinity, the surrounding properties are predominantly zoned “A” with an average lot size of 44.51 acres. Approximately 66 acres of the subject parcel is considered farmland of statewide importance if irrigated. No evidence was provided demonstrating that the property is non-viable agricultural land.

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

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

Finding: There are five (5) platted subdivisions within a one-mile radius from the subject property which are predominantly zoned “A”. The entirety of the area around the subject parcel is primarily zoned “A” agriculture with the exception of two (2) “CR-R-R” conditional rezones to rural residential, which were approved in 2013 and 2014.

Pursuant to CCZO § 07-06-07(3), the previously approved "CR" zone is not presumptive proof that the zoning or properties in the vicinity of the conditionally rezoned property should be rezoned the same. There have been no recent zoning decisions in the area for anything similar to what the applicant is requesting for the subject parcel.

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

Conclusion: The proposed use will negatively affect the character of the area.

Finding: The 3.5-acre lot size promoted by the conditional rezone "CR-R-R" is incompatible with the existing conditions of the area and residential growth forecasts. The result may prematurely impact existing agricultural uses while promoting zone development with associated impacts to an area predominantly agricultural and rural in character. No development agreement was submitted demonstrating how future development would be configured or completed to protect viable agricultural uses or rural character.

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

Conclusion: Adequate sewer, drainage, and storm water retention facilities and utility systems will be provided to accommodate the proposed use at the time of development. Platting as a residential subdivision will be required for the proposed development.

Finding: The following adequate facilities can be provided and demonstrated at the time of platting:

- Wells/Septic Systems: The property is not located within an Area of City Impact. City services are not available to the subject parcel. Therefore, future development will require individual wells and septic systems. The property is not located within a nitrate priority area with wells in the area exhibiting low levels of nitrates.
- Irrigation and Drainage: The property is located within Black Canyon Irrigation District (BCID). Future development will be required to provide irrigation water to all future lots and retain stormwater on-site. The subject parcel accepts significant drainage from the north and east. These natural drainages should be preserved through drainage easements although the drainage path can be reconfigured as a part of platting.

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

Conclusion: Legal access will be granted via Harvey Road.

Finding: The property has access and frontage along Harvey Lane, which is classified as a major collector by Canyon Highway District #4. Access is currently taken via a private driveway located along the southern property boundary off Harvey Road. Access for future residential development would need to be planned through one or more public road approaches. There appears to be adequate sight distance along the majority of Harvey Road however, sight distance would need to be verified at the time of preliminary plat approval.



7. Does the proposed development require road improvements to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The rezone of the subject property will not cause undue interference with existing or future traffic patterns as proposed. Future impacts can be addressed at the time of platting.

Finding: Per Canyon Highway District #4 standards a grid of arterial or collector roads will be required within or contiguous to the frontage of the development to serve future transportation needs. The proposed 15 lot development is not anticipated to exceed the threshold requiring a Traffic Impact Study and proposed traffic impacts will be mitigated through right-of-way dedication, public road improvements and development impact fees.

8. Will the proposed zone change 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. Mitigation would include ensuring that roads are adequate for school busses and that school bus turn arounds be included.

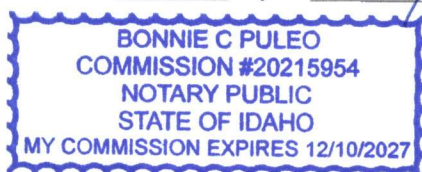
Finding: Middleton School District #134 is experiencing significant growth with some schools over capacity and others near capacity. This development is anticipated to bring an increase of 9 students to the district which is fewer than developments with smaller lots/higher density. Bussing would be provided for these students and the district requests that appropriate street size and turn arounds be included for bus access at the time of platting.

No other comments have been received.


### Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends denial** of Case #CR2021-0008, a conditional rezone of parcel R37792 from an "A" zone (Agricultural) to an "CR-R-R" zone (Conditional Rezone - Rural Residential).

DENIED this 7 day of July, 2022.



PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO

  
Robert Sturgill, Chairman

State of Idaho )

SS

County of Canyon County )

On this 7th day of July, in the year 2022, before me Bonnie Puleo, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary: Bonnie C. Puleo

My Commission Expires: 12/10/2027



# PROPERTY RIGHTS

## PURPOSE

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

## GOALS, POLICIES, AND ACTIONS

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

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

## PROPERTY RIGHTS

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

### Private Property Rights

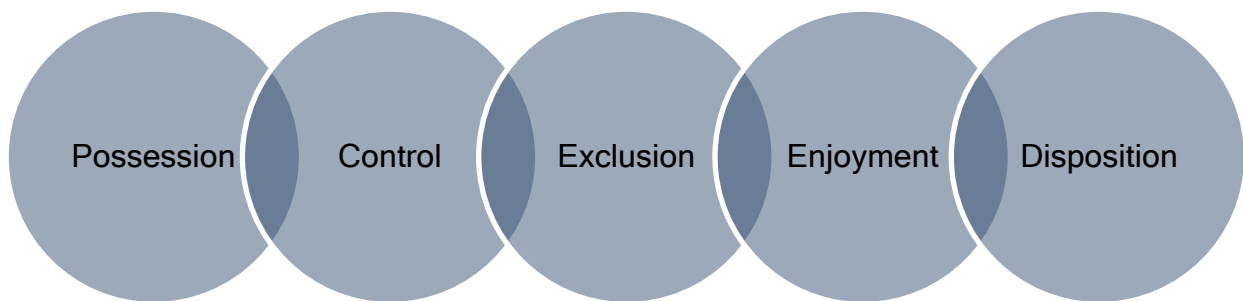
Private property rights are all property that is protected by the Constitution of the United States or the Constitution of the State of Idaho and include land, possessor rights of the land, ditch and water rights, mining claims (lode and placer), and freestanding timber. Fundamental property rights or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

## Government Regulations

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

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

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



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

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

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

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

# LAND USE AND COMMUNITY DESIGN

## PURPOSE

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

## GOALS, POLICIES, AND ACTIONS

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

Goal	Policy	Action
------	--------	--------

**Table 4. Land Use and Community Design**

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

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

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

## LAND USE CURRENT TRENDS

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



**EXHIBIT C**

**Site Visit Photos**

**Planning & Zoning Commission**

**Case# CU2023-0027**

**Hearing date: October 17, 2024**



*1. Facing north from the east side of the property.*



*2. Facing northeast from driveway.*





*2A. Facing northeast from the east side of the property.*





*3. Facing east from Hollow Rd.*



*4. Facing southeast from the property.*





*5. Facing south from Hollow Rd.*



*6. Facing southwest from the east side of the property.*





*7. Looking West from Hollow Rd.*



*8. Facing Northwest from Hollow Rd.*





*9. Existing fencing.*



*10. Existing dog shade on the east side of the property.*



**EXHIBIT D**

**Agency Comments**

Planning & Zoning Commission

Case# CU2023-0027

Hearing date: October 17, 2024

**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

111 N. 11<sup>TH</sup> Ave. Ste 310 ♦ Caldwell, Idaho 83605  
Phone (208) 454-7458 ♦ ZoningInfo@canyoncounty.id.gov

**Exhibit 4.a****LEGAL NOTICE TRANSMITTAL**

**Case #:** CU2023-0027 **Transmittal Date:** July 31, 2024 **Planner:** Arbay Mberwa

**Applicant:** Rick & Laura Harris **Applicant's Representative:** \_\_\_\_\_

☒ P&Z    ☐ Hearing Examiner    ☐ BOCC

**JEPA:** \_\_\_\_\_ ☐ FULL POLITICAL

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

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

**Canyon County**

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

**Government**

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



## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Ave., Ste. 310, Caldwell, ID 83605 | Office: 208-454-7458

[www.canyoncounty.id.gov/elected-officials/commissioners/dsd](http://www.canyoncounty.id.gov/elected-officials/commissioners/dsd)

**Exhibit 4.b**

### AGENCY NOTIFICATION – RESPONSE REQUESTED

Case No.: CU2023-0027

Transmission Date: July 31, 2024

Address: 13979 Hollow Rd

Hearing Body: P&Z Commission

Applicant: Rick and Laura Harris

Property Owner: Rick Harris

### **RESPONSE DEADLINE: 08/30/2024**

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

Case No. CU2023-0027: The applicant is requesting a conditional use permit to allow a dog kennel use on parcels R37812011. The dog kennel will house a maximum of forty (40) dogs for breeding and training purposes. The subject property, approximately 2.6 acres is zoned Agricultural, it's located at 13979 Hollow Rd, Caldwell, Idaho referenced as a portion of the NW ¼ of Section 11, T5N, R3W; BM, Canyon County, Idaho.

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

Flood Hazard Zone:

***Your agency response is critical to the evaluation of this proposal.*** A copy of the letter of intent and other applicable documents are enclosed for your review. The application packet can also be found on the County website under "Land Hearings". To provide comments, please respond by August 30, 2024. *Comments received by the due date will be added to the Staff Report and the hearing body's packet. Your agency's comments are an important part of our decision-making process.* Contact Arbay Mberwa at 208-455-6039 with any questions, concerns, or if you need additional information.

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

- Mail: 111 North 11<sup>th</sup> Ave., Ste. 310, Caldwell, ID 83605
- Email: [arbay.mberwa@canyoncounty.id.gov](mailto:arbay.mberwa@canyoncounty.id.gov)

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

#### **SOUTHWEST DISTRICT HEALTH DEPARTMENT**

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

#### **HIGHWAY DISTRICTS/ITD**

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

**IRRIGATION DISTRICTS**

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

**IDAHO DEPARTMENT OF WATER RESOURCES**

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

**SCHOOL FACILITIES**

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

**POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES**

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

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

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



**Arbay Mberwa**

---

**From:** Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>  
**Sent:** Tuesday, August 13, 2024 9:57 AM  
**To:** Arbay Mberwa  
**Cc:** Amber Lewter  
**Subject:** [External] RE: Initial Agency Notification CU2023-0027 Harris

Good Morning, Arbay –

After careful review of the transmittal submitted to ITD on August 1, 2024 regarding Cu2023-0027 Harris, the Department has no comments or concerns to make at this time. This application will not affect transportation on any state facilities.

Thank you,



*Niki Benyakhlef*  
Development Services Coordinator

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

---

**From:** Amber Lewter <Amber.Lewter@canyoncounty.id.gov>  
**Sent:** Thursday, August 1, 2024 10:29 AM  
**To:** 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'lriccio@hwydistrict4.org' <lriccio@hwydistrict4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'gis@compassidaho.org' <gis@compassidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Diana Little <Diana.Little@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>  
**Subject:** Initial Agency Notification CU2023-0027 Harris

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

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Please see the attached agency notice. You are invited to provide written testimony or comments by **September 2, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Arbay Mberwa** at [arbay.mberwa@canyoncounty.id.gov](mailto:arbay.mberwa@canyoncounty.id.gov).

Thank you,



**Amber Lewter**

Hearing Specialist

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

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: [amber.lewter@canyoncounty.id.gov](mailto:amber.lewter@canyoncounty.id.gov)

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

Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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

Dear Amy Thompson,

Thank you for the agency comments.



*Arbay Mberwa*

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

Direct Line: 208-455-6039

Email: [Arbay.Mberwa@canyoncounty.id.gov](mailto:Arbay.Mberwa@canyoncounty.id.gov)

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

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**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

---

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

Dear Arbay Mberwa,

Please see the attached for DEQ comments on these applications.

Sincerely,

**Administration**

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

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

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

 Please consider the environment before printing this email.





August 20, 2024

Arbay Mberwa, Planner  
111 North 11<sup>th</sup> Ave.  
Ste. 310  
Caldwell, Idaho, 83605  
[arbay.mberwa@canyoncounty.id.gov](mailto:arbay.mberwa@canyoncounty.id.gov)

Subject: Case No. CU2023-0027 Harris

Dear Arbay Mberwa:

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

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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

**1. AIR QUALITY**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

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

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

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

## **3. DRINKING WATER**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.

- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

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

#### 4. SURFACE WATER

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

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

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

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

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

## 6. ADDITIONAL NOTES

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

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

Sincerely,



Aaron Scheff  
Regional Administrator

c:

2021AEK



**From:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Sent:** Monday, August 26, 2024 4:39 PM  
**To:** Arbay Mberwa  
**Subject:** [External] RE: Initial Agency Notification CU2023-0027 Harris

Hi Arbay,

Per request for comments:

**Will a Nutrient Pathogen Study be required?** No, the project is NOT in a designated Nitrate Priority Area.

**Will adequate sanitary systems be provided to accommodate the use?** A pre-development meeting was conducted on 12/19/2023. There is the potential for a future shop that will have its own septic system, and at which point the applicant would need to apply for a septic permit. However, the dog kennel would require hair traps/floor drains with effluent filters in the septic tank with an adequately sized septic system to accommodate the use of the kennel.

I may want to revisit this proposal with the applicant.

Let me know if you have any questions.

Thank you,



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

**Anthony Lee, RS/BS | Land Development Senior**  
o 208.455.5384 | c 208.899.1285 | f 208.455.5300  
[anthony.lee@swdh.id.gov](mailto:anthony.lee@swdh.id.gov) | [SWDH.org](http://SWDH.org)  
13307 Miami Ln., Caldwell, ID 83607

---

**From:** Amber Lewter <Amber.Lewter@canyoncounty.id.gov>  
**Sent:** Thursday, August 1, 2024 10:29 AM  
**To:** 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'lriccio@hwydistrict4.org' <lriccio@hwydistrict4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'gis@compassidaho.org'

<gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>;  
'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; Brian Crawford  
<Brian.Crawford@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov; Michael Stowell  
<mstowell@ccparamedics.com>; Diana Little <Diana.Little@canyoncounty.id.gov>; Tom Crosby  
<Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Eric Arthur  
<Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>;  
'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov'  
<westerninfo@idwr.idaho.gov>

**Subject:** Initial Agency Notification CU2023-0027 Harris

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

Please see the attached agency notice. You are invited to provide written testimony or comments by **September 2, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Arbay Mberwa** at [arbay.mberwa@canyoncounty.id.gov](mailto:arbay.mberwa@canyoncounty.id.gov).

Thank you,



**Amber Lewter**

Hearing Specialist

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

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: [amber.lewter@canyoncounty.id.gov](mailto:amber.lewter@canyoncounty.id.gov)

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

Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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

## Arbay Mberwa

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**From:** Chris Hopper <chopper@hwydistrict4.org>  
**Sent:** Tuesday, August 27, 2024 11:40 AM  
**To:** Arbay Mberwa  
**Subject:** [External] CU2023-0027 Hollow Rd- Harris Dog Kennel  
**Attachments:** CU2023-0027 Hollow Rd- Harris Dog Kennel.pdf

Hi Arbay-

Please see the attached comments from HD4 on the proposed conditional use at 13979 Hollow Rd.  
Please forward a copy of these comments to the applicant for their use.

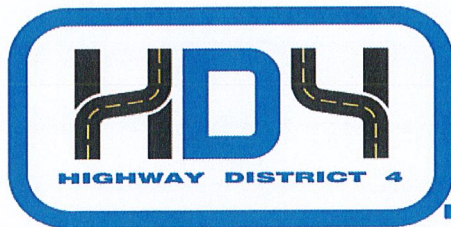
Respectfully,

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



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





**HIGHWAY DISTRICT No.4**  
**15435 HIGHWAY 44**  
**CALDWELL, IDAHO 83607**

**TELEPHONE 208.454.8135**  
**FAX 208.454.2008**

August 27, 2024

Canyon County Commissioners, P&Z Commission, & Development Services  
111 N. 11<sup>th</sup> Ave Suite 140  
Caldwell, Idaho 83605  
Attention: Arbay Mbwera, Planner

**RE: CU2023-0027 Rick & Laura Harris**  
**Dog Kennel- 40 animals**  
**Canyon County Parcel R37812011 aka 13979 Hollow Rd**

Dear Commissioners:

Highway District No. 4 (HD4) has reviewed the application for a conditional use of the above described parcels for purposes of operating a dog kennel (up to 40 dogs) within an Agricultural zone. The subject property is located near the northeast corner of Hollow Rd and Harvey Rd in the NE ¼ Section 14 T5N R3W. HD4 offers the following comments on the proposed use:

#### **General**

The subject property consists of one parcel, totaling approximately 2.6 acres. The parcel has approximately 500-feet of frontage on Hollow Rd along the northerly boundary. The property was split from a larger agricultural parcel in 2017 for rural residential construction.

Hollow Rd adjacent to the subject property is classified as a major collector on the functional classification maps adopted by Canyon Co and HD4. Existing r/w width is a 25-foot half width prescriptive right-of-way, measured from the existing road centerline. Ultimate r/w width for a collector road is a 40-foot half width, measured from the section line.

#### **Access**

Access for the current rural residential use is via a gravel driveway approach to Hollow Rd approximately 290-feet east of Harvey Rd. This approach is suitable for the proposed conditional use based on the applicant's description of limited to no customer site visits.

#### **Transportation Impacts**

Based solely on the applicant's description of typical operations, there do not appear to be additional impacts to the transportation system from this use compared with an ordinary residential property.

HD4 reserves the right to assess the vehicle trips generated by this conditional use in the future, and if warranted, apply mitigation requirements (such as a paved driveway approach), or assess transportation impact fees for additional traffic impacts created by this conditional use above those associated with a typical single family residence.

HD4 does not oppose the requested land use changes, but requests that the Planning & Zoning Commission and Canyon County Commissioners consider these comments, and make any conditional approval of the applicant's request subject to the requirements listed above.

Please feel free to contact me with any questions on this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read 'CH', with a long horizontal flourish extending to the right.

Chris Hopper, P.E.  
District Engineer

File: Hollow Rd- CU2023-0027 Harris Dog Kennel

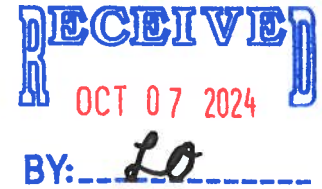
**EXHIBIT E**

**Public Comments**

Planning & Zoning Commission

Case# CU2023-0027

Hearing date: October 17, 2024



Canyon County Planning & Zoning Commission  
111 N 11<sup>th</sup> Ave Rm 310  
Caldwell ID 83605

Re: case 2023-0023  
13979 Hollow Rd, Caldwell ID 83607

October 7, 2024

Dear Planning and Zoning Commission,

We are responding to the Notice of Public Hearing regarding our neighbors request to have a dog kennel.

We are adamantly opposing this proposal.

When we bought our property 29 years ago, we did so for the peace and quiet. We considered many things before moving out here. We are 10 miles from a gallon of milk, we added 10 miles to our work commute, one way. We live far enough out that if any of us have to go to our friend's houses because they don't want to drive the extra distance.

We made the sacrifices because of the peace and quiet where we live. It was wonderful to be able to go out on patio and have nothing but quiet!

We no longer have even five (5) minutes of quiet. The 50+ dogs they already have bark, howl and carry on twenty-four hours a day, seven (7) days a week. I question the care the dogs are getting, but I don't know so I won't speculate. I do know that when we were setting record breaking hot days for record breaking number of days in a row, all those dogs are outside.

Two of the three of us have insomnia issues. We would go outside at 3:00 a.m. and sit in the cool quiet, which sometimes helped, sometimes not. But that option has been taken away as the dogs are NEVER quiet.

We used to have an owl that lived in our barn. She would leave for a few months, but always returned. She has not been back since the dogs have all moved in. We used to have a wood-pecker that visited on a regular basis, he has not been back since the dogs moved in. We used to see an occasional fox running across one of the many fields that surround us, haven't seen one since the dogs moved in.

The tractor noise, the crop duster noise, the horses and cows are all part of the charm of living in the country. Non-stop barking and howling of dogs is not!

Between our two houses, we have four (4) dogs and several cats. We have a couple of goats and a horse. We are animal lovers and absolutely support pets. We however do not support the amount of noise and disruption to our quiet country living! And they want to add more? Again we adamantly oppose this proposal.



Thank you for taking the time to read and consider our comments.

Lynn Hunt  
14028 Hollow Rd  
Caldwell ID 83607

Cindy Hunt  
14024 Hollow Rd  
Caldwell ID 83607  
(208)249-0136

Angie Hunt  
14024 Hollow Rd  
Caldwell ID 83607  
(208) 249-7644

**EXHIBIT F**

**Draft- Findings of Faction, Conclusion of Law and Order (FCO's)**

Planning & Zoning Commission

Case# CU2023-0027

Hearing date: October 17, 2024



## Exhibit F

### PLANNING AND ZONING COMMISSION FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

**Harris – Case # CU2023-0027**

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Use Permit for a dog kennel on parcel R37812011, approximately 2.61 acres, in an “A” (Agricultural) zone. The proposed kennel will allow a maximum of 40 dogs (above the age of 6 months) on the property.
- 2) The subject property is located at 13979 Hollow Rd. Caldwell, Idaho (Parcel Number R37812011) also referenced as a portion of the NW quarter of Section 11, T5N R3W BM, Canyon County, Idaho.

#### Summary of the Record

1. The record is comprised of the following: Staff Report, exhibits, and documents in Case File CU2023-0027.
  - A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2023-0027.

#### Applicable Law

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

3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
6. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

**The application CU2023-0027 was presented at a public hearing before the Canyon County Planning and Zoning Commission on October 17, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:**

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

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

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

**Findings:** (1) The subject property, parcel R37812011, containing approximately 2.61 acres is zoned “A” (Agricultural). **See Exhibit 2.a of the staff report.**

- (2) Kennels are defined as “Any portion of land, or any building, structure, enclosure or premises on the same or adjacent parcel, in which canines are housed, groomed, bred, boarded, trained or sold, in which a total of six (6) or more dogs, three (30 months of age or over are kept or maintained in conformance with section 03-05-09 of this code.” (CCCO §07-02-03)
- (3) CCCO §07-10-27 Land Use Regulation (Matrix) provides for kennels by a conditional use permit in the agricultural zone.
- (4) Applicant submitted the conditional use permit application on December 29, 2023.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0027.

##### **2. What is the nature of the request?**

**Conclusion:** The applicants, Laura and Rick, Harris are requesting a conditional use permit for a kennel on a parcel zoned “A” (Agricultural). The request is for a maximum of 40 dogs (above the age of six months) to breed, groom, and sell on-site. The purpose of the request is to have dog training and breeding on-site for a maximum of 40 dogs mainly for ongoing care, training, and management related to the dogs.

**Findings:** (1) A conditional use permit was submitted on December 29, 2023. The site plan was submitted on July 1, 2024, and the hours of operation plan was submitted on July 18, 2024. Additional information was received on October 7, 2024. **See Exhibit A of the staff report.**

- (2) The applicant is requesting to use parcel R37812011 for a kennel to breed, groom, and maintain 40 dogs (above the age of six months). **See Exhibit A of the staff report.**
- (3) The operation plan states that there will not be standards of operations as the dog kennel will also be the applicant's residence. Potential collaborators and clients are welcome to the property for services or viewing with an appointment. Most meetings are completed off-site to



keep the environment stable and clean for the dogs. The applicant claims that there are only a couple of visits per month on-site that are by appointment only. **See Exhibit A 1.e of the staff report.** According to the land use worksheet, the applicant will have 1-2 employees. **See Exhibit A 1. D of the staff report.**

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0027.

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

**Conclusion:** Without information demonstrating impacts can be mitigated, the request is not consistent with the 2030 Canyon County Comprehensive Plan.

**Findings:** (1) The 2030 Comprehensive Plan designates the future land use of the parcel as “agriculture”. **See Exhibit B 2.m of the staff report.**

- (2) The request does not adequately address impacts such as noise and dogs running at large and does not demonstrate there will be adequate facilities to maintain forty (40) dogs (above the age of six (6) months) on site which doesn’t align with the 2030 comprehensive plan. **See Exhibit B 2.m of the staff report.**

- (3) The applicant has not provided information on how impacts will be mitigated. Through mitigations and conditions, the proposed use would align with the following goals, action plans, and policies of the comprehensive plan:

#### Property Rights Policies and Goals

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

#### Land Use and Community Design

- G4.02.00: *Ensure that growth maintains and enhances the unique character throughout the county.*
- P4.02.01: *Consider site capability and characteristics when determining the appropriate location and intensities of various land uses.*
- P4.03.03: *Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.*

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0027.

- (5) Evidence includes associated findings and evidence supported in Items 4 and 8.

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

**Conclusion:** Without information demonstrating impacts can be mitigated, the proposed use is injurious and will negatively change the essential characteristics of the surrounding area.

**Findings:** (1) The property is located in an “A” (Agricultural) zone. The character of the area is primarily large agricultural parcels in agricultural use. The adjacent primary zone and use is Agricultural.

**See Exhibit C of the staff report.** There are approximately five residences within the 600-foot radius of the subject property. **See Exhibit B 2.f of the staff report.**

- (2) To the southwest of the property there was a conditional rezone application submitted in 2021, to conditionally rezone approximately 55 acres of a 120-acre parcel from “A” Agricultural to “CR-RR” (Condition Rezone-Rural Residential). The request included a development agreement restricting development to a maximum of 15 residential lots. The request was denied in 2022 (CR2021-0008). **See Exhibit B2.l of the staff report.**
- (3) On April 5, 2023, an initial site inspection was completed by Code Enforcement and the site was being monitored. On September 22, 2023, the applicant received the first citation from Animal Control. On October 5, 2023, a notice of violation was sent to the applicants from Development Services Code Enforcement (CDEF2023-0261). On October 16, 2023, Animal Control issued a second citation. Canyon County Code Enforcement was called out to the site for running a dog kennel without a conditional use permit. On November 29, 2023, a final notice of violation was sent to the applicant from Code Enforcement. **See Exhibit B2.i-k of the staff report.**
- (4) On December 29, 2023, the conditional use permit application was submitted. The application did not provide information on how impacts can be mitigated. It is unclear if all 40 dogs will be on-site at any given time. According to the email correspondence on October 7, 2024, there will be 40 dogs above the age of six months. The applicant states the dogs are placed in the garage or outside runs with shade (unenclosed). However, there is no information regarding the number of dogs that can safely live in the existing garage, if the outside runs will have enclosures, and if the enclosures will be soundproofed to reduce noise. **See Exhibits A1.e and 1.b of the staff report.**
- (5) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 1, 2024. Newspaper notice was published on September 17, 2024. Property owners within 600’ were notified by mail on September 11, 2024. Full political notice was provided on September 11, 2024. The property was posted on September 13, 2024.
  - a. On October 7, 2024, there was a letter of opposition submitted from a neighbor stating that the impacts of the operation are larger than what is presented. Claiming that there are fifty (50) plus dogs that “bark, howl and carry on twenty-four hours of the day.” The barking is not part of the agricultural characteristics of the area. **See Exhibit E5.a of the staff report.**
- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0027.
- (7) Evidence includes associated findings and evidence supported in Item 8.

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

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

**Findings:** (1) The application for the kennel proposes an individual septic. **See Exhibit 1.d of the staff report.**

- (2) The applicant uses well irrigation as a source of surface water. In addition, the applicant uses an individual domestic well for water. **See Exhibit A1.d of the staff report.**
- (3) The parcel is not in a drain district, it’s not anticipated that drainage will need to be accommodated for the proposed use. **See Exhibit B2.a of the staff report.**
- (4) It’s not anticipated that stormwater drainage facilities will need to be accommodated for the proposed use.

- (5) There are adequate utility systems to service the home and the dog kennel as the current use is in operation. An agency notice was sent out to Idaho Power, Century Link, and Intermountain Gas, on August 1, 2024. No comments were received.
- (6) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 1, 2024. Newspaper notice was published on September 17, 2024. Property owners within 600' were notified by mail on September 11, 2024. Full political notice was provided on September 11, 2024. The property was posted on September 13, 2024. **See Exhibit 4 of the staff report.**
  - a. Southwest District Health (SWDH) states that the applicant had a pre-development meeting with SWDH on December 19, 2023. Agency notice was sent out on August 1, 2024, and on August 26, 2024, Southwest District Health commented that the kennel would require hair traps/floor drains with effluent filters in the septic tank to an adequately sized septic system to accommodate the use of a kennel. **See Exhibit 4.e of the staff report.**
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0027.

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

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

- Findings:**
- (1) The property has frontage along Hollow Rd. a public road with one approach that curves into a circular driveway.
  - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 1, 2024. Newspaper notice was published on September 17, 2024. Property owners within 600' were notified by mail on September 11, 2024. Full political notice was provided on September 11, 2024. The property was posted on September 13, 2024.
    - a. Highway District No. 4 commented on August 27, 2024, that the existing approach is suitable for the proposed conditional use. **See Exhibit 4.f of the staff report.**
    - b. Idaho Transportation Department (ITD) reviewed the application proposal and had no comment/ concern. **See Exhibit 4.c of the staff report.**
  - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0027.

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

**Conclusion:** The request will not be undue interference with existing or future traffic patterns.

- Findings:**
- (1) There will be minimal client contact onsite as appointments are generally scheduled in a neutral location in Middleton, Nampa, or Boise. **See Exhibit 1.c of the staff report.**
  - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 1, 2024. Newspaper notice was published on September 17, 2024. Property owners within 600' were notified by mail on September 11, 2024. Full political notice was provided on September 11, 2024. The property was posted on September 13, 2024.
    - a. Highway District No. 4 (HD4) reviewed the application proposal and provided comments that there does not appear to be impacts on the transportation systems. **See Exhibit 4.f of the staff report.** HD4 has the right to assess transportation impact fees and vehicles generated by the conditional use permit in the future and if warranted apply mitigation requirements.

b. Idaho Transportation Department (ITD) reviewed the application proposal and had no comment/ concern. **See Exhibit 4.c of the staff report.**

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0027.

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

**Conclusion:** Without information demonstrating impacts can be mitigated, Animal Control will be impacted by the request. Other essential services are not anticipated to be impacted by the request.

- Findings:**
- (1) The proposed kennel is not anticipated to impact schools, or fire districts as there is not expected to be a significantly increased need for additional police, fire, or ambulance response to the facility.
  - (2) Without mitigation the proposed use may impact Animal Control (Canyon County Sherriff's Department). Animal Control department has been on site on multiple occasions to address kennel violations. **See Exhibit B2.i-k of the staff report.** If impacts such as noise and dogs running at large are not adequately addressed, Animal Control will continue to be called to address public nuisances created by the operation.
  - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 1, 2024. Newspaper notice was published on September 17, 2024. Property owners within 600' were notified by mail on September 11, 2024. Full political notice was provided on September 11, 2024. The property was posted on September 13, 2024.
  - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0027
  - (5) Evidence includes associated findings and evidence supported in Items 4.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **denies** Case # CU2023-0027, a conditional use permit of a kennel subject to the following conditions as enumerated:

**For denial:**

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

1. Apply for a conditional use permit and provide information demonstrating noise and dogs running at large can be minimized and the facility can adequately and safely accommodate 40 dogs. The submittal shall include:
  - a. Provide a detailed operation plan regarding viewings and pick-up times to mitigate noise.
  - b. Address in the letter of intent how the proposed use is consistent with the 2030 Comprehensive Plan and that the use will not be injurious or change the essential character of the area.
  - c. All dogs shall either be completely indoors or placed away from adjacent residences. All habitual barking sounds must cease by 9 PM. by putting the dogs in an indoor structure to sleep. A building shall be constructed to house the dogs or a site plan demonstrating that there is adequate space in the garage to sleep all forty (40) dogs indoors.
  - d. The number of canines on the premises shall not exceed 40 regardless of age at any one time.
  - e. The area shall have a minimum six-foot sight obscuring fence on the east, south, and west sides of the property, to minimize loud, frequent, or habitual barking.



- f. The applicant shall not impede, disrupt, or otherwise disrupt the adjacent properties. All structures shall comply with Canyon County Code of Ordinance setback requirements §07-10-21.

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

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

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

State of Idaho )

SS

County of Canyon County )

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

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

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