



**Planning and Zoning Commission**  
**Hearing Date: January 16, 2025**  
*Canyon County Development Services Department*

**PLANNING DIVISION STAFF REPORT**

**CASE NUMBER:** CU2024-0001  
**REPRESENTATIVE:** Krista O'Dell  
**APPLICANT/APPLICANT:** Jose M. Gutierrez of Progressive Lawn Care, LLC

**APPLICATION:** Conditional Use Permit

**LOCATION:** 23911 Stone Lane, Middleton, ID 83607; also referenced as a portion of the Fruitdale Farm Plat in Block 19, Section 03, T4N, R3W, BM, Canyon County, Idaho.

**ANALYST:** Emily Bunn, Associate Planner  
**REVIEWED BY:** Carl Anderson, Planning Supervisor

**REQUEST:**

Jose M. Gutierrez of Progressive Lawn Care requests a conditional use permit to allow a staging area to store trees, plants, shrubs, tools, and miscellaneous supplies and tools for landscaping projects for his landscaping business with approximately seven (7) employees on Parcel R22070010 ("the subject property"). See Exhibits A1-A13 for more information on the nature of the request.

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**PUBLIC NOTIFICATION:**

Neighborhood meeting conducted on:	December 19, 2023
Neighbor notification within 600 feet mailed on:	December 5, 2023
Newspaper notice published on:	December 17, 2024
Notice posted on site on:	December 17, 2024

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**1. BACKGROUND:**

The subject property is zoned "A" (Agricultural) and requires a conditional use permit to operate a staging area. A code enforcement violation was opened on the subject property on October 30, 2024 for operating

a staging area for a landscaping business. On December 27, 2023 a conditional use permit application for a staging area was accepted by Canyon County Development Services.

## **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 CU2024-0001, Jose M. Gutierrez, 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 CU2024-0001, Jose M. Gutierrez 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 CU2024-0001, Jose M. Gutierrez 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>	A staging area is permitted in the "A" (Agricultural) zone by conditional use permit, pursuant to Canyon County Code of Ordinances (CCCO) §07-10-27. CCCO §07-02-03 defines a staging area as "An area where equipment and/or materials are stored for use conducted entirely off site." See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.
<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>	The nature of the request consists of using the subject property to store trees, plants, shrubs, tools, and miscellaneous supplies and tools for landscaping projects associated with the applicant's business (Progressive Lawn Care LLC) ( <b>Exhibits A3 and A4</b> ). There may be materials from job sites stored on the property for periods of time (such as asphalt, concrete, and tree stumps) but are quickly disposed ( <b>Exhibits A10 and C1</b> ). The hours of operation proposed are 7:00 a.m. to 7:00 p.m. Monday through Saturday per their Land Use Matrix ( <b>Exhibit A2</b> ). The representative stated employees usually meet on site at 8:00 a.m. and finish up and return the business vehicles between 6:00-6:30 p.m. each night. Further, the representative stated the hours are seasonal during the winter months, as the businesses' hours are minimal or sporadic ( <b>Exhibit A12</b> ). There are approximately seven (7) employees ( <b>Exhibit A2</b> ). The applicant further states that the business only uses the property for storage purposes and no customers or clients visit the property ( <b>Exhibits A3 and A4</b> ). Additionally, the applicant uses the entrance directly in front of their house for the staging area, not the driveway found next to the property ( <b>Exhibit A11</b> ). The outbuildings and sheds on the property are used to store tools on the property ( <b>Exhibit A10</b> ) and some of these structures are unpermitted ( <b>Exhibit D9</b> ).
<input checked="" type="checkbox"/>	<input 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><b>Comprehensive Plan</b></p> <p>The proposed use is consistent with the Comprehensive Plan. The 2030 Canyon County Comprehensive Plan designates the subject parcel as Rural Residential (<b>Exhibits B1 and B2.3</b>). There is residential development in this area of the county as well as some agricultural uses. The parcel is located in the City of Middleton's Impact Area. The City of Middleton Comprehensive Plan designates the future land use of the parcel and area as "Residential" (<b>Exhibit B2.10</b>).</p> <p>The request aligns with the following goals and policies of the 2030 Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>• <u>Property Rights Goals and Policies:</u> <ul style="list-style-type: none"> <li>○ Goal No. 1: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."</li> </ul> </li> </ul>

				<ul style="list-style-type: none"> <li>○ Policy No. 1: <i>“No person shall be deprived of private property without due process of law.”</i></li> <li>○ Policy No. 3: <i>“Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.”</i></li> <li>○ Goal No. 2: <i>“Acknowledge the responsibilities of each applicant 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.”</i></li> </ul> <p>Canyon County values the applicants’ and surrounding applicants’ private property rights and may support the applicants’ project and surrounding applicants’ rights by adding mitigating conditions to the proposed conditional use permit.</p> <ul style="list-style-type: none"> <li>● <u>Population Component Goals:</u> <ul style="list-style-type: none"> <li>○ Policy No. 1: <i>“Plan for anticipated population and households that the community can support with adequate services and amenities.”</i></li> <li>○ Goal No. 2: <i>“Promote housing, business, and service types needed to meet the demand of the future and existing population.”</i></li> </ul> <p>Canyon County promotes business and service types that the community can support with adequate services and amenities. However, the Planning and Zoning Commission must decide if conditions can be added to this application to mitigate negative impacts on surrounding properties and if this is the best-suited location for this proposed staging area.</p> </li> <li>● <u>Economic Development Goal and Policy:</u> <ul style="list-style-type: none"> <li>○ Goal No. 1: <i>“Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.”</i></li> <li>○ Policy No. 2: <i>“Supportive suitable sites for economic growth and expansion compatible with the surrounding area.”</i></li> </ul> <p>Canyon County supports retaining, expanding, and recruiting businesses and economic growth and expansion but must be done in a way that is compatible with the surrounding area, which may include adding mitigation conditions to this conditional use permit that address the community’s concerns (noise, traffic, dust, etc.).</p> </li> <li>● <u>Land Use Goals:</u> <ul style="list-style-type: none"> <li>○ Policy No. 2: <i>“Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.”</i></li> <li>○ Goal No. 3: <i>“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.”</i></li> <li>○ Goal No. 4: <i>“Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in</i></li> </ul> </li> </ul>
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				<p><i>the same area and in some instances may require conditions of approval to promote compatibility.”</i></p> <p>Canyon County supports growth and development as long as it is compatible with the surrounding area and appropriate conditions are added to mitigate adverse impacts that affect other land uses and the surrounding community.</p>																				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(4)</b>	<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>																				
			<b>Staff Analysis</b>	<p>The proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area as the proposed conditions of approval #1-18 will mitigate the negative effects to the residential character of the area.</p> <p><b>Adjacent Existing Conditions (Exhibits B2.4 and B2.12):</b></p> <table border="1"> <thead> <tr> <th>Direction</th> <th>Existing Use</th> <th>Primary Zones</th> <th>Other Zones</th> </tr> </thead> <tbody> <tr> <td>N</td> <td>The properties to the north are primarily agricultural, residential, and agricultural residential</td> <td>AG, RR, and R-1,</td> <td>CR-R1</td> </tr> <tr> <td>S</td> <td>The properties to the south are primarily agricultural, residential, and agricultural residential.</td> <td>AG</td> <td>R1, C1, and CR-R1</td> </tr> <tr> <td>E</td> <td>The properties to the east are primarily agricultural, residential, and agricultural residential.</td> <td>AG, RR</td> <td>R1</td> </tr> <tr> <td>W</td> <td>The properties to the west are primarily residential and agricultural residential with some agricultural uses.</td> <td>AG, R1, and RR</td> <td>C1</td> </tr> </tbody> </table> <p><small>“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)</small></p> <p><b>Surrounding Land Use Cases (Land Use Cases within a 1-Mile Radius and in the past 5 Years) (Exhibit B2.5):</b></p> <ul style="list-style-type: none"> <li>- SD2019-0004: Boulder Creek Subdivision (Approved)</li> <li>- SD2019-0043: Purple Sage Estates No. 4 (Approved)</li> <li>- RZ2019-0040: (Wangsgard) Rezone AG to R1 (Approved)</li> <li>- Trison Estates Subdivision (Approved)</li> <li>- SD2020-0010 – Preliminary Plat – Spring Hills Ranch Subdivision (Approved)</li> <li>- SD2020-0026 – Plat Purple Sage Estates No. 5 (Approved)</li> <li>- SD2020-0038 – Desert Pine Estates No. 2 (17 Lots) (Approved)</li> <li>- RZ2021-0016 – (Guijaro) Rezone from Agricultural to R-1 (Approved)</li> </ul>	Direction	Existing Use	Primary Zones	Other Zones	N	The properties to the north are primarily agricultural, residential, and agricultural residential	AG, RR, and R-1,	CR-R1	S	The properties to the south are primarily agricultural, residential, and agricultural residential.	AG	R1, C1, and CR-R1	E	The properties to the east are primarily agricultural, residential, and agricultural residential.	AG, RR	R1	W	The properties to the west are primarily residential and agricultural residential with some agricultural uses.	AG, R1, and RR	C1
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			<ul style="list-style-type: none"> <li>- RZ2021-0029 - (Burris Ranch) Rezone from RR and C1 to CR-R1 (Approved)</li> <li>- SD2021-0017 – Burris Ranch Estates Plat (Approved)</li> <li>- RZ2022-0006 – (Phoenix) Rezone from AG to C-1 (Approved)</li> <li>- RZ2022-0009 – (Oregon Trail Church of God) Rezone AG to C1 (Approved)</li> <li>- CU2021-0009 – (Sage Gate Storage and Business Park) Planned Unit Development (Denied)</li> <li>- SD2022-0003 – Hidden Legends Estates Subdivision (Approved)</li> </ul> <p><b>Character of the Area:</b></p> <p>The property is currently zoned “A” (Agricultural) (<b>Exhibit B1</b>) and the average lot size within a 1-mile radius is 2.02 acres (<b>Exhibit B2.6</b>). The general character of the area is mainly agricultural residential parcels (meaning they are zoned agricultural but have residential uses) and residential (mainly parcels are rezoned or conditionally rezoned RR or R-1). There are parcels in agricultural production mainly to the north, but agricultural production is dispersed throughout the area (<b>Exhibits B2.4 and B2.12</b>).</p> <p>There are a number of agricultural residential parcels in the area due to a subdivision plats that were platted in the early and mid-1900s (such as Fruitdale Farms which Parcel R22070010 is apart of) (<b>Exhibit B2.6</b>).</p> <p>The property consists of Soil Capability Class 2 and 3. Class 2 makes up 4.22% of the parcel and is prime farmland if irrigated. Class 3 makes up 95.78% of the parcel and is also prime farmland if irrigated (<b>Exhibit B2.7</b>).</p> <p>The City of Middleton is located approximately 1.6 miles to the east. The City of Middleton designates the future land use of the parcel as “Residential.” (<b>Exhibit B2.10</b>). The City of Middleton did not comment on this application.</p> <p>There are forty-five (45) subdivisions located within 1-mile of the subject property and six (6) subdivisions in platting. There are 680 lots within platted subdivisions and 94 lots in subdivisions that are in platting also within 1-mile of the subject property (<b>Exhibit B2.6</b>).</p> <p>The recent surrounding land use cases in the last five-years demonstrate that the character of the area is trending towards residential. (<b>Exhibit B2.5 and B2.6</b>).</p> <p>As proposed, the staging area will not significantly increase the sound levels in the immediate vicinity. Per the applicant and the representative, no clients come to the property, the property is only used as storage area for the landscaping company’s equipment and materials, and the employees generally take two (2) trips to the property per day. Additionally, as conditioned, the hours of operation are limited to 7 a.m. to 7 p.m. Monday through Saturday, as proposed in the applicant’s land use worksheet. See proposed condition #14 (<b>Exhibit A2</b>).</p> <p>The staging area will not significantly increase the dust levels in the immediate vicinity, as both the entrance and the area where equipment and materials are</p>
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			<p>stored per staff's site visit appear to be graveled (<b>Exhibit C2</b>). As conditioned, dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements. See proposed condition #12.</p> <p>There is no lighting proposed for the staging area and there does not appear to be outside lighting that will significantly increase lighting in the immediate vicinity (<b>Exhibits A1-A13 and C2</b>). As conditioned, all exterior lighting, if installed, shall be downward facing and directed away from surrounding properties. Compliance shall be demonstrated in the building plans submitted as part of the building permit submittal. Review and approval by DSD shall be completed before building permit issuance. See proposed condition #5</p> <p><b>Floodplain</b>  Parcel R22070010 is located entirely within the "A" Flood Zone (Floodplain without Base Flood Elevation (BFE)) and there is no evidence of compliance with Canyon County's Floodplain requirements (<b>Staff Report Exhibits B1, D1, and D7</b>).</p> <p>Idaho Department of Water Resources Floodplain Specialist had the following comments (See <b>Exhibit D1</b>):  The applicant should provide Canyon County an evacuation plan which indicates where the stored equipment, materials and plants, et cetera will be relocated to in the event of flooding, or how will these items be contained on the parcel.</p> <p>The following NFIP regulations apply to this proposed development:  Title 44 of the Code of Federal Regulations §60.3 Flood plain management criteria for flood-prone areas.  ... Minimum standards for communities are as follows:  (a) ... the community shall:  (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;  (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall  (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,  (ii) be constructed with materials resistant to flood damage,  (iii) be constructed by methods and practices that minimize flood damages, and  (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.</p>
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			<p>(b) ... the community shall:</p> <p>(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;</p> <p>(2) Require the application of the standards in paragraphs (a) (2), and (3), of this section to development within Zone A on the community's FHBM or FIRM;</p> <p>Canyon County's Engineering Supervisor had the following recommendations (See <b>Exhibit D7</b>):</p> <ol style="list-style-type: none"> <li><b>1. Immediate Application for a Floodplain Development Permit (FDP):</b> To proceed safely and in accordance with Canyon County Zoning Ordinance 07-10A-09, the applicant must submit a floodplain development permit as soon as possible. This application should include a detailed plot plan showing the nature, location, dimensions, and elevations of the development area, along with the boundary of the special flood hazard area.</li> <li><b>2. Flood Monitoring and Protection Plan:</b> I recommend that the applicant submit a comprehensive plan for monitoring and site protection during flood events. This plan should detail actions to safeguard equipment and the staging area from potential flood damage.</li> <li><b>3. Design Adjustments to Mitigate Flood Risks:</b> The staging area design should avoid storing equipment or materials in flood-prone sections, as this could pose risks of hazardous conditions or environmental contamination in flood events</li> <li><b>4. Use of Permeable Ground Coverings:</b> I also suggest using permeable materials for any ground cover to reduce surface runoff and further minimize flood risks to the property.</li> </ol> <p>See proposed condition of approval #17 to address floodplain development requirements.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>07-07-05(5)</b></p> <p><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 and proposed conditions of approval #1, #4, and #7.</p> <p><b>Water:</b> The property appears to have adequate water via an individual well to serve the proposed use. There are no additional wells proposed to serve the proposed staging area (<b>Exhibit A2</b>).</p> <p><b>Sewer:</b> There are no proposed septic tanks for this project. There is currently an individual septic tank serving the residence on site which Southwest District Health finds adequate for the staging area and does not foresee increasing wastewater flows to a significant degree to require an additional septic tank. They</p>

			<p>stated a porta-potty may be used temporarily, but is not required at this time. Southwest Health District Health further states there are no concerns about the use for a staging area as the existing septic system is not encroaching upon the parking area. As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property and the Commission authorizes the addition of future employee restrooms should the need arise. See proposed condition #4 (<b>Exhibits A2, D3, and D3.1</b>).</p> <p><b>Irrigation:</b>  Parcel R22070010 is under the jurisdiction of Black Canyon Irrigation District (BCID). BCID states in their comment letter dated October 21, 2024 "...according to the District's records, the parcel receives irrigation water from the District and that the turnout is located along the C.E.10.2-6.2 lateral." BCID requests that prior to concurrence of the conditional use permit the applicant turn in a New Project Application Form for the conditional use permit for the development of a staging area on the applicant's company. Additionally, the BCID states that "...mapping indicates that the Hartley Gulch Drain is located adjacent to the western property boundary and has a historical 100-foot easement (50-feet from the centerline) as shown on the applicant's site plan. The applicant will need to provide to the District a legal description and exhibit for the easement along the Hartley Gulch Drain. All documents must be stamped and signed by a land surveyor licensed in the State of Idaho... [and] will be attached to the District['s] standard easement language and recorded with Canyon County." Furthermore, the "...District recommends that the applicant fence the property along the easement to prevent any encroachments as the staging area is developed." Black Canyon Irrigation District also stated in their comment letter "Any and all maintenance of road rights-of-way, lateral rights-of-way, and drainage rights-of-way will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Bureau), once approved by the District, to cross over or under any existing lateral, pipe any lateral, or encroach, in any way, the rights-of way of the District or the Bureau." As conditioned, the applicant shall comply with all Black Canyon Irrigation District requirements as outlined in Exhibit D5, including fencing the property along the canal easement to prevent any encroachments as the staging area is developed within six (6) months of approval of this application. See proposed condition #7 (See <b>Exhibit D5</b> to review Black Canyon Irrigation District's full comment letter).</p> <p>The Bureau of Reclamation did not comment on this request.</p> <p><b>Drainage</b>  It appears the use does not require or affect drainage on the property (<b>Exhibit A2</b>).</p> <p><b>Stormwater drainage facilities:</b>  It appears the use is not anticipated to affect stormwater drainage on the property (<b>Exhibit A2</b>).</p>
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				<p><b>Utility Systems:</b> Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply were notified of the application on October 2, 2024 and December 17, 2024. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed.</p> <p><b>Building Compliance:</b> Canyon County's Building Department sent a comment letter in on November 8, 2024 and recommended the following conditions of approval: (1) The two (2) existing unpermitted structures shall be permitted prior to the use being established onsite if approved; (2) Any fencing over 7' tall shall require a building permit; (3) A building permit for a sign may be required upon review by DSD, or if the sign is over six (6') in height and permanently affixed to the ground. Upon site improvements taking place or use of any structures, Canyon County's Building Division shall review if a building permit is required prior to commencement of work and/or use. As conditioned, the applicant shall obtain all necessary building permits for unpermitted structures (such as those identified in <b>Exhibit D9</b>) within 3 months of approval of this application and any future structures/improvements Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District. (see <b>Exhibit D9</b> to review the Canyon County Building Department's full comment letter).</p> <p><b>Code Compliance</b> During a site visit on November 1, 2024, an occupied RV was identified on the property without a temporary use permit. The representative stated that a friend was staying in the RV temporarily and would be moving out the week of November 5, 2024 (<b>Exhibit A12</b>). See proposed condition of approval #11 to address the occupied RV.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>07-07-05(6)</b></p> <p><b>Does legal access to the subject property for the development exist or will it exist at the time of development;</b></p> <p><b>Staff Analysis</b></p> <p>The subject property does have legal access via Stone Lane for the development per Highway District No. 4 (<b>Exhibit D8</b>).</p> <p>The parcel has approximately 316 feet of frontage on Stone Lane at the east boundary. Stone Lane is classified as a local road on the functional classification maps adopted by Canyon County and Highway District No. 4. Right-of-Way (ROW) was dedicated as a part of the Fruitdale Farms Plat in total width of 50' (25' half width). The ultimate ROW width for a local public road is 60' (30' half width). Parcel R2073000 is located immediately opposite the subject property on Stone Lane dedicated an additional 5' of ROW as part of a past administrative land division (<b>Exhibit D8</b>).</p> <p>Highway District No. 4 states that "...the subject property is currently served by a circular gravel driveway onto Stone Lane approximately 450-ft south of Willis Road. The existing approach can be utilized for the proposed commercial activity subject to the following conditions:</p>	

				<ol style="list-style-type: none"> <li>1. Improve the approach to meet ACCHD SD-106 to include a paved apron on at least one leg of the circular driveway. If only one (1) leg is paved, this should be the only approach used by the commercial traffic. This serves to protect the existing edge of the mainline pavement on Stone Lane from damage by trucks or equipment.</li> <li>2. An access permit from HD4 documenting the commercial use is required.” (Exhibit D8).</li> </ol> <p>See proposed condition #3 to address Highway District No. 4’s requirements.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(7)</b> <b>Staff Analysis</b>	<p><b>Will there be undue interference with existing or future traffic patterns; and</b></p> <p>The business has seven (7) employees. Work is done off site and employees take approximately two (2) trips to the property per day (Exhibits A1-A13). Overall, traffic patterns are not expected to change significantly as a result of the business</p> <p>There will not be undue interference with the existing or future traffic patterns per Highway District No. 4 due to the collection of impact fees to mitigate any affects on traffic patterns. At the time of issuance of an access permit, actual impact fees will be determined with accurate information (Exhibits D8 and D8.1). The applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall obtain an access permit within 3 months of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements (Exhibit D8). See proposed condition of approval #3.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(8)</b> <b>Staff Analysis</b>	<p><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? (Ord. 16-001, 1-8-2016)</b></p> <p>Essential services will be provided to accommodate the use including, but not limited to school facilities, police and fire protection, emergency medical services, irrigation facilities. The services will not be negatively impacted by such use, and/or require additional public funding in order to meet the needs created by the requested use.</p> <p><b>School Facilities:</b> Parcel R22070010 is serviced by Middleton School District, it’s not anticipated that any impacts or accommodations will be needed for the staging area. Agency comments were sent out on October 2, 2024 and December 17, 2024 and no comments were received by the school district.</p> <p><b>Fire protection:</b> Parcel R22070010 is under the jurisdiction of Middleton Rural Fire District. Middleton Rural Fire District is required to provide services to the parcel. As conditioned, the applicant shall comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy for unpermitted structures. All development shall comply with the 2018 International</p>

			<p>Fire Code and codes set forth by Canyon County. See proposed condition #2. Agency notice was sent on October 2, 2024, and no comments were received by the fire district.</p> <p><b>Emergency Medical Services:</b> Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management were notified of the application on October 2, 2024. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding.</p> <p>Canyon County's Emergency Management Coordinator asked if the outbuildings on the property are used for the storage of tools as the Coordinator was concerned about the buildings being in the floodplain and meeting floodplain requirements on October 2, 2024. Staff informed her on October 31, 2024 that IDWR Floodplain's Coordinator and Canyon County's Engineering Supervisor were both notified about the project and comments were received by both agencies, which addressed the Emergency Management Coordinator's concerns (<b>Exhibit D6</b>)</p> <p>Canyon County's Paramedics/EMT did not provide any comment.</p> <p><b>Irrigation Facilities:</b> Parcel R22070010 is under Black Canyon Irrigation District's (BCID) jurisdiction. <b>See CCCO 07-07-05(5) and Exhibit D5 for information related to BCID's comments on this conditional use permit.</b></p>
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**Table 2. Article 14 Use Standards Criteria Analysis  
- Staging Area -**

<b>USE STANDARDS 07-14-03(1):</b> The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix). (Ord. 16-001, 1-8-2016)				
<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>07-14-29(1)</b>	<b>All work shall be conducted off site.</b>
			<b>Staff Analysis</b>	Per the applicant's land use worksheet, letter of intent, and operations plan, all work will be conducted off site and no customers/clients will come to the site in association with the business ( <b>Exhibits A2-A4</b> ).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(2)</b>	<b>Business vehicles shall be operable and parked on site, not on a public or private road.</b>
			<b>Staff Analysis</b>	Per the applicant's site plan, business parking will be parked on site and behind an existing fence on the property. No parking will take place on a public or private road ( <b>Exhibits A5</b> ). Based on Planning Staff's site visit on November 1, 2024, there does not appear to be any inoperable business vehicles on the property ( <b>Exhibit C2</b> )
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(3)</b>	<b>Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles.</b>



			<b>Staff Analysis</b>	Per the applicant's land use worksheet, letter of intent, and operations plan, there will be approximately seven (7) employees total that will visit the premises to pick up equipment and materials to be used elsewhere, including trees, shrubs, and miscellaneous supplies and tools for landscaping projects ( <b>Exhibits A2-A4</b> ).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(4)</b>	<b>Employees may meet on the premises to share rides to and from job sites.</b>
			<b>Staff Analysis</b>	Per the applicant's operations plan, the business currently has approximately seven (7) employees that park their cars at the property to then head to job sites in support of the landscaping business ( <b>Exhibit A2 and A4</b> ).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>07-14-29(5)</b>	<b>Employees' vehicles shall be parked on site and not on a public or private road. (Ord. 16-001, 1-8-2016)</b>
			<b>Staff Analysis</b>	Per the applicant's site plan, employee parking will be parked on site and behind an existing fence on the property. No parking will take place on a public or private road ( <b>Exhibits A5</b> ).

#### 4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Middleton Rural Fire Protection District, Black Canyon Irrigation District, Highway District No. 4, Middleton School District, Idaho Transportation Department (ITD), Idaho Power, Intermountain Gas, CenturyLink, Ziply, Canyon County Assessor's Office, Canyon County Building Department, Canyon County Engineering Department, Canyon County Floodplain Manager, Canyon County Code Enforcement Department, Idaho Department of Water Resources (Floodplain), FEMA, Idaho Department of Environmental Quality (DEQ), Southwest District Health, and the City of Middleton were notified of the subject application.

Staff received agency comments from Idaho Department of Water Resources (Floodplain), Idaho Transportation Department (ITD), Southwest District Health, Idaho Department of Environmental Quality (DEQ), Black Canyon Irrigation District (BCID), Canyon County Emergency's Management Coordinator, Canyon County's Engineering Supervisor, Highway District No. 4, and Canyon County's Building Department. 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 four (4) total written public comments by the materials deadline of January 6, 2025. Generally, of the comments received zero (0) were in favor, one (1) were neutral, and three (3) were 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 **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. Comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy for unpermitted structures.
3. The applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall obtain an access permit within 3 months of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements (**Exhibit D8**).
4. The applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property.
  - a. The Commission authorizes the addition of future employee restrooms should the need arise.
5. All exterior lighting, if installed, shall be downward facing and directed away from surrounding properties. Compliance shall be demonstrated in the building plans submitted as part of the building permit submittal. Review and approval by DSD shall be completed before building permit issuance.
6. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property without written approval from the irrigation district with jurisdiction
7. The applicant shall comply with all Black Canyon Irrigation District requirements as outlined in Exhibit D5, including fencing the property along the canal easement to prevent any encroachments as the staging area is developed within six (6) months of approval of this application (**Exhibit D5**).
8. A site-obscuring fence shall be constructed on the southern, northern, and eastern boundary as to obscure the business operations and storage of tools, equipment, etc. The placement of fencing shall take into consideration any easements that may be in place.
9. The applicant shall obtain all necessary building permits for unpermitted structures (such as those identified in **Exhibit D9**) within 3 months of approval of this application and any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District.
10. Signage shall meet CCCO §07-10-13 requirements, and shall not exceed 32 sq. feet and 10 ft in height unless an additional sign permit is applied for and approved by the Director. If it exceeds 6 ft in height, a building permit is required.

11. The staging area shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances, including, but not limited to obtaining a temporary use permit for an occupied RV within one (1) month of approval of the conditional use permit.
12. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (Canyon County Code of Ordinances Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements.
13. The proposed development shall be in general conformance with the applicant's site plan and letter of intent (**Exhibit A4 and A5**).
14. The hours of operation shall be 7 a.m. to 7 p.m. Monday through Saturday, as proposed in the applicant's land use worksheet (**Exhibit A2**).
15. Employees' and business vehicles shall be parked on site and not on a public or private road.
16. Any materials removed from a job site may only be stored on the property for five (5) business days.
17. Within thirty (30) days of approval of this application, a floodplain development permit is required to be submitted to Canyon County's Development Services Department per Chapter 7, Article 10A of the Canyon County Code of Ordinances.
18. 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.
  - a. Commencement shall be the date a building permit is issued for the unpermitted structures on the property as referenced in **Exhibit D9**. This shall be completed within 90 days of approval of the conditional use permit.

## **7. EXHIBITS:**

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

1. Master Application
2. Land Use Worksheet
3. Letter of Intent
4. Operations Plan
5. Site Plan(s)
6. Neighborhood Meeting Letter, Sign-in Sheet, Mailing List, and Pictures of Letters
7. Agency Acknowledgement
8. Tax Information Showing Ownership
9. Affidavit of Legal Interest Showing Krista O'Dell as Authorized Representative
10. Additional Information Provided by Applicant – 10.22.24
11. Email from Representative on Additional Information – 10.31.24
12. Email from Representative on Additional Information – 11.05.24
13. Email from Representative on Additional Information – 11.08.24

### **B. Supplemental Documents**

1. Parcel Tool
2. Cases Maps/Reports
  - 2.1. Aerial

- 2.2. Vicinity
- 2.3. Future Land Use – 2030 Comprehensive Plan
- 2.4. Zoning
- 2.5. Land Use Cases with Report
- 2.6. Subdivisions with Report
- 2.7. Soils and Prime Farmland with Report
- 2.8. Contours
- 2.9. Nitrate
- 2.10. City of Middleton Comprehensive Plan
- 2.11. FEMA Floodplain Map
- 2.12. Small Air Photo 1-Mile Radius

**C. Site Visit Photos**

1. Relevant Site Visit Photos by Code Enforcement, December 14, 2023
2. Site Visit Photos by Planning Staff, November 1, 2024

**D. Agency Comments**

1. Idaho Department of Water Resources (IDWR); Received on October 3, 2024
2. Idaho Transportation Department (ITD); Received on October 4, 2024
3. Southwest District Health; Received on October 4, 2024
  - 3.1. Follow-Up Comment; Received November 5, 2024
4. Idaho Department of Environmental Quality (DEQ); Received on October 4, 2024
5. Black Canyon Irrigation District; Received on October 21, 2024
6. Canyon County's Emergency Management Coordinator; Received October 31, 2024
7. Canyon County's Engineering Response; Revised Response on November 4, 2024
8. Highway District No. 4; Received November 4, 2024
  - 8.1. Follow-up Comment; Received November 14, 2024
9. Canyon County's Building Department; Received November 8, 2024

**E. Public Comments Received by: January 6, 2025**

1. Danielle Fleck; Received: January 5, 2025
2. Krista Coleman; Received: January 6, 2025
3. Walter Hauser; Received: January 6, 2025
4. Devin Teeter; Received January 6, 2025

**EXHIBIT A**

**Application Packet & Supporting Materials**

Planning & Zoning Commission

Case# CU2024-0001

Hearing date: January 16, 2025



## CONDITIONAL USE PERMIT PUBLIC HEARING - MASTER APPLICATION

<b>PROPERTY OWNER</b>	OWNER NAME: <u>Jose M Gutierrez</u>	
	MAILING ADDRESS: <u>23911 Stone Ln Caldwell ID 83607</u>	
	PHONE: <span style="background-color: black; color: black;">[REDACTED]</span>	EMAIL: <span style="background-color: black; color: black;">[REDACTED]</span>
<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> <p>Signature: <u><i>Jose Gutierrez</i></u> Date: <u>12/20/23</u></p>		

<b>APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER</b>	APPLICANT NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

<b>SITE INFO</b>	STREET ADDRESS: <u>23911 Stone Ln Caldwell ID 83607</u>	
	PARCEL NUMBER: <u>220700100</u>	
	PARCEL SIZE: <u>2.7300</u>	
	REQUESTED USE: <u>Storage Area for trees and shrubs</u>	
	FLOOD ZONE (YES/NO)	ZONING DISTRICT:

### FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER: <u>CU2024-0001</u>	DATE RECEIVED: <u>12/27/23</u>
RECEIVED BY: <u>M. Barron</u>	APPLICATION FEE: <u>950.00</u> <span style="float: right;">CK MO CC CASH</span>

# 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: 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: 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: \_\_\_\_\_ 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)

\_\_\_\_\_

## 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

### 1. SPECIFIC USE: Landscaping Business Storage

### 2. DAYS AND HOURS OF OPERATION: Property Used For Storage, No Open Hours to Clients

- ☒ Monday 7 AM to 7 PM  
☒ Tuesday 7 AM to 7 PM  
☒ Wednesday 7 AM to 7 PM  
☒ Thursday 7 AM to 7 PM  
☒ Friday 7 AM to 7 PM  
☒ Saturday 7 AM to 7 PM  
☐ Sunday \_\_\_\_\_ to \_\_\_\_\_

*Employees  
may access  
Storage Area  
During These  
Hours*

### 3. WILL YOU HAVE EMPLOYEES? ☒ Yes If so, how many? Seven ☐ 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? 4 spaces for employees

Is there is a loading or unloading area? NO



## ANIMAL CARE-RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: \_\_\_\_\_

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building    ☐ Kennel    ☐ Individual Housing    ☐ Other \_\_\_\_\_

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: \_\_\_\_\_

December 5, 2023

Canyon County Development Service Dept  
111 North 11<sup>th</sup> Ave #310  
Caldwell, ID 83605

To Whom It May Concern:

I would like to apply for a Conditional Use Permit for my property located at 23911 Stone Ln, Caldwell ID 83605. I own a small landscaping company – Progressive Lawn Care LLC. Trees and shrubs will be stored on my property. These job materials are used for landscaping projects and we rotate them as we use them up for jobs. This area is for storage purposes only as customers or clients never visit the property. We would appreciate the use this area for materials storage for my company.

The permit that we are applying for is permitted in the zone.

The nature of the request is for storage for our small business.

The comprehensive plan is consistent with our proposed use.

The proposed use will not be injurious to any other property or will not negatively change the essential character of the area/property.

There is adequate water, sewer, irrigation, drainage, and stormwater drainage facilities to accommodate this request.

Legal access already exists for the property.

There will not be an undue interference with traffic patterns (existing or future).

Essential services will not be necessary to accommodate this request.

Thank you for your consideration in this request.

With Regard,

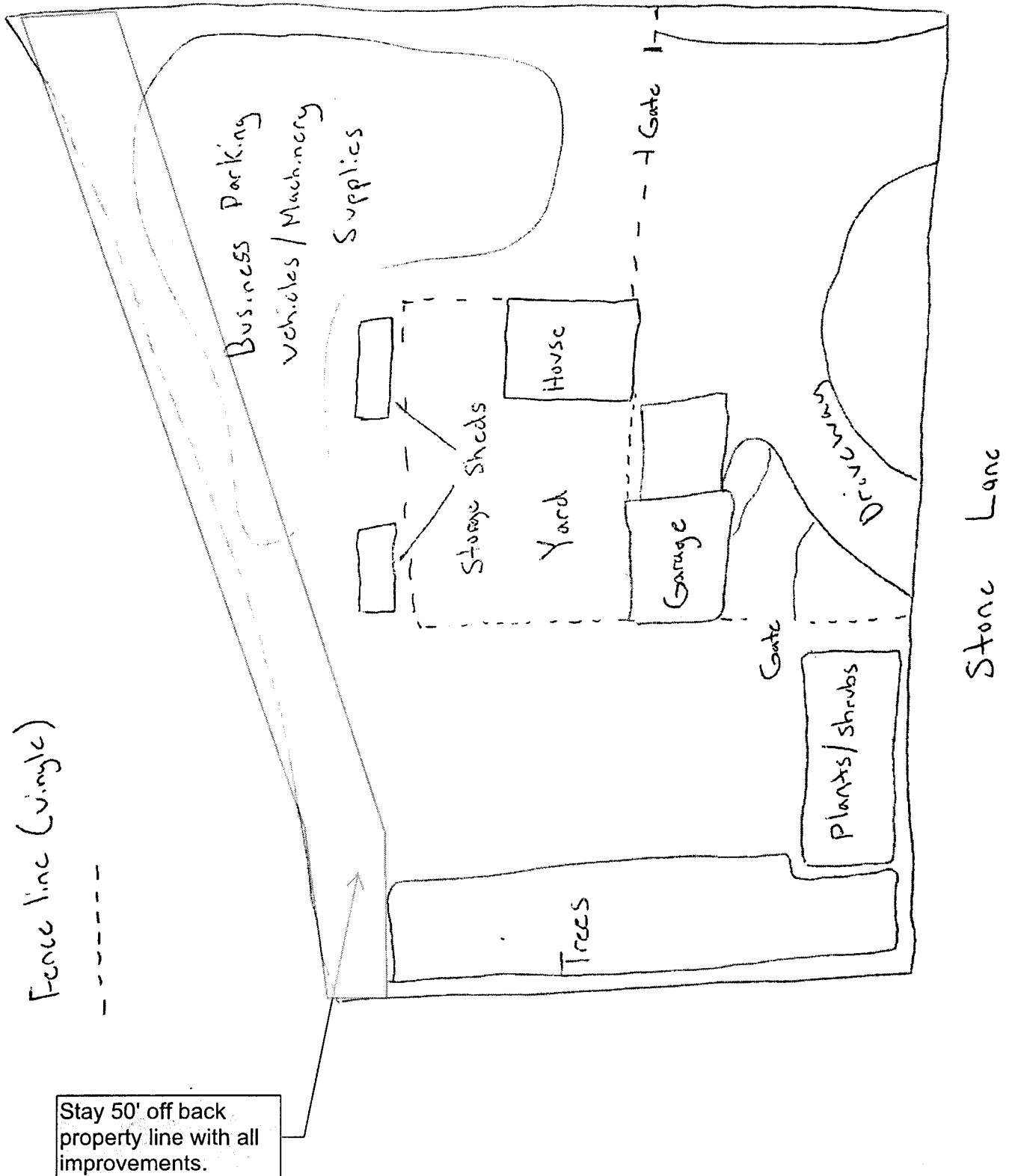


Jose Gutierrez, Owner  
Progressive Lawn Care LLC

## OPERATIONS PLAN

Our small landscaping company intends to use part of the property for the storage of trees, plants, shrubs and miscellaneous supplies and tools. We rotate the supplies as they are used up for landscaping jobs. This area is for storage purposes only. We do not have customers or clients ever visiting our personal property.

The hours of operation will generally 7:00 am to 7:00 pm Monday through Saturday. There should be minimal noise or dust levels. We have approximately seven employees that will normally park their cars at the house, but there is space to accommodate this. We would anticipate very little disruption, if any, to our own property. We would anticipate no disruption to any surrounding properties.



**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: 23911 Stone Ln	Parcel Number: 22070010 0	
City: Caldwell	State: ID	ZIP Code: 83607
Notices Mailed Date: 12/5/23	Number of Acres: 2.73	Current Zoning:
Description of the Request: Conditional Use Permit requested for storage use for trees and shrubs for landscaping business		

**APPLICANT / REPRESENTATIVE INFORMATION**

Contact Name: Jose Gutierrez		
Company Name: Progressive Lawn Care LLC		
Current address: 23911 Stone Ln		
City: Caldwell	State: ID	ZIP Code: 83607
Phone: [REDACTED]	Cell:	Fax:
Email: [REDACTED]		

**MEETING INFORMATION**

DATE OF MEETING: 12/19/23	MEETING LOCATION: 23911 Stone Ln Caldwell ID 83607	
MEETING START TIME: 8:00 pm	MEETING END TIME:	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. John & Carol Styles	[Signature]	24025 Freezeout Rd Caldwell
2. [REDACTED]		
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):

\_\_\_\_\_

APPLICANT/REPRESENTATIVE (Signature): 

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Notice of Neighborhood Meeting  
Conditional Use Permit  
Pre-application requirement for a public hearing**

**Date: 12/4/23**

**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 or nonconforming uses, etc.) to Canyon County Development Services (DSD). One of the requirements necessary prior to submit 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 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: 12/19 /23 (Tuesday)**  
**Time: 8:00 pm**  
**Location: 23911 Stone Ln, Caldwell ID 83607**

The project is summarized below:

**Site Location: 23911 Stone Ln, Caldwell ID 83607**

We are proposing to have a storage area for our trees and shrubs on our property. The trees and shrubs will be neatly organized into rows. This is a storage area only. Landscaping customers or clients never visit our property. We rotate the inventory of trees and shrubs frequently as we use these materials for landscaping projects.

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

Please do not call the 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 questions prior to this meeting, please contact me at 208-869-3334.

Sincerely,

Jose Gutierrez, Owner  
Progressive Lawn Care LLC



PARCEL_NO	OwnerName	Address	City	State	ZipCode
✓ R22068	MILLER JEREMIAH J	23851 STONE LN	CALDWELL	ID	83607
✓ R22075012	LUCORE TIMOTHY	23854 STONE LN	CALDWELL	ID	83607
✓ R38178011A1	JENSEN S DELORE AND SANDRA TRUST	24051 BOW CREEK LN	CALDWELL	ID	83605
✓ R34499107	SMART STACY	23844 TIMBER HILLS RD	CALDWELL	ID	83607
✓ R38177	CORTEZ PATRICIA AVALOS	14668 WILLIS RD	CALDWELL	ID	83607
✓ R38176	JOHNSON TAMARA	14666 WILLIS RD	CALDWELL	ID	83607
✓ R22072011	ARNDT GEORGE L	15150 OASIS RD	CALDWELL	ID	83607
✓ R38175	STYLES FAMILY TRUST	24025 FREEZEOUT RD	CALDWELL	ID	83607
✓ R22071	RANDALL ROBERT L	23981 STONE LN	CALDWELL	ID	83607
✓ R22066010	STEPHENS FAMILY 2015 TRUST	23756 TIMBER HILLS RD	CALDWELL	ID	83607
✓ R22072010	ANDERSON CHARLENE	14557 WILLIS RD	CALDWELL	ID	83607
✓ R38174	HART TREYCE	14750 WILLIS RD	CALDWELL	ID	83607
✓ R38178216	BRENT NICHOLE	14948 MORTENSEN CT	CALDWELL	ID	83607
R22070010	GUTIERREZ-GONZALEZ JOSE M	23911 STONE LN	CALDWELL	ID	83607
✓ R34499014B	KUBITSCHKY LYNZIE ANN	23990 TIMBER HILLS RD	CALDWELL	ID	83607
✓ R34499109	SMITH GERAD S	23770 TIMBER HILLS RD	CALDWELL	ID	83607
✓ R22072	GUIJARRO MARK A	23941 FREEZEOUT RD	CALDWELL	ID	83607
✓ R22067	HUITRON IGNACIO	1514 BOISE AVE	CALDWELL	ID	83605
✓ R34499014A	SLEEP MICHAEL SHANE	23980 TIMBER HILLS RD	CALDWELL	ID	83607
R38178011A2	JENSEN S DELORE AND SANDRA TRUST	24051 BOW CREEK LN	CALDWELL	ID	83605
✓ R22075011	STODDARD CHRIS	23737 FREEZEOUT RD	CALDWELL	ID	83607
✓ R22068010	TEETER FAMILY LIVING TRUST	23853 STONE LN	CALDWELL	ID	83607
✓ R34499106	HESS PROPERTIES LLC	23536 CANYON LN	CALDWELL	ID	83607
✓ R22073	FKA FAMILY TRUST	23930 STONE LN	CALDWELL	ID	83607
✓ R22072012	GUIJARRO MARK A	23941 FREEZEOUT RD	CALDWELL	ID	83607
✓ R22071010	PANCHERI DEBBIE D	14713 WILLIS RD	CALDWELL	ID	83607
✓ R22070	OLLER JEREMY L	23883 STONE LN	CALDWELL	ID	83607
✓ R22075	HUGHES MICHAEL A	23774 STONE LN	CALDWELL	ID	83605
✓ R22075010	SHURTLEFF BENJAMIN L	23861 FREEZEOUT RD	CALDWELL	ID	83607
✓ R34499108	OCHIPINTI BRIAN C	23786 TIMBER HILLS RD	CALDWELL	ID	83607
✓ R22073010	TRIDENT HOMES LLC	9840 W OVERLAND RD STE 1	BOISE	ID	83709
✓ R22069	OLLER JEREMY L	23883 STONE LN	CALDWELL	ID	83607
✓ R22074	DORY JULIE M	23913 FREEZEOUT RD	CALDWELL	ID	83607
✓ R22075014	WANGSGARD BRENT	PO BOX 305	CALDWELL	ID	83606





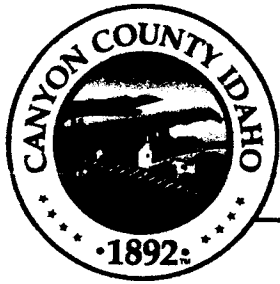


Exhibit A7

## AGENCY ACKNOWLEDGMENT

Date: 08-28-2024

Applicant: JOSE GUTIERREZ / Progressive Lawn Care

Parcel Number: 22270010 0

Site Address: 23915th St NE Camaswell ID 83607

### **SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.**

The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

#### **Southwest District Health:**

☒ Applicant submitted/met for informal review.

Date: 08/28/2024 Signed: \_\_\_\_\_

Anthony Lee  
Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

#### **Fire District:**

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

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

#### **Highway District:**

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

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

#### **Irrigation District:**

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

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

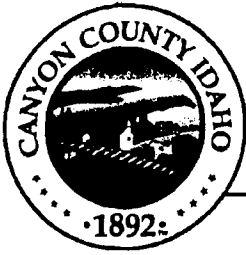
#### **Area of City Impact**

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

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)



## AGENCY ACKNOWLEDGMENT

Date: 9/23/24

Applicant: Jose M. Gutierrez-Gonzalez / Progressive Lawn Care LLC

Parcel Number: R22070010

Site Address: 23911 Stone Ln, Caldwell ID 83607

### SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.

The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

#### Southwest District Health:

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

#### Fire District:

District: Middleton Rural Fire District

☒ Applicant submitted/met for informal review.

Date: 09/23/2024

Signed: Victor Islas, Deputy Chief

Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

#### Highway District:

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

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

#### Irrigation District:

District: Black Canyon Irrigation District

☒ Applicant submitted/met for informal review.

Date: 8.27.2024

Signed: \_\_\_\_\_

Donald S. Poynt District Engineer  
Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

#### Area of City Impact

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

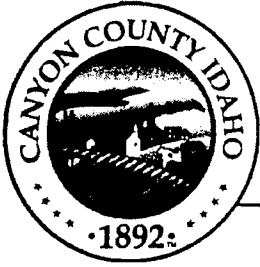
☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)

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



## AGENCY ACKNOWLEDGMENT

Date: 9/5/24

Applicant: Progressive Lawn Care LLC

Parcel Number:

Site Address: 23911 Stone Lane Caldwell 83605

### **SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.**

The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

#### **Southwest District Health:**

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

#### **Fire District:**

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

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

#### **Highway District:**

District: Highway District No. 4

☒ Applicant submitted/met for informal review.

Date: 9/5/24 Signed: \_\_\_\_\_

Chris Hopper, District Engineer  
Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

#### **Irrigation District:**

District: Black Canyon Irrigation District

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

#### **Area of City Impact**

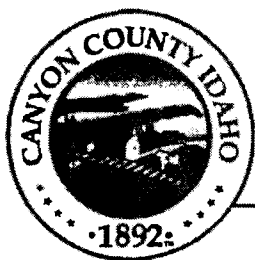
City: \_\_\_\_\_

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)

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



## AGENCY ACKNOWLEDGMENT

Date: 8.27.24

Applicant: PROGRESSIVE LAWN CARE LLC

Parcel Number:

Site Address: 23911 Stone Ln Caldwell ID 83405

### SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.

The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

#### Southwest District Health:

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Southwest District Health Representative  
(This signature does not guarantee project or permit approval)

#### Fire District:

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

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Fire District Representative  
(This signature does not guarantee project or permit approval)

#### Highway District:

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

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Highway District Representative  
(This signature does not guarantee project or permit approval)

#### Irrigation District:

District: Black Canyon Irrigation District

☐ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

#### Area of City Impact

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

☒ Applicant submitted/met for informal review.

Date: 8/30/24 Signed: \_\_\_\_\_

Authorized AOCI Representative  
(This signature does not guarantee project or permit approval)

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

General Information

<b>Owner:</b> Gutierrez-Gonzalez Jose M	<b>Parcel ID:</b> 22070010 0
<b>Mailing Address:</b> 23911 Stone Ln Caldwell Id 83607	<b>Property Class:</b> 537 Res Impr on Cat 15
<b>Property Address:</b> 23911 Stone Ln	<b>Deeded Acres:</b> 2.7300
<b>Neighborhood:</b> 340000 Middleton Rural Tracts & Subs	<b>District:</b> 032-00

Last updated: 12/21/2023 05:56:24 PM

Map Info

<b>Parcel ID</b>	<b>Link to Interactive Map (Click Below to Navigate to Map)</b>
22070010 0	30341

Legal Descriptions

<b>Description</b>
03-4N-3W NW FRUITDALE FARM TAX 1 IN BLK 19 LS TAX 1A

Sales History

Instrument	Date	Owner	Grantee	Type
2023031424	9/27/23	Caudill Curtis R	Gutierrez-Gonzalez Jose M	Single

Exemption History



Net Taxable Value

Tax Year	Description	Value
2023	Original	340,680
2022	Original	355,220

Value History

Year	Reason	Land Value	Improvement Value	Total Value
2023	02- Assessment Update	225,280	240,400	465,680
2022	02- Assessment Update	264,420	215,800	480,220
2021	01- Revaluation	146,940	182,200	329,140
2020	02- Assessment Update	105,760	153,800	259,560
2019	02- Assessment Update	90,760	150,300	241,060



Canyon County Development Services  
111 North 11<sup>th</sup> Avenue, #310  
Caldwell, Idaho 83605  
[www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)  
208-454-7458

## AFFIDAVIT OF LEGAL INTEREST

I, Jose Gutierrez / Progressive Lawn Care, 23911 Stone Ln  
(name) (address)  
Caldwell, ID 83607  
(city) (state) (zip code)

being first duly sworn upon oath, depose and say:

1. That I am the owner of record of the property described on the attached application and I grant my permission to

Krista Odell, 314 Caldwell Blvd  
(name) (address)

to submit the accompanying application pertaining to the subject property.

2. I agree to indemnify, defend and hold Canyon County and its employees harmless from any claims to liability resulting from any dispute as to the statements contained herein or as to the ownership of the property, which is the subject of the application.

Dated this 15 day of OCT, 20 24.

Jose Gutierrez  
(signature)

STATE OF IDAHO )

SS

COUNTY OF CANYON )

On this 15<sup>th</sup> day of October, in the year 20 24, before me Graciela DelHoyo  
a notary public, personally appeared Jose Gutierrez, 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: [Signature]

My Commission Expires: 11-16-2024



## Progressive Lawn Care LLC

23911 Stone Ln  
Caldwell, ID 83607  
(208) 869-3334

---

In response to questions associated with my application for the conditional use permit –

- The outbuildings are used for the storage of the landscaping tools and supplies.
- Regarding the evacuation plan for items stored in flood zone. If needed, all tools and supplies can be easily moved to the east/front side of the property.
- The asphalt, concrete, and tree stumps that appear in the photographs from the end of last year have been disposed of and are no longer there. Occasionally these types of objects maybe stored on the property but are also quickly disposed of appropriately.

Please let me know if you have more questions.

Thank you,



Jose Gutierrez  
Owner



Emily Bunn

---

**From:** Krista ODell <globalpayrollservices@gmail.com>  
**Sent:** Thursday, October 31, 2024 7:08 PM  
**To:** Emily Bunn  
**Subject:** Re: [External] Re: Legal Affidavit

Hi Emily -

If you could call Jose when you are headed to his property, he will meet you there if you would like - Jose [REDACTED]  
[REDACTED] Thanks!

Does the property owner live on the property? **He does live there. It is his only residence.**

What are the estimated amount of trips employees will take to the property per day? **The employees are there in the morning when they meet for work and return there after the work day.**

Do you have examples of what type of equipment is stored on-site? **General landscaping equipment and tools. You can clarify with Jose at the on-site visit if you would like to.**

Do the hours of operations stay consistent? Or are they seasonal? If they are seasonal, what are the hours of operation for those seasons? **The property is used for storage only. There are no hours of operation as clients do not come to Jose's home. They only need the permit to be allowed to continue to store landscaping tools and materials as needed.**

What access point do you use on the property? I see there is a driveway on the southern boundary, is this the primary access? Or is the access driveway on the eastern boundary? **The main driveway is the only access point.**

**Krista O'Dell**

Global Tax & Business Services LLC  
318 Caldwell Blvd  
Nampa, ID 83651  
[REDACTED]

On Thu, Oct 31, 2024 at 3:39 PM Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)> wrote:

Hello,

I wanted you to be aware that I am going to be doing a site visit tomorrow, November 1, 2024 to take photos to include in the staff report for the Planning and Zoning Commission.

I am unsure of an estimated timeframe right now, but it will likely be tomorrow mid-morning or early afternoon.

I just wanted you to be aware,

Also, when you get a chance to answer the questions below, it would be much appreciated as I am working on drafting the staff report now.

Thank you,



Emily Bunn,

Associate Planner

Canyon County Development Services Department

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

Direct Line: (208) 454-6632

Email: [emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@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.

## Emily Bunn

---

**From:** Krista ODell <globalpayrollservices@gmail.com>  
**Sent:** Tuesday, November 5, 2024 2:24 PM  
**To:** Emily Bunn  
**Subject:** Re: [External] Re: Legal Affidavit

Hi Emily -

Per Jose:

There's a friend staying in an RV but it was temporary and he is leaving this week. Regarding the sheds, Jose says that they are the type of sheds that were assembled, not built (when he went to look at them after your initial email). Pre-made ones that are just put together. Not sure what he needs to do with that. Employee normally get to the house around 8:00am and they finish up and return to their cars near 6:00/6:30 each night. It is seasonal so during the winter months, their hours are minimal or sporadic.

Let me know if you need anything else! Thank you!!!

by hours of operations is at what point do the business operations start and end for the day? For example, do employees come on the property at 7:00 a.m. to pick up the equipment needed for jobs and then at 7:00 p.m. come back to the property and drop everything off and then leave? Or does it vary depending on the day or season? If it does vary, what are some examples of the hours of operations? I am asking these questions, as I know the Planning and Zoning Commission will likely ask about this.

### Krista O'Dell

Global Tax & Business Services LLC

318 Caldwell Blvd

Nampa, ID 83651

(208) 468-9481 office

(208) 906-8648 fax #

On Mon, Nov 4, 2024 at 9:27 AM Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)> wrote:

Hello,

I forgot to grab the phone number on the way over the property from other site visits on Friday, so I apologize for not letting you know when I would be stopping by the property.

I did want to ask about one thing that I noticed on the property: I noticed there was an RV behind the white fence on the property. Is this RV occupied? If so, a temporary use permit to live in the RV for 90 days will need to be applied for to bring the RV in compliance with the Canyon County Zoning (CCZO) Code or the RV will need to be no longer occupied. This should be addressed as soon as possible, but if it cannot be addressed before the public hearing then if

approved, a condition of approval will likely be added to bring the occupied RV into compliance within a certain timeframe. I will work on scheduling the case for a public hearing once I get my draft staff report and FCOs completed.

If I could also get this question answered, this would be great, which is in the email below. I just wanted some further clarification on this topic so the Planning and Zoning Commission has this information for the hearing: **What I mean by hours of operations is at what point do the business operations start and end for the day? For example, do employees come on the property at 7:00 a.m. to pick up the equipment needed for jobs and then at 7:00 p.m. come back to the property and drop everything off and then leave? Or does it vary depending on the day or season? If it does vary, what are some examples of the hours of operations? I am asking these questions, as I know the Planning and Zoning Commission will likely ask about this.**

Thank you,



Emily Bunn,

Associate Planner

Canyon County Development Services Department

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

Direct Line: (208) 454-6632

Email: [emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@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 \*\***

## Emily Bunn

---

**From:** Krista ODell <globalpayrollservices@gmail.com>  
**Sent:** Friday, November 8, 2024 11:01 AM  
**To:** Emily Bunn  
**Subject:** Re: [External] Re: Legal Affidavit

1. I want to verify that employees are on the property about two (2) times a day, once for meeting up in the morning and once when they end work for the day? I want to verify as the land use worksheet you turned in (attached) shows employees accessing the property throughout the work day as needed. Thank you for the clarification on this. **Yes, the employees meet at the house before work and return to the house after work.**
2. I am looking at scheduling the public hearing for the conditional use permit on Thursday, December 19, 2024. Does that work for the property owner? **Dec 19 will not work as Jose will be out of town. It would have to be before December 5th OR after January 10th.**

Thank you!

### Krista O'Dell

Global Tax & Business Services LLC  
318 Caldwell Blvd  
Nampa, ID 83651  
(208) 468-9481 office  
(208) 906-8648 fax #

On Tue, Nov 5, 2024 at 3:50 PM Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)> wrote:

Hello,

Thank you for the email Krista.

Last two (2) questions for now:

1. I want to verify that employees are on the property about two (2) times a day, once for meeting up in the morning and once when they end work for the day? I want to verify as the land use worksheet you turned in (attached) shows employees accessing the property throughout the work day as needed. Thank you for the clarification on this.
2. I am looking at scheduling the public hearing for the conditional use permit on Thursday, December 19, 2024. Does that work for the property owner?

Thank you,



**EXHIBIT B**

**Supplemental Documents**

Planning & Zoning Commission

Case# CU2024-0001

Hearing date: January 16, 2025

## R22070010 PARCEL INFORMATION REPORT

11/4/2024 12:56:38 PM

PARCEL NUMBER: **R22070010**

OWNER NAME: **GUTIERREZ-GONZALEZ JOSE M**

CO-OWNER:

MAILING ADDRESS: **23911 STONE LN CALDWELL ID 83607**

SITE ADDRESS: **23911 STONE LN**

TAX CODE: **0320000**

TWP: **4N** RNG: **3W** SEC: **03** QUARTER: **NW**

ACRES: **2.73**

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: **MIDDLETON**

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

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030: **RURAL RESIDENTIAL**

FUTURE LAND USE 2030: **RURAL RESIDENTIAL \ AG**

IRRIGATION DISTRICT: **BLACK CANYON IRRIGATION DIST**

FEMA FLOOD ZONE: **A** FLOODWAY: **NOT In** FLOODWAY FIRM PANEL: **16027C0235F**

WETLAND: **Freshwater Emergent Wetland**

NITRATE PRIORITY: **NE CANYON CO.**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2023031424**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **03-4N-3W NW FRUITDALE FARM TAX 1 IN BLK 19 LS TAX 1A**

PLATTED SUBDIVISION: **FRUITDALE FARM**

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:

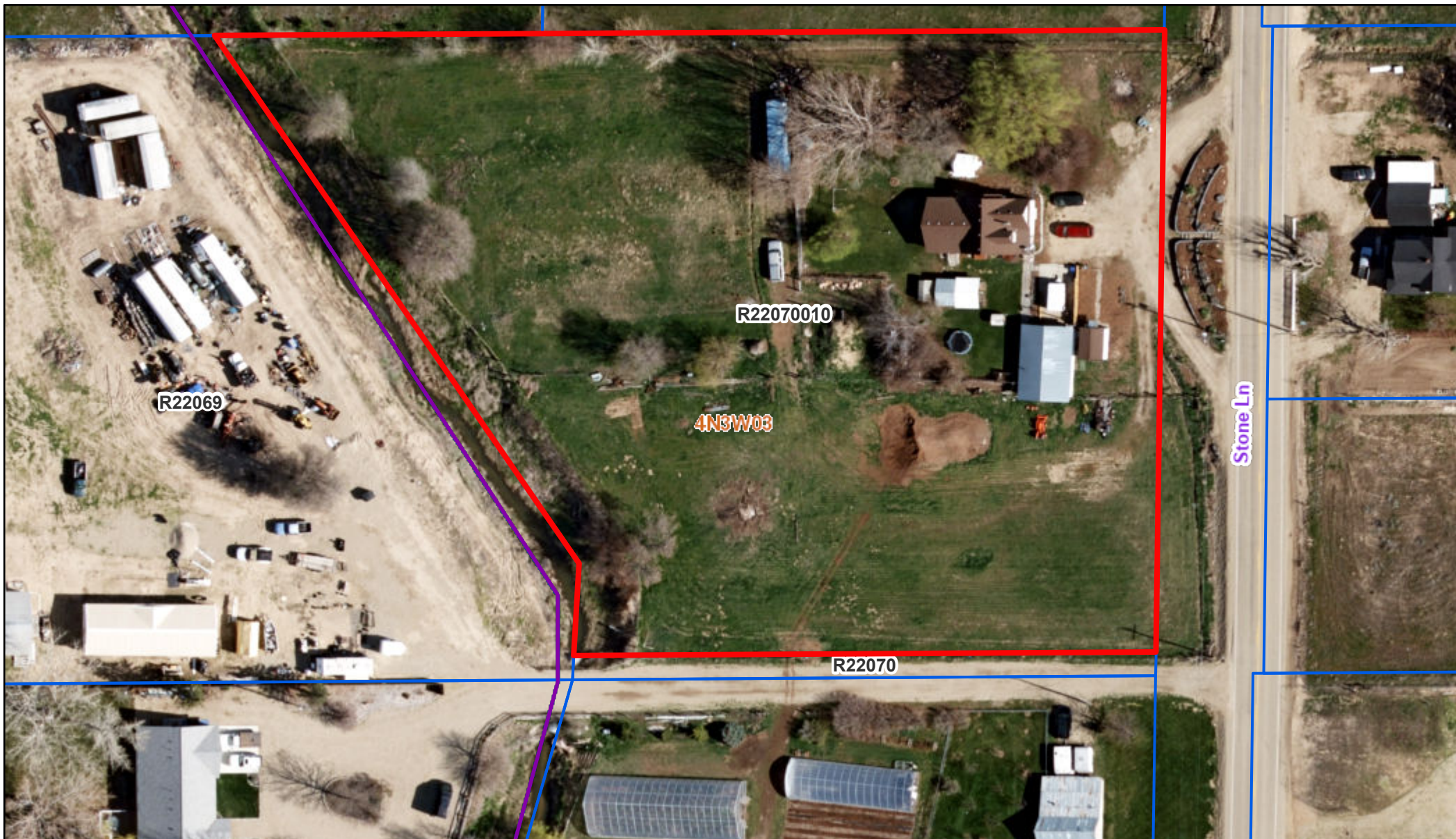


### DISCLAIMER:

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.

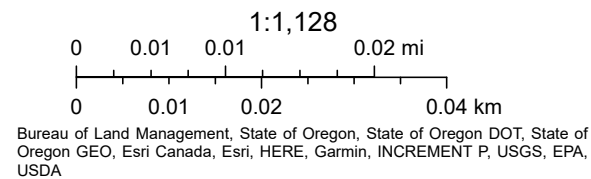




11/4/2024, 12:57:40 PM

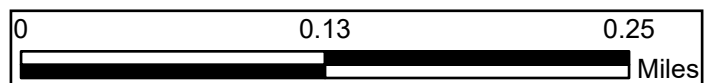
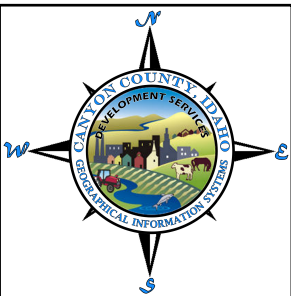
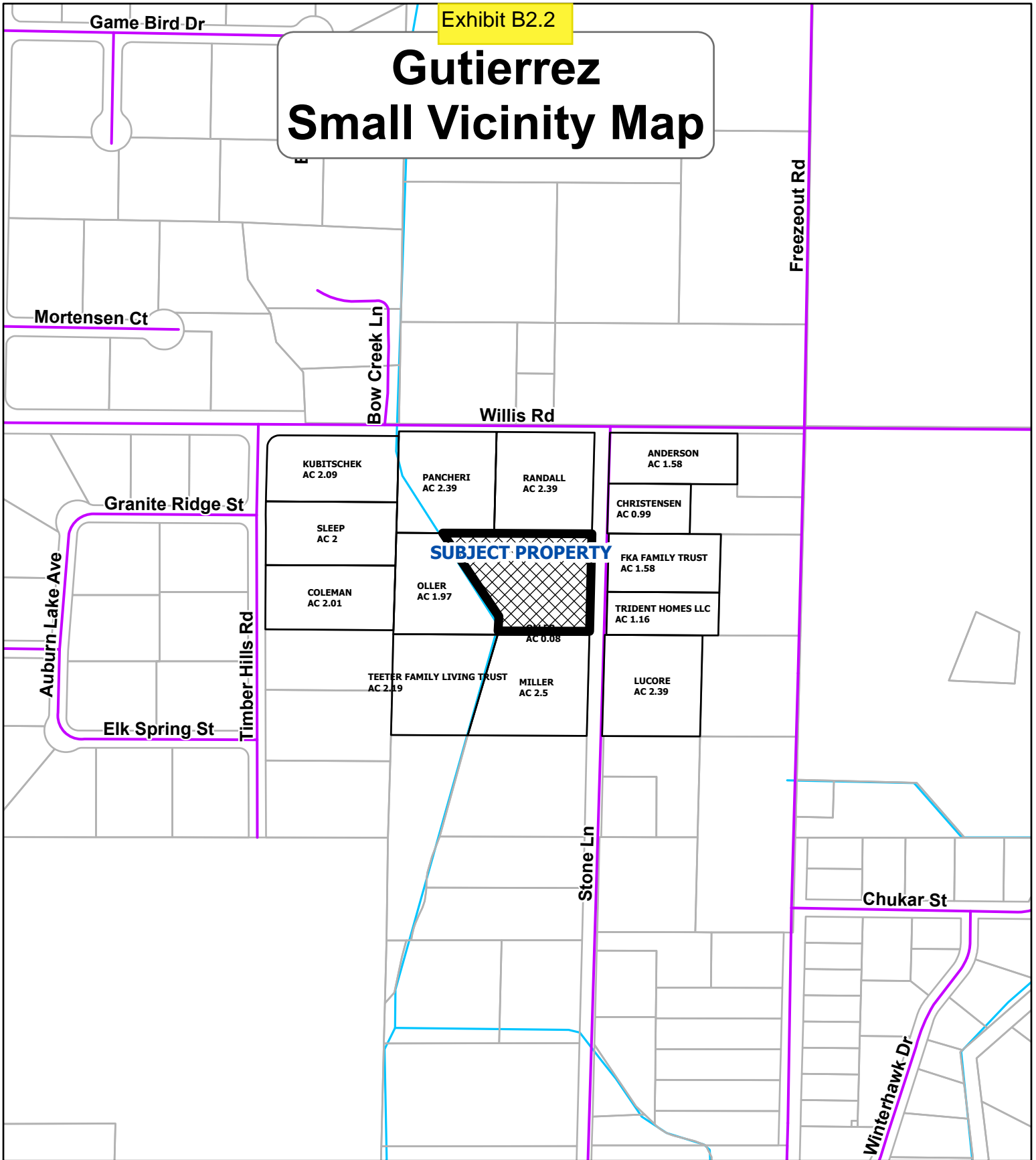
- Parcel Number Search\_Query result
- Hydro\_NHDFlowline
- Hydro\_NHDFlowline
- County Boundary
- Current Impact Area
- City Limits
- Sections

- | Urban_2023   | Imagery_2022  |
|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: red; margin-right: 5px;"></span> Red: Red       | <span style="display: inline-block; width: 15px; height: 10px; background-color: red; margin-right: 5px;"></span> Red: Band_1     |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: green; margin-right: 5px;"></span> Green: Green | <span style="display: inline-block; width: 15px; height: 10px; background-color: green; margin-right: 5px;"></span> Green: Band_2 |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: blue; margin-right: 5px;"></span> Blue: Blue    | <span style="display: inline-block; width: 15px; height: 10px; background-color: blue; margin-right: 5px;"></span> Blue: Band_3   |

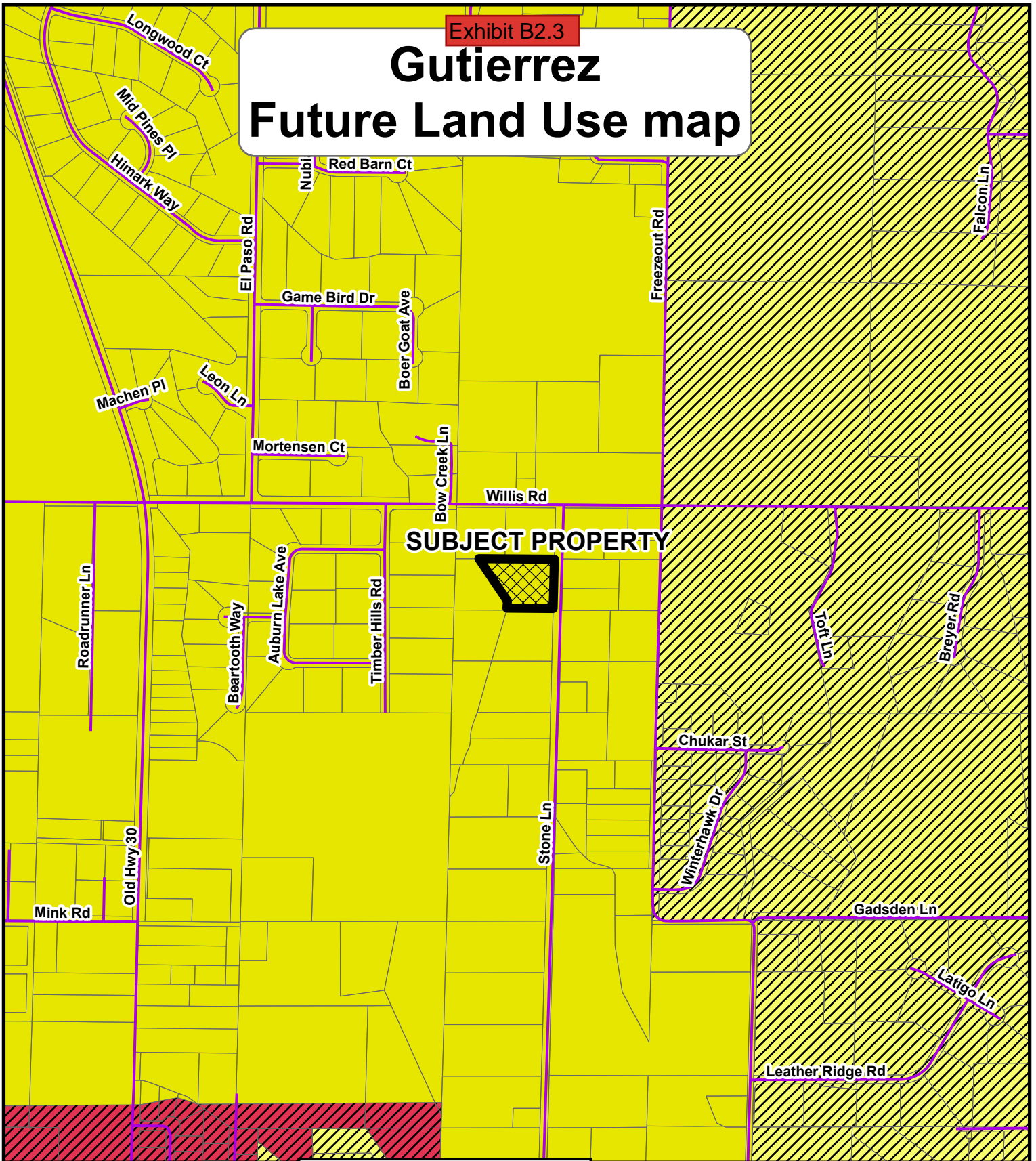




# Gutierrez Small Vicinity Map



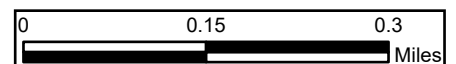
# Gutierrez Future Land Use map



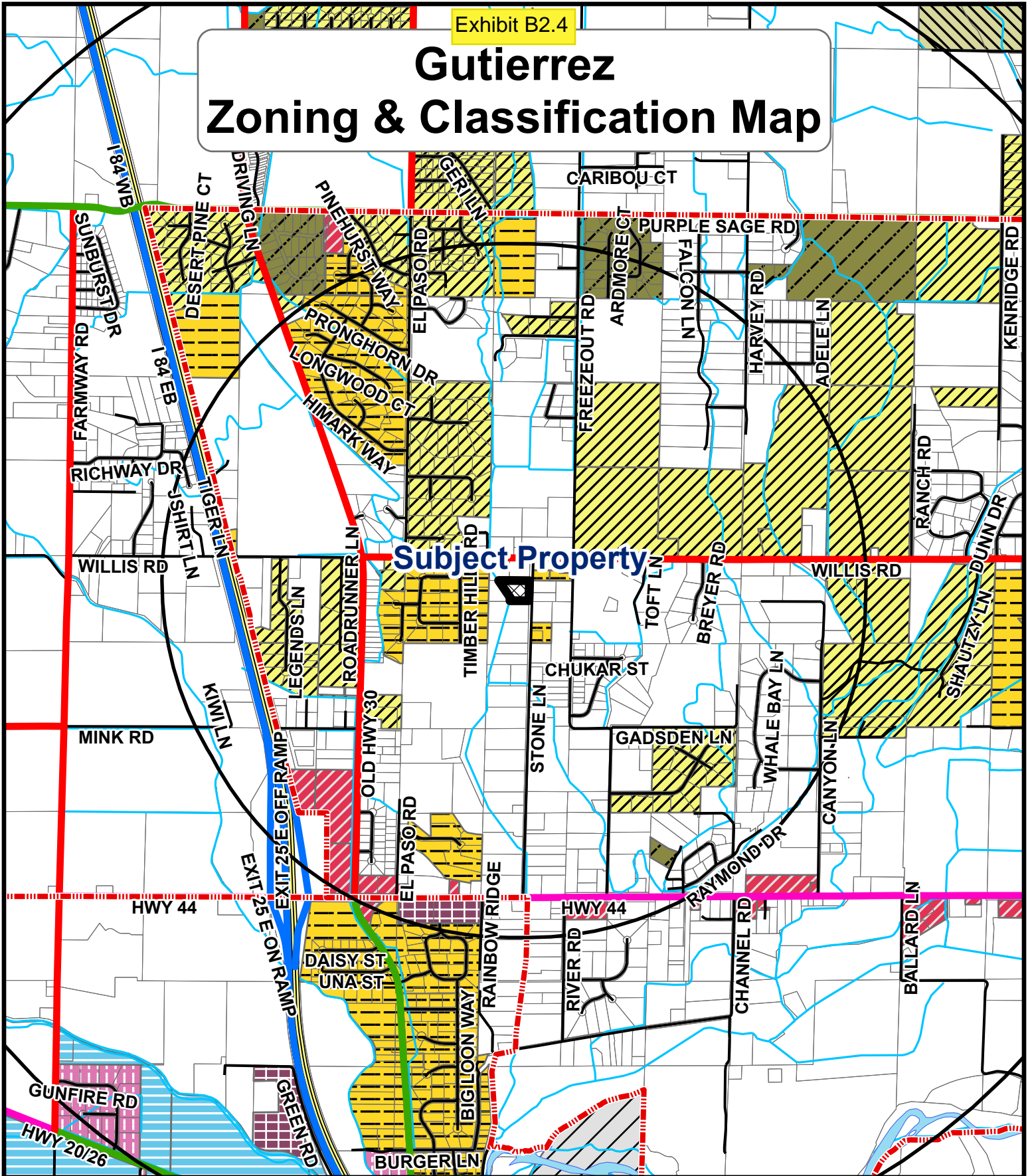
## Legend

### Future Land Use 2030

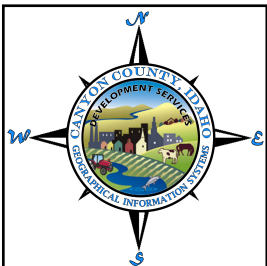
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- Rural Residential



# Gutierrez Zoning & Classification Map



**Subject Property**



## Current Zoning

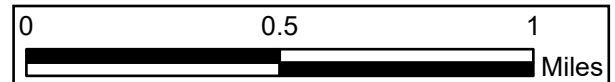
	RR
	CR-RR
	R1
	CR-R1
	R2
	C

## ITD Functional Classification

	C1
	CR-C1
	C2
	CR-C2
	M1
	CR-M1
	M2

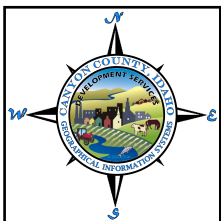
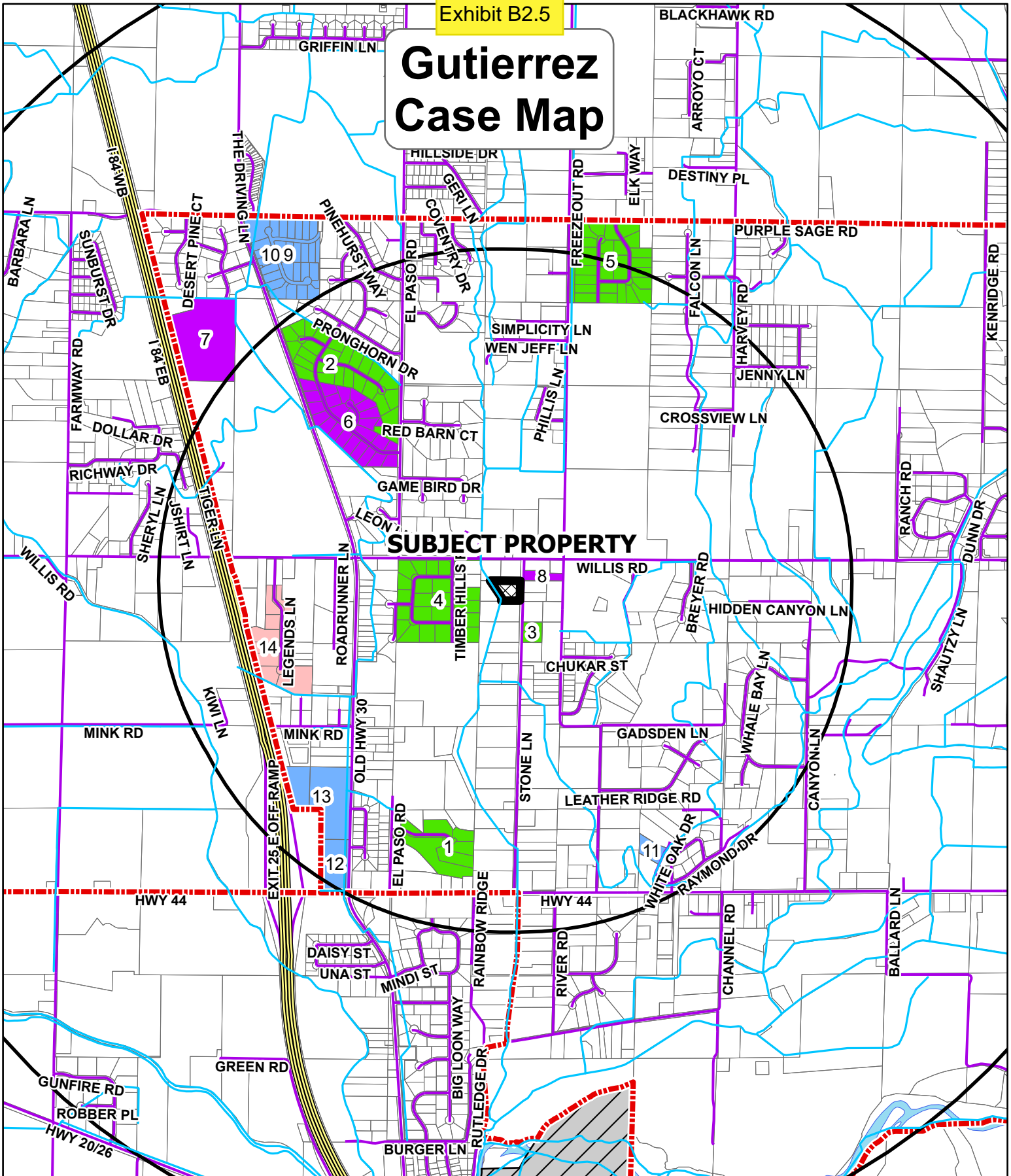
AG

	Interstate
	Major Collector
	Minor Arterial
	Minor Collector
	Other Principal Arterials

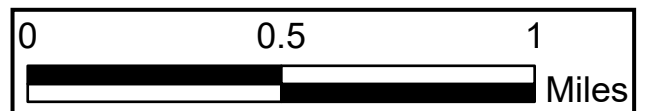


# Gutierrez Case Map

**SUBJECT PROPERTY**



YEAR			
<span style="display:inline-block; width:15px; height:15px; background-color:lightcoral;"></span> 2023	<span style="display:inline-block; width:15px; height:15px; background-color:limegreen;"></span> 2020		
<span style="display:inline-block; width:15px; height:15px; background-color:lightblue;"></span> 2022	<span style="display:inline-block; width:15px; height:15px; background-color:orange;"></span> 2019		
<span style="display:inline-block; width:15px; height:15px; background-color:purple;"></span> 2021	<span style="display:inline-block; width:15px; height:15px; background-color:blue;"></span> 2018		

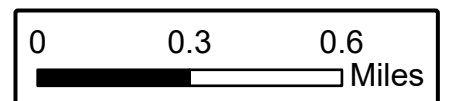
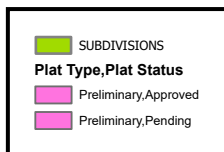
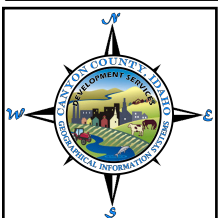
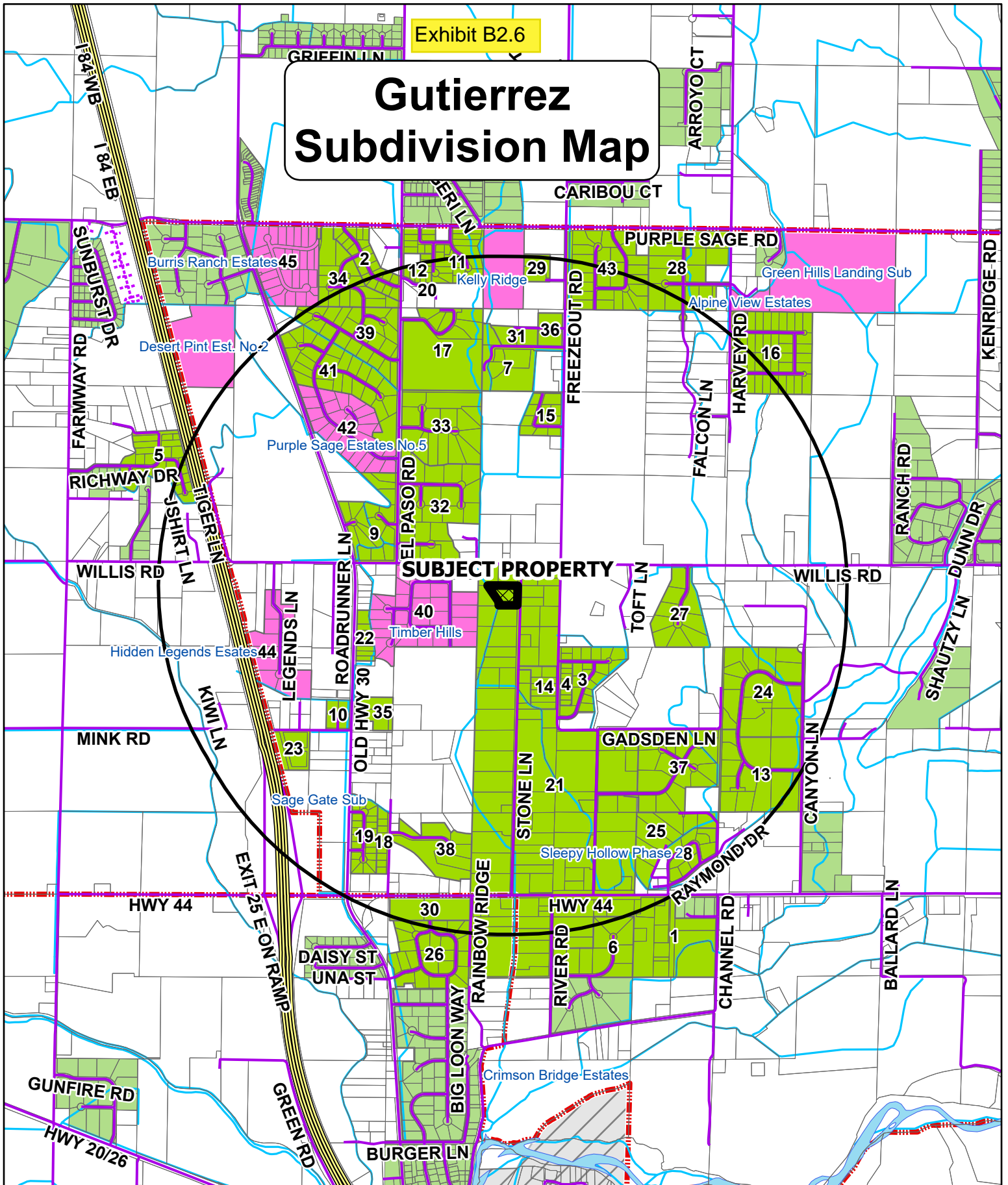




## CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	SD2019-0004	Boulder Creek Sub	Boulder Creek Sub	APPROVED
2	SD2019-0043	Purple Sage Estaates No.4	Purples Sage Estates No.4	APPROVED
3	RZ2019-0040	Rezone AG to R1	Wangsgard, Kathi	APPROVED
4	Trison Estates Sub	0	Trison Estates Sub	Approved
5	SD2020-0010	Preliminary Plat - Spring Hills Ranch Sub	Spring Hills Ranch Sub	APPROVED
6	SD2020-0026	Plat - Purple Sage Esates No.5	Plat - Purple Sage Esates No.5	APPROVED
7	SD2020-0038	Plat - 17 Lots	Desert Pine Est. No.2	APPROVED
8	RZ2021-0016	Rezone Ag to R1	Guijaro	APPROVED
9	SD2021-0017	Burris Ranch Estates Plat	Burris Ranch Estates	Approved
10	RZ2021-0029	Change zoning from RR and C1 to CR-R1	BURRIS RANCH	APPROVED
11	RZ2022-0006	Rezone AG to CR-R1	Phoenix	APPROVED
12	RZ2022-0009	Rezone AG to C1	Oregon Trail Chruch of God	APPROVED
13	CU2021-0009	Planned Unit Development	Sage Gate Storage & Business Park	DENIED
14	SD2022-0003	Hidden Legends Estates Sub	Hidden Legends Estates Sub	APPROVE

# Gutierrez Subdivision Map



## SUBDIVISION & LOT REPORT

NUMBER OF SUBS		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
45		1187.97	680	1.75	
NUMBER OF SUBS IN PLATTING		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
6		171.01	94	1.82	
NUMBER OF LOTS NOTIFIED		AVERAGE	MEDIAN	MINIMUM	MAXIMUM
34		2.02	2.00	0.08	6.20
NUMBER OF MOBILE HOME PARKS		ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0		#REF!	#REF!	#REF!	#REF!

## PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
FROST FARMS	1	4N3W10	53.58	20	2.68	COUNTY (Canyon)	1907
PURPLE SAGE ESTATES	2	5N3W33	13.35	6	2.23	COUNTY (Canyon)	1967
RANCHETTE ESTATES	3	4N3W03	17.05	20	0.85	COUNTY (Canyon)	1972
RANCHETTE ESTATES #2	4	4N3W03	2.89	9	0.32	COUNTY (Canyon)	1974
RICH SUB	5	5N3W33	20.05	24	0.84	COUNTY (Canyon)	1973
RIVER ROAD ESTATES	6	4N3W10	21.39	10	2.14	COUNTY (Canyon)	2001
WEN-JEFF ESTATES	7	5N3W34	16.78	7	2.40	COUNTY (Canyon)	1997
WHITTLE SUB	8	4N3W03	11.42	10	1.14	COUNTY (Canyon)	1971
WILLIS RANCH	9	5N3W33	21.11	16	1.32	COUNTY (Canyon)	1998
YOTIE SUB	10	4N3W04	4.14	4	1.03	COUNTY (Canyon)	2001
FOX RIDGE ESTATES	11	5N3W34	21.64	26	0.83	COUNTY (Canyon)	1992
FOX RIDGE ESTATES #2	12	5N3W34	3.16	9	0.35	COUNTY (Canyon)	1996
NORTHSLOPE ESTATES #2	13	4N3W02	37.37	12	3.11	COUNTY (Canyon)	2005
BALE SUB	14	4N3W03	7.08	7	1.01	COUNTY (Canyon)	1990
DEE ANN MEADOWS SUB	15	5N3W34	9.71	12	0.81	COUNTY (Canyon)	1974
DRAKE SUB	16	5N3W35	40.05	41	0.98	COUNTY (Canyon)	1973
EL PASO HEIGHTS	17	5N3W34	37.90	7	5.41	COUNTY (Canyon)	1998
FOREST HILLS ESTATES	18	4N3W04	4.82	9	0.54	COUNTY (Canyon)	1987
FOREST HILLS ESTATES #2	19	4N3W04	11.35	21	0.54	COUNTY (Canyon)	1996
FOX RIDGE ESTATES #3	20	5N3W34	0.42	1	0.42	COUNTY (Canyon)	1996
FRUITDALE FARMS	21	4N3W03	273.92	83	3.30	COUNTY (Canyon)	1911
HECK SUB #1	22	4N3W04	4.69	9	0.52	COUNTY (Canyon)	1985
KABLE SUB	23	4N3W04	8.04	4	2.01	COUNTY (Canyon)	1966
NORTHSLOPE ESTATES #1	24	4N3W02	42.71	15	2.85	COUNTY (Canyon)	2004
SLEEPY HOLLOW SUBDIVISION	25	4N3W03	17.60	6	2.93	COUNTY (Canyon)	2005
SOUTHWICK ESTATES	26	4N3W09	29.57	24	1.23	COUNTY (Canyon)	2007
WILLIS ESTATES SUBDIVISION	27	4N3W03	19.35	10	1.93	COUNTY (Canyon)	2008
EAGLES NEST ESTATES	28	5N3W34	35.62	11	3.24	COUNTY (Canyon)	1998
CHAMBERLAIN SUBDIVISION	29	5N3W34	4.25	2	2.12	COUNTY (Canyon)	2014
NORTH SOUTHWICK COMMERCIAL SUBDIVISION	30	4N3W10	10.55	2	5.27	COUNTY (Canyon)	2017
RADFORD RIDGES SUBDIVISION	31	5N3W34	4.59	2	2.29	COUNTY (Canyon)	2017
ALBION ACRES SUBDIVISION NO. 1	32	5N3W34	41.10	19	2.16	COUNTY (Canyon)	2018
ALBION ACRES SUBDIVISION NO. 2	33	5N3W34	33.13	14	2.37	COUNTY (Canyon)	2018
PURPLE SAGE ESTATES SUBDIVISION NO. 2	34	5N3W33	19.17	14	1.37	COUNTY (Canyon)	2018
PALOMINOS SUBDIVISION	35	4N3W04	6.49	2	3.24	COUNTY (Canyon)	2019
RADFORD RIDGES NO 2 SUBDIVISION	36	5N3W34	4.75	3	1.58	COUNTY (Canyon)	2019
FINAL PLAT OF SADDLEBACK RIDGE ESTATES SUBDIVISION	37	4N3W03	35.81	16	2.24	COUNTY (Canyon)	2020
BOULDER CREEK SUBDIVISION	38	4N3W03	18.01	7	2.57	COUNTY (Canyon)	
PURPLE SAGE ESTATES SUBDIVISION NO. 3	39	5N3W33	27.00	22	1.23	COUNTY (Canyon)	
TIMBER HILLS SUBDIVISION	40	4N3W03&04	45.62	28	1.63	COUNTY (Canyon)	2021
PURPLE SAGE ESTATES SUBDIVISION NO. 4	41	5N3W33	33.44	25	1.34	COUNTY (Canyon)	2021
PURPLE SAGE ESTATES SUBDIVISION NO. 5	42	5N3W33	28.45	25	1.14	COUNTY (Canyon)	2022
SPRING HILL RANCH SUBDIVISION	43	5N3W34	38.15	28	1.36	COUNTY (Canyon)	2022
HIDDEN LEGENDS ESTATES SUBDIVISION	44	4N3W04	19.59	9	2.18	COUNTY (Canyon)	2023
BURRIS RANCH ESTATES SUBDIVISION	45	5N3W33	31.09	29	1.07	CANYON COUNTY	2024

## SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE			
Purple Sage Estates No.5	28.32	23	1.23			
Burris Ranch Estates	31.11	26	1.20			
Timber Hills	45.49	28	1.62			
Desert Pint Est. No.2	27.55	17	1.62			
Hidden Legends Esates	19.51	8	2.44			
Kelly Ridge	19.03	9	2.11			

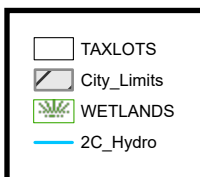
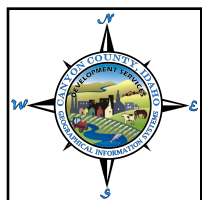
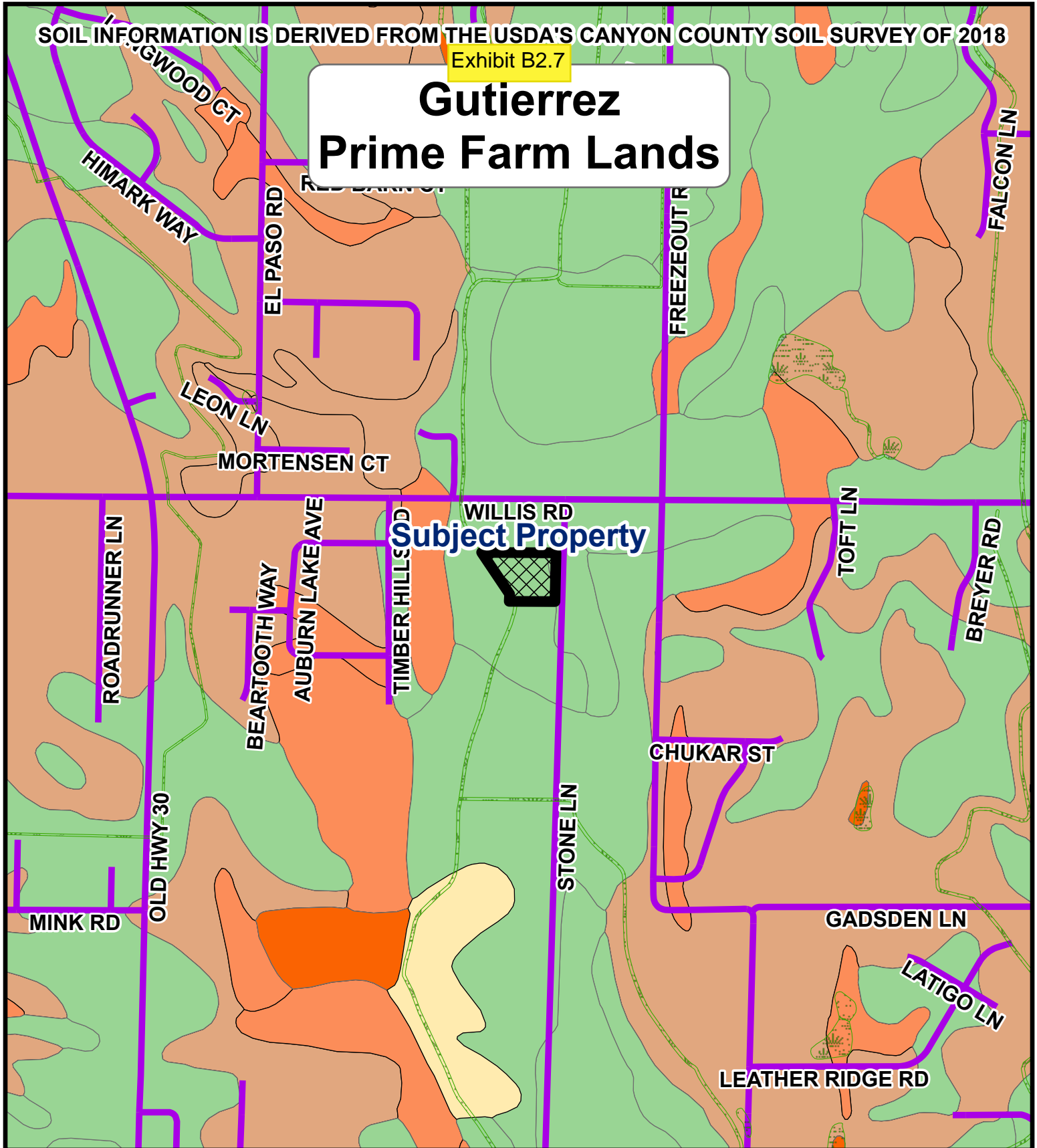
MOBILE HOME & RV PARKS						
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...	



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

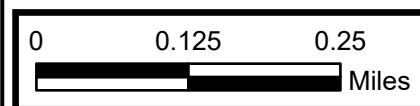
Exhibit B2.7

# Gutierrez Prime Farm Lands



## FARMLAND

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



## SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
2	BEST SUITED SOIL	5009.40	0.12	4.22%
3	MODERATELY SUITED SOIL	8407.08	0.19	7.08%
3	MODERATELY SUITED SOIL	105328.08	2.42	88.70%
		118744.56	2.73	100%

## FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
JeB	Prime farmland if irrigated	5009.40	0.12	4.22%
LaC	Prime farmland if irrigated	8407.08	0.19	7.08%
FaA	Prime farmland if irrigated	105328.08	2.42	88.70%
		118744.56	2.73	100%

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

GRADE	SOILTYPE
1	BEST SUITED SOIL
2	BEST SUITED SOIL
3	MODERATELY SUITED SOIL
4	MODERATELY SUITED SOIL
5	LEAST SUITED SOIL
6	LEAST SUITED SOIL
7	LEAST SUITED SOIL
8	LEAST SUITED SOIL
9	LEAST SUITED SOIL



IMAGES WERE FLOWN IN THE 2022/2023.

Exhibit B2.8

# Gutierrez Contour Map

Bow Creek Ln  
ALBION ACRES SUBDIVISION NO. 1

Willis Rd

TIMBER HILLS SUBDIVISION

FRUITDALE FARMS

Freezeout Rd





Timber Hills Rd

Stone Ln

RANCHETTE ESTATES

BALE SUB

## Legend

-  SUBJECT\_PROPERTY
-  TaxParcels
-  SectionContours
-  Wetlands

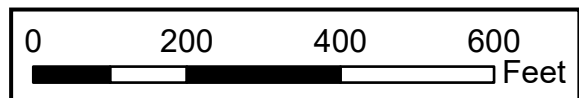
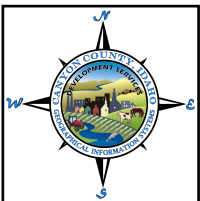




Exhibit B2.9

NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ, NITRATE PRIORITY 2020.

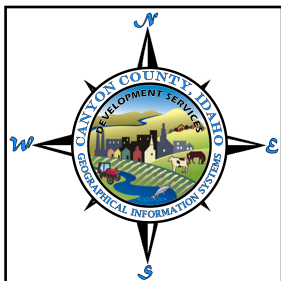
Exhibit B2.9

# Gutierrez

## Nitrate Priority & Wells


Subject Property

Map showing Nitrate Priority and Wells in the Gutierrez area. The map includes a legend for 'NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ, NITRATE PRIORITY 2020.' and 'Exhibit B2.9'. The map shows a grid of streets with various colored dots indicating wells. A large area is shaded in pink, indicating a nitrate priority zone. The map includes a legend for 'NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ, NITRATE PRIORITY 2020.' and 'Exhibit B2.9'. The map shows a grid of streets with various colored dots indicating wells. A large area is shaded in pink, indicating a nitrate priority zone.



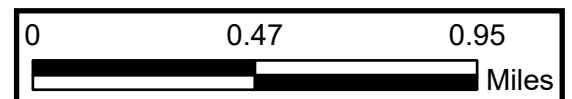
0.005 - 2.00

1

 2.000001 - 5.00

5.0000001 - 10.00

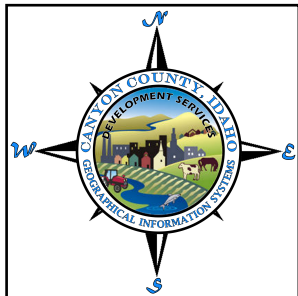
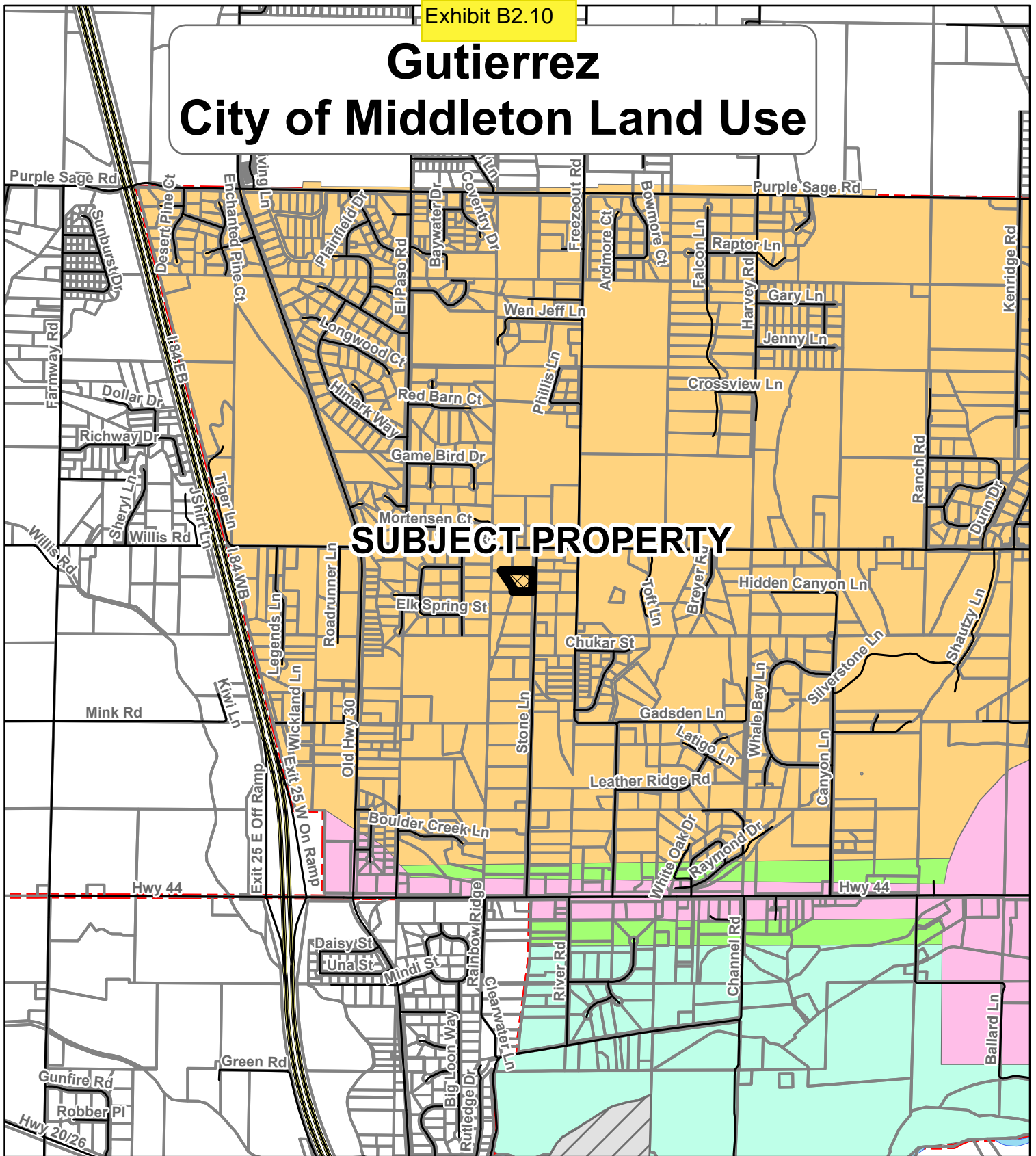
1



# Gutierrez

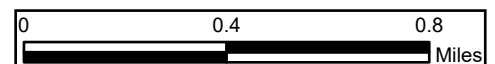
## City of Middleton Land Use

**SUBJECT PROPERTY**



### MiddletonCompPlan

- Commercial
- Industrial
- Mixed Use
- Public
- Residential
- Residential Special Areas
- Transit Oriented

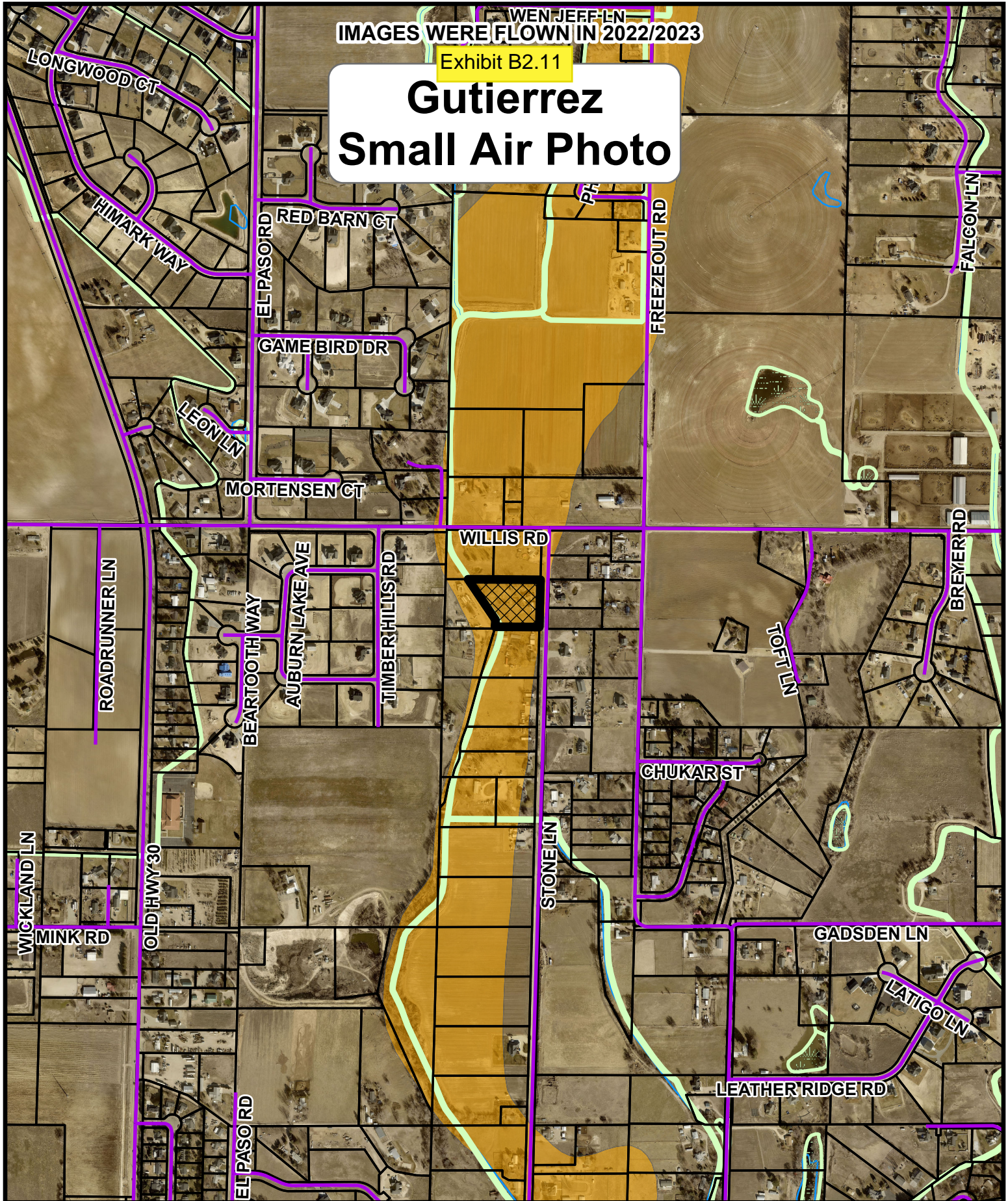




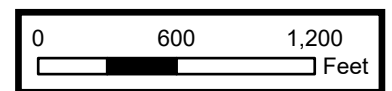
WENJEFF LN  
IMAGES WERE FLOWN IN 2022/2023

Exhibit B2.11

# Gutierrez Small Air Photo



Legend	
SUBJECT_PROPERTY	A
TAXLOTS	AE
WETLANDS	X



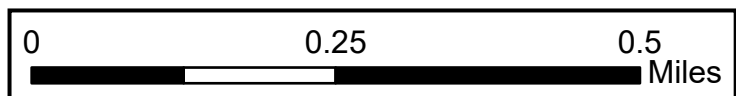
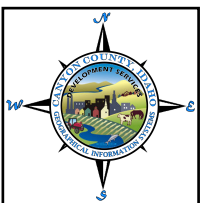
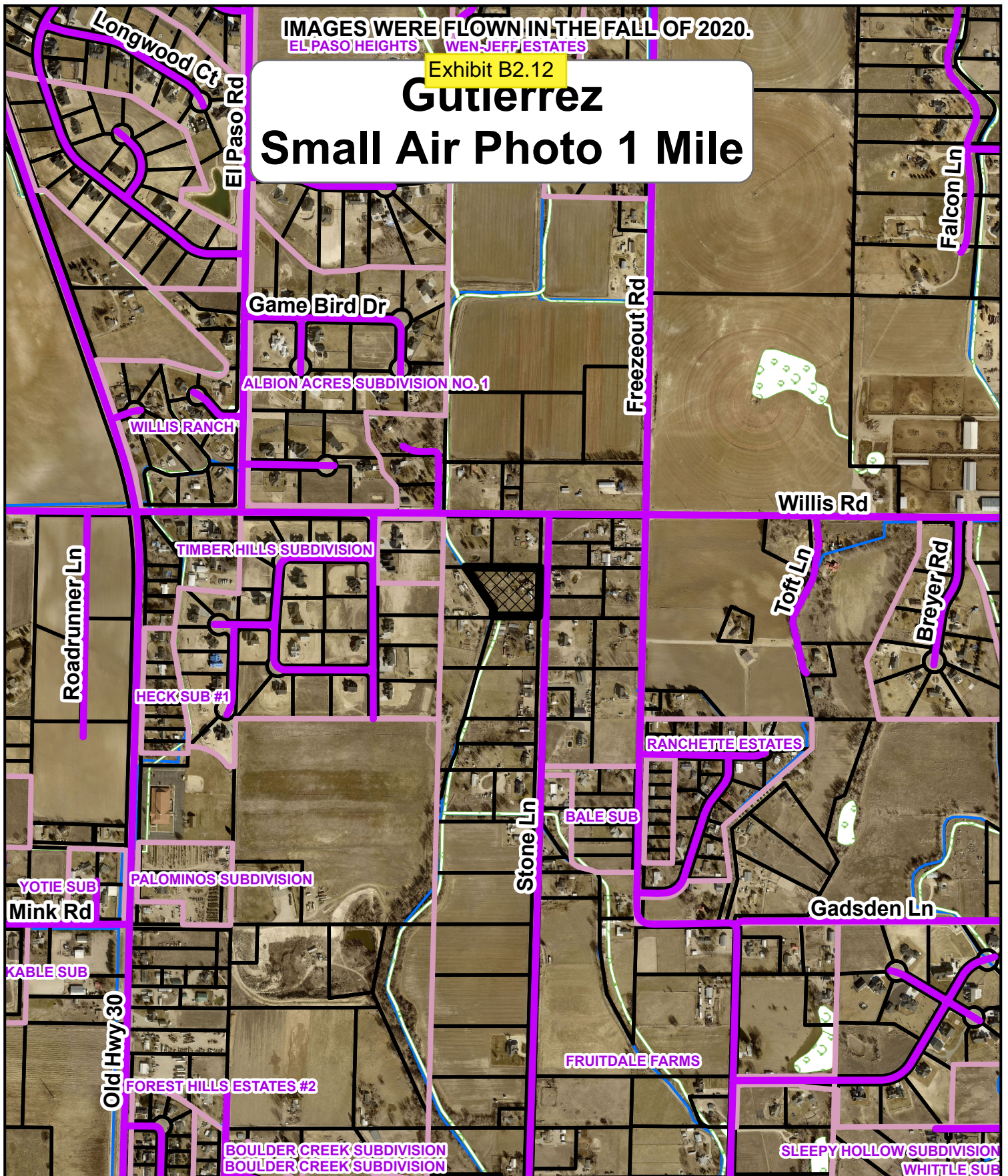


IMAGES WERE FLOWN IN THE FALL OF 2020.  
EL PASO HEIGHTS WENJEFF ESTATES

Exhibit B2.12

# Gutierrez

## Small Air Photo 1 Mile





**EXHIBIT C**

**Site Visit Photos**

Planning & Zoning Commission

Case# CU2024-0001

Hearing date: January 16, 2025

**Exhibit C1: Code Enforcement Photos Taken on December 14, 2023**

Image 1: Taken from Stone Lane facing southwest.



Image 2: Taken from Stone Lane facing southwest.

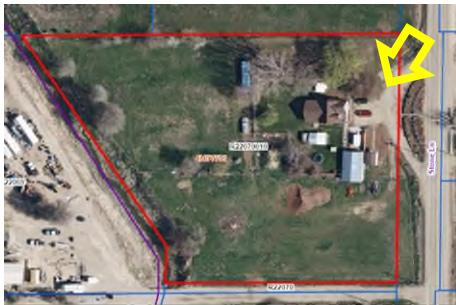


Image 3: Taken from Stone Lane facing southwest.



Image 4: Taken from  
Stone Lane facing south.





## Exhibit C2: Site Photos Taken on November 1, 2024

Image 1 (left): Taken on Stone Lane facing south.

Image 2 (right): Taken on Stone Lane facing north.



Image 3 (left): Taken from Stone Lane facing west.

Image 4 (right): Taken from Stone Lane facing east.



Image 5 (left): Taken on the subject property facing southwest showing gravel entrance.

Image 6 (right): Taken on the subject property facing northwest showing gravel entrance.





Images 7 and 8: Taken on the subject property facing west showing fencing, entrance to staging area, and occupied RV.



Images 9 and 10: Taken on the subject property facing west showing the types of equipment stored on site that can be seen from the fence.



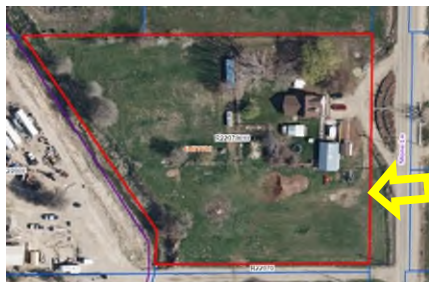
Image 11 (left): Taken on the subject property facing southwest showing shed and garage at front of property.

Image 12 (right): Taken on the subject property facing northwest showing storage area of shrubs, trees, etc.





Images 13 and 14: Taken on the subject property facing west showing storage of shrubs, trees, equipment, etc.



Images 15 and 16: Taken on the driveway found south of the subject property showing fencing and trees.



Images 17 and 18: Taken facing northwest showing drain ditch on the west property boundary.





Images 19 and 20: Taken facing north showing equipment, shrubs near the southern and western property lines near the drain ditch.



Images 21 and 22: Taken on the subject property facing north showing equipment, shrubs near the southern and western property lines near the drain ditch.



**EXHIBIT D**

**Agency Comments Received by: January 6, 2025**

Planning & Zoning Commission

Case# CU2024-0001

Hearing date: January 16, 2025





322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 3, 2024

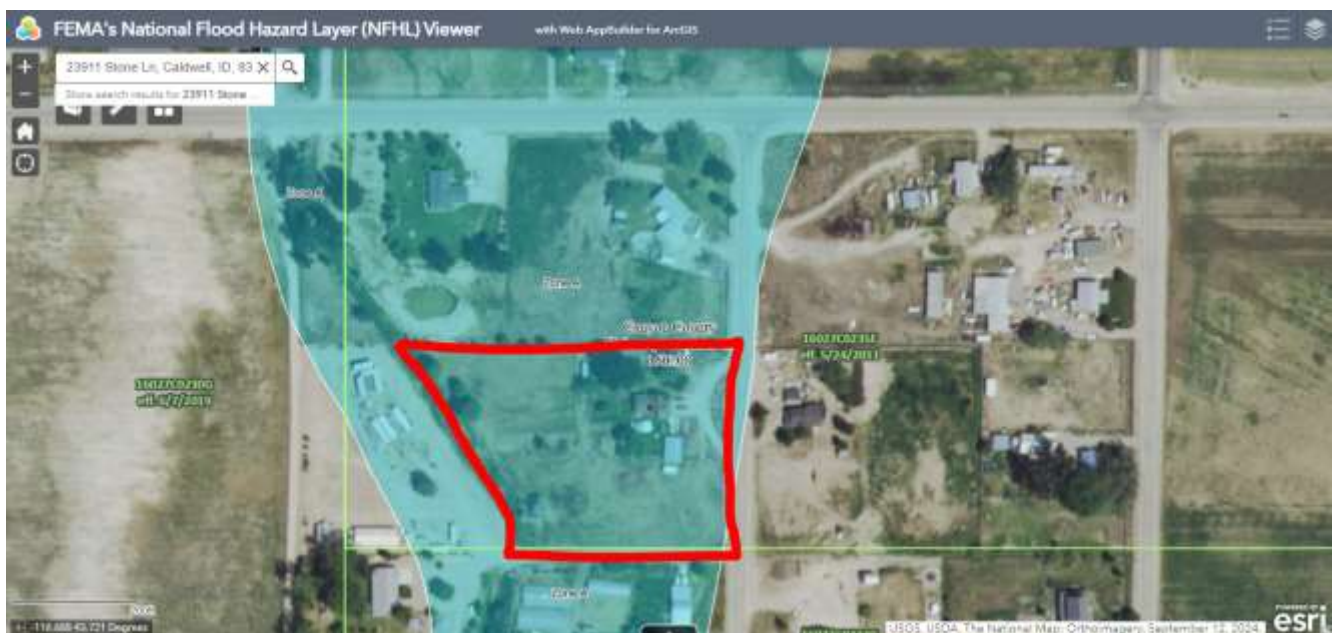
Emily Kiester, Planner  
Canyon County Development Services Dept.  
111 N 11th Avenue #310  
Caldwell, ID 83605

Re: CU2024-0001: 23911 Stone Lane, Caldwell; Progressive Lawn Care LLC

Dear Ms. Kiester,

The storage area for trees, plants, and shrubs neatly organized into rows, miscellaneous supplies, equipment and tools used for landscaping projects that will be rotated in and out as used on 2.73-acre parcel is located in an A Zone floodplain without Base Flood Elevation (BFE).

The applicant should provide Canyon County an evacuation plan which indicates where the stored equipment, materials and plants, et cetera will be relocated to in the event of flooding, or how will these items be contained on the parcel.



The following NFIP regulations apply to this proposed development:

**Title 44 of the Code of Federal Regulations §60.3 Flood plain management criteria for flood-prone areas.**

... Minimum standards for communities are as follows:

(a) ... the community shall:

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall

(i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,

(ii) be constructed with materials resistant to flood damage,

(iii) be constructed by methods and practices that minimize flood damages, and

(iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(b) ... the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), and (3), of this section to development within Zone A on the community's FHBM or FIRM;

Should you have any questions, please do not hesitate to contact me at (208) 287-4928, or through email at [maureen.oshea@idwr.idaho.gov](mailto:maureen.oshea@idwr.idaho.gov)

Thank you,

*Maureen O'Shea*

Maureen O'Shea, CFM  
NFIP Floodplain Specialist

Cc via email:

Dalia Alnajjar, Floodplain Administrator

File

**Emily Bunn**

**From:** Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>  
**Sent:** Friday, October 4, 2024 11:49 AM  
**To:** Emily Bunn  
**Cc:** Amber Lewter  
**Subject:** [External] RE: Initial Agency Notification CU2024-0001 Gutierrez

Hello Emily,

After careful review of the transmittal submitted to ITD on October 2, 2024, regarding CU2024-0001 Gutierrez, the Department has no comments or concerns to make at this time.

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:** Wednesday, October 2, 2024 8:56 AM  
**To:** 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'mhobbs@middletoncity.org' <mhobbs@middletoncity.org>; '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>; 'Chris Hopper' <chopper@hwydistrict4.org>; 'Lenny Riccio' <lrccio@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>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott\_sbi@outlook.com' <scott\_sbi@outlook.com>; 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>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; Tony Almeida <tony.almeida@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'peter.Jackson@idwr.idaho.gov' <peter.Jackson@idwr.idaho.gov>; 'maureen.oshea@idwr.idaho.gov'

<maureen.oshea@idwr.idaho.gov>

**Subject:** Initial Agency Notification CU2024-0001 Gutierrez

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Please direct your comments or questions to Planner **Emily Kiester** at [emily.kiester@canyoncounty.id.gov](mailto:emily.kiester@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

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Wednesday

1pm – 5pm

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## Emily Bunn

---

**From:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Sent:** Friday, October 4, 2024 7:26 AM  
**To:** Emily Bunn  
**Subject:** [External] RE: Initial Agency Notification CU2024-0001 Gutierrez

Hi Emily,

Per request for comments:

- 1.) Will a Nutrient Pathogen Study be required?
  - a. **A Nutrient Pathogen Study will NOT be required for this project.**
- 2.) Will adequate sanitary systems be provided to accommodate the use?
  - a. **A septic system has NOT been proposed for this project.**
- 3.) Any concerns about the use or request for a staging area? 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?
  - a. **There are no concerns about the use for a staging area as the existing septic system is NOT encroaching upon the parking area.**

Let me know if you have any questions.

Thank you,



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**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

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**Sent:** Wednesday, October 2, 2024 8:56 AM  
**To:** 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'mhobbs@middletoncity.org' <mhobbs@middletoncity.org>; '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>; 'Chris Hopper' <chopper@hwydistrict4.org>; 'Lenny Riccio' <lrccio@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>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>;

'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott\_sbi@outlook.com' <scott\_sbi@outlook.com>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov; Michael Stowell <mstowell@ccparamedics.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; Tony Almeida <tony.almeida@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'peter.Jackson@idwr.idaho.gov' <peter.Jackson@idwr.idaho.gov>; 'maureen.oshea@idwr.idaho.gov' <maureen.oshea@idwr.idaho.gov>

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Please direct your comments or questions to Planner **Emily Kiester** at [emily.kiester@canyoncounty.id.gov](mailto:emily.kiester@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)

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## Emily Bunn

---

**From:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Sent:** Tuesday, November 5, 2024 1:02 PM  
**To:** Emily Bunn  
**Subject:** RE: [External] RE: Initial Agency Notification CU2024-0001 Gutierrez

Hi Emily,

I do not see any concerns with employees using the restrooms inside the existing house in regards to increasing wastewater flows. A porta-potty may be used temporarily.

Let me know if you have any questions.

Thank you,



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**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:** Emily Bunn <Emily.Bunn@canyoncounty.id.gov>  
**Sent:** Monday, November 4, 2024 11:00 AM  
**To:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Subject:** RE: [External] RE: Initial Agency Notification CU2024-0001 Gutierrez

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Hello,

Quick question: this business is proposing to have about seven (7) employees on site.

I am curious if Southwest District Health would require there to be porta-potties on site? Or is the septic tank on site adequate for what they are proposing (the employees would not be on site all day, only when they need to pick up equipment, meet for work, etc.)?

Thank you,



Emily Bunn,



Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: (208) 454-6632  
Email: [emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

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**From:** Anthony Lee <[Anthony.Lee@swdh.id.gov](mailto:Anthony.Lee@swdh.id.gov)>  
**Sent:** Friday, October 4, 2024 7:26 AM  
**To:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>  
**Subject:** [External] RE: Initial Agency Notification CU2024-0001 Gutierrez

Hi Emily,

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- 1.) Will a Nutrient Pathogen Study be required?
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  - a. **There are no concerns about the use for a staging area as the existing septic system is NOT encroaching upon the parking area.**

Let me know if you have any questions.

Thank you,



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**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

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**From:** Amber Lewter <[Amber.Lewter@canyoncounty.id.gov](mailto:Amber.Lewter@canyoncounty.id.gov)>

**Sent:** Wednesday, October 2, 2024 8:56 AM

**To:** 'jhutchison@middletoncity.com' <[jhutchison@middletoncity.com](mailto:jhutchison@middletoncity.com)>; 'jreynolds@middletoncity.com' <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; 'mhobbs@middletoncity.org' <[mhobbs@middletoncity.org](mailto:mhobbs@middletoncity.org)>; 'rstewart@middletoncity.com' <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; 'lgrooms@msd134.org' <[lgrooms@msd134.org](mailto:lgrooms@msd134.org)>; 'mgee@msd134.org' <[mgee@msd134.org](mailto:mgee@msd134.org)>; 'permits@starfirerescue.org' <[permits@starfirerescue.org](mailto:permits@starfirerescue.org)>; 'knute.sandahl@doi.idaho.gov' <[knute.sandahl@doi.idaho.gov](mailto:knute.sandahl@doi.idaho.gov)>; 'Chris Hopper' <[chopper@hwydistrict4.org](mailto:chopper@hwydistrict4.org)>; 'Lenny Riccio' <[lriccio@hwydistrict4.org](mailto:lriccio@hwydistrict4.org)>; 'brandy.walker@centurylink.com' <[brandy.walker@centurylink.com](mailto:brandy.walker@centurylink.com)>; 'eingham@idahopower.com' <[ingham@idahopower.com](mailto:ingham@idahopower.com)>; 'easements@idahopower.com' <[easements@idahopower.com](mailto:easements@idahopower.com)>; 'mkelly@idahopower.com' <[mkelly@idahopower.com](mailto:mkelly@idahopower.com)>; 'monica.taylor@intgas.com' <[monica.taylor@intgas.com](mailto:monica.taylor@intgas.com)>; 'jessica.mansell@intgas.com' <[jessica.mansell@intgas.com](mailto:jessica.mansell@intgas.com)>; 'contract.administration.bid.box@ziply.com' <[contract.administration.bid.box@ziply.com](mailto:contract.administration.bid.box@ziply.com)>; 'developmentreview@blackcanyonirrigation.com' <[developmentreview@blackcanyonirrigation.com](mailto:developmentreview@blackcanyonirrigation.com)>; Mitch Kiester <[Mitch.Kiester@swdh.id.gov](mailto:Mitch.Kiester@swdh.id.gov)>; Anthony Lee <[Anthony.Lee@swdh.id.gov](mailto:Anthony.Lee@swdh.id.gov)>; 'projectmgr@boiseriver.org' <[projectmgr@boiseriver.org](mailto:projectmgr@boiseriver.org)>; 'scott\_sbi@outlook.com' <[scott\\_sbi@outlook.com](mailto:scott_sbi@outlook.com)>; 'D3Development.services@itd.idaho.gov' <[D3Development.services@itd.idaho.gov](mailto:D3Development.services@itd.idaho.gov)>; 'niki.benyakhlef@itd.idaho.gov' <[niki.benyakhlef@itd.idaho.gov](mailto:niki.benyakhlef@itd.idaho.gov)>; Brian Crawforth <[Brian.Crawforth@canyoncounty.id.gov](mailto:Brian.Crawforth@canyoncounty.id.gov)>; 'christine.wendelsdorf@canyoncounty.id.gov' <[christine.wendelsdorf@canyoncounty.id.gov](mailto:christine.wendelsdorf@canyoncounty.id.gov)>; Michael Stowell <[mstowell@ccparamedics.com](mailto:mstowell@ccparamedics.com)>; Dalia Alnajjar <[Dalia.Alnajjar@canyoncounty.id.gov](mailto:Dalia.Alnajjar@canyoncounty.id.gov)>; Tom Crosby <[Tom.Crosby@canyoncounty.id.gov](mailto:Tom.Crosby@canyoncounty.id.gov)>; Cassie Lamb <[Cassie.Lamb@canyoncounty.id.gov](mailto:Cassie.Lamb@canyoncounty.id.gov)>; Eric Arthur <[Eric.Arthur@canyoncounty.id.gov](mailto:Eric.Arthur@canyoncounty.id.gov)>; Kathy Husted <[Kathleen.Husted@canyoncounty.id.gov](mailto:Kathleen.Husted@canyoncounty.id.gov)>; Tony Almeida <[tony.almeida@canyoncounty.id.gov](mailto:tony.almeida@canyoncounty.id.gov)>; Sage Huggins <[Sage.Huggins@canyoncounty.id.gov](mailto:Sage.Huggins@canyoncounty.id.gov)>; Assessor Website <[2cAsr@canyoncounty.id.gov](mailto:2cAsr@canyoncounty.id.gov)>; 'BRO.Admin@deq.idaho.gov' <[BRO.Admin@deq.idaho.gov](mailto:BRO.Admin@deq.idaho.gov)>; 'john.graves@fema.dhs.gov' <[john.graves@fema.dhs.gov](mailto:john.graves@fema.dhs.gov)>; 'peter.Jackson@idwr.idaho.gov' <[peter.Jackson@idwr.idaho.gov](mailto:peter.Jackson@idwr.idaho.gov)>; 'maureen.oshea@idwr.idaho.gov' <[maureen.oshea@idwr.idaho.gov](mailto:maureen.oshea@idwr.idaho.gov)>

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Please direct your comments or questions to Planner **Emily Kiester** at [emily.kiester@canyoncounty.id.gov](mailto:emily.kiester@canyoncounty.id.gov).

Thank you,



**Amber Lewter**

Hearing Specialist

Canyon County Development Services Department

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1445 N. Orchard St.  
Boise ID 83706 • (208) 373-0550



Brad Little, Governor  
Jess Byrne, Director

October 4, 2024

Emily Kiester, Planner  
111 North 11<sup>th</sup> Ave.  
Ste. 310  
Caldwell, Idaho, 83605  
[emily.kiester@canyoncounty.id.gov](mailto:emily.kiester@canyoncounty.id.gov)

Subject: Case No. CU2024-0001:

Dear Ms. Kiester:

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 Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

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

For questions, contact 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





# BLACK CANYON IRRIGATION DISTRICT

Exhibit D5

NOTUS, IDAHO

October 21, 2024

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

RE: Conditional Use Permit. Parcel 22070010  
Case No. CU2024-0001  
Applicant: Jose Gutierrez  
Planner: Emily Kiester

The property is located at 23911 Stone Lane, Caldwell ID, 83607. The Black Canyon Irrigation District (District) has the following comments regarding this proposed land use change.

According to existing records, the parcel receives irrigation water from the District. The turnout is located along the C.E.10.2-6.2 lateral.

**\*\*\*Prior to District concurrence of the conditional use permit:**

1. Based on our records, the District has not received a New Project Application Form for the conditional use permit for the development of a staging area and shops for the Applicant's construction company on Parcel No. 22070010. The District requests the Applicant to complete the form found on the District's website (<https://blackcanyonirrigation.com/development>).
2. District mapping indicates that the Hartley Gulch Drain is located adjacent to the western property boundary and has a historical 100-foot easement (50-feet from centerline) as shown on the applicant's site plan. The Applicant will need to prepare and provide to the District a legal description and exhibit for the easement along the Hartley Gulch Drain. All documents must be stamped and signed by a land surveyor licensed in the State of Idaho. These documents will be attached to the District standard easement language and recorded with Canyon County.
3. The District recommends that the applicant fence the property along the easement to prevent any encroachments as the staging area is developed.

**General Comments:**

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

60,000 IRRIGABLE ACRES

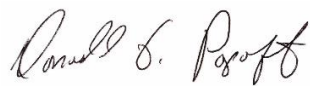
ORGANIZED IN 1910

# BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

All of the above requirements shall be met, including any others that arise during future review.

Thank You,



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

## Emily Bunn

---

**From:** Christine Wendelsdorf  
**Sent:** Thursday, October 31, 2024 11:49 AM  
**To:** Emily Bunn  
**Subject:** RE: Initial Agency Notification CU2024-0001 Gutierrez

No it sounds like everyone is on the same page. Thank you so very much!

Christine Wendelsdorf  
Emergency Management Coordinator  
Canyon County Sheriff's Office



1115 Albany Street, Caldwell, ID 83605  
**Office:** 208-454-7271 **Cell:** 208-989-2132  
**Email:** christine.wendelsdorf@canyoncounty.id.gov

---

**From:** Emily Bunn <Emily.Bunn@canyoncounty.id.gov>  
**Sent:** Thursday, October 31, 2024 11:37 AM  
**To:** Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>  
**Subject:** RE: Initial Agency Notification CU2024-0001 Gutierrez

Hello,

Thank you for the clarification.

A condition of approval will be proposed by staff that the applicants will have to address the floodplain development requirements within a certain timeframe. I also received comments from both IDWR and Canyon County's Engineering Supervisor to include in the staff report about the floodplain which the Planning and Zoning Commission will be able to review as well.

Was there anything else you wanted to comment on?

Thank you!



Emily Bunn,  
Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: (208) 454-6632  
Email: [emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@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:** Christine Wendelsdorf <[Christine.Wendelsdorf@canyoncounty.id.gov](mailto:Christine.Wendelsdorf@canyoncounty.id.gov)>

**Sent:** Thursday, October 31, 2024 11:11 AM

**To:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>

**Subject:** RE: Initial Agency Notification CU2024-0001 Gutierrez

Hi Emily,

I did ask about the storage of tools and outbuildings due to that area being in the floodplain. I wanted to make sure that the buildings (if they are going to be built) will meet the requirements of the flood zone if that makes sense?

Thank you,

Christine

Christine Wendelsdorf

Emergency Management Coordinator

Canyon County Sheriff's Office



1115 Albany Street, Caldwell, ID 83605

Office: 208-454-7271 Cell: 208-989-2132

Email: [christine.wendelsdorf@canyoncounty.id.gov](mailto:christine.wendelsdorf@canyoncounty.id.gov)

---

**From:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>

**Sent:** Thursday, October 31, 2024 10:49 AM

**To:** Christine Wendelsdorf <[Christine.Wendelsdorf@canyoncounty.id.gov](mailto:Christine.Wendelsdorf@canyoncounty.id.gov)>

**Subject:** FW: Initial Agency Notification CU2024-0001 Gutierrez

Hello,

I wanted to touch base and see if you had any follow-up questions or comments on this case. I know you asked the question about the storage of tools, so I answered that question below.

If you have any comments or no comments, could you please let me know so I can include them in the staff report?

Thank you,



Emily Bunn,  
Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: (208) 454-6632  
Email: [emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

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---

**From:** Emily Bunn  
**Sent:** Tuesday, October 22, 2024 3:12 PM  
**To:** Christine Wendelsdorf <[Christine.Wendelsdorf@canyoncounty.id.gov](mailto:Christine.Wendelsdorf@canyoncounty.id.gov)>  
**Subject:** RE: Initial Agency Notification CU2024-0001 Gutierrez

Hello,

I apologize for the delay in responding to you, but I finally got confirmation from the applicant that the outbuildings are used for the storage of the landscaping tools and supplies associated with their business.

You can find the master application packet attached in case you need to review the property again.

Let me know if you have any comments.

Thank you,



Emily Bunn,  
Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: (208) 454-6632  
Email: [emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)



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---

**From:** Amber Lewter <[Amber.Lewter@canyoncounty.id.gov](mailto:Amber.Lewter@canyoncounty.id.gov)>  
**Sent:** Wednesday, October 2, 2024 11:49 AM  
**To:** Emily Bunn <[Emily.Kiester@canyoncounty.id.gov](mailto:Emily.Kiester@canyoncounty.id.gov)>  
**Cc:** Carl Anderson <[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>  
**Subject:** FW: Initial Agency Notification CU2024-0001 Gutierrez

Hi Carl,

I added you to this because I know Emily is out this week. Hope that is ok.

Thank you,

Amber

---

**From:** Christine Wendelsdorf  
**Sent:** Wednesday, October 2, 2024 10:52 AM  
**To:** Amber Lewter <[Amber.Lewter@canyoncounty.id.gov](mailto:Amber.Lewter@canyoncounty.id.gov)>  
**Subject:** RE: Initial Agency Notification CU2024-0001 Gutierrez

Hi Amber,

I may have missed it, but was he planning on having outbuildings on this property for the storage of tools?

Christine Wendelsdorf  
Emergency Management Coordinator  
Canyon County Sheriff's Office



1115 Albany Street, Caldwell, ID 83605



Office: 208-454-7271 Cell: 208-989-2132  
Email: [christine.wendelsdorf@canyoncounty.id.gov](mailto:christine.wendelsdorf@canyoncounty.id.gov)

---

**From:** Amber Lewter <[Amber.Lewter@canyoncounty.id.gov](mailto:Amber.Lewter@canyoncounty.id.gov)>  
**Sent:** Wednesday, October 2, 2024 8:56 AM  
**To:** 'jhutchison@middletoncity.com' <[jhutchison@middletoncity.com](mailto:jhutchison@middletoncity.com)>; 'jreynolds@middletoncity.com' <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; 'mhobbs@middletoncity.org' <[mhobbs@middletoncity.org](mailto:mhobbs@middletoncity.org)>; 'rstewart@middletoncity.com' <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; 'lgrooms@msd134.org' <[lgrooms@msd134.org](mailto:lgrooms@msd134.org)>; 'mgee@msd134.org' <[mgee@msd134.org](mailto:mgee@msd134.org)>; 'permits@starfirerescue.org' <[permits@starfirerescue.org](mailto:permits@starfirerescue.org)>; 'knute.sandahl@doi.idaho.gov' <[knute.sandahl@doi.idaho.gov](mailto:knute.sandahl@doi.idaho.gov)>; 'Chris Hopper' <[chopper@hwydistrict4.org](mailto:chopper@hwydistrict4.org)>; 'Lenny Riccio' <[lriccio@hwydistrict4.org](mailto:lriccio@hwydistrict4.org)>; 'brandy.walker@centurylink.com' <[brandy.walker@centurylink.com](mailto:brandy.walker@centurylink.com)>; 'eingram@idahopower.com' <[eingram@idahopower.com](mailto:eingram@idahopower.com)>; 'easements@idahopower.com' <[easements@idahopower.com](mailto:easements@idahopower.com)>; 'mkelly@idahopower.com' <[mkelly@idahopower.com](mailto:mkelly@idahopower.com)>; 'monica.taylor@intgas.com' <[monica.taylor@intgas.com](mailto:monica.taylor@intgas.com)>; 'jessica.mansell@intgas.com' <[jessica.mansell@intgas.com](mailto:jessica.mansell@intgas.com)>; 'contract.administration.bid.box@ziply.com' <[contract.administration.bid.box@ziply.com](mailto:contract.administration.bid.box@ziply.com)>; 'developmentreview@blackcanyonirrigation.com' <[developmentreview@blackcanyonirrigation.com](mailto:developmentreview@blackcanyonirrigation.com)>; 'mitch.kiester@phd3.idaho.gov' <[mitch.kiester@phd3.idaho.gov](mailto:mitch.kiester@phd3.idaho.gov)>; 'anthony.lee@phd3.idaho.gov' <[anthony.lee@phd3.idaho.gov](mailto:anthony.lee@phd3.idaho.gov)>; 'projectmgr@boiseriver.org' <[projectmgr@boiseriver.org](mailto:projectmgr@boiseriver.org)>; 'scott\_sbi@outlook.com' <[scott\\_sbi@outlook.com](mailto:scott_sbi@outlook.com)>; 'D3Development.services@itd.idaho.gov' <[D3Development.services@itd.idaho.gov](mailto:D3Development.services@itd.idaho.gov)>; 'niki.benyakhlef@itd.idaho.gov' <[niki.benyakhlef@itd.idaho.gov](mailto:niki.benyakhlef@itd.idaho.gov)>; Brian Crawford <[Brian.Crawford@canyoncounty.id.gov](mailto:Brian.Crawford@canyoncounty.id.gov)>; Christine Wendelsdorf <[Christine.Wendelsdorf@canyoncounty.id.gov](mailto:Christine.Wendelsdorf@canyoncounty.id.gov)>; Michael Stowell <[mstowell@ccparamedics.com](mailto:mstowell@ccparamedics.com)>; Dalia Alnajjar <[Dalia.Alnajjar@canyoncounty.id.gov](mailto:Dalia.Alnajjar@canyoncounty.id.gov)>; Tom Crosby <[Tom.Crosby@canyoncounty.id.gov](mailto:Tom.Crosby@canyoncounty.id.gov)>; Cassie Lamb <[Cassie.Lamb@canyoncounty.id.gov](mailto:Cassie.Lamb@canyoncounty.id.gov)>; Eric Arthur <[Eric.Arthur@canyoncounty.id.gov](mailto:Eric.Arthur@canyoncounty.id.gov)>; Kathy Husted <[Kathleen.Husted@canyoncounty.id.gov](mailto:Kathleen.Husted@canyoncounty.id.gov)>; Tony Almeida <[tony.almeida@canyoncounty.id.gov](mailto:tony.almeida@canyoncounty.id.gov)>; Sage Huggins <[Sage.Huggins@canyoncounty.id.gov](mailto:Sage.Huggins@canyoncounty.id.gov)>; Assessor Website <[2cAsr@canyoncounty.id.gov](mailto:2cAsr@canyoncounty.id.gov)>; 'BRO.Admin@deq.idaho.gov' <[BRO.Admin@deq.idaho.gov](mailto:BRO.Admin@deq.idaho.gov)>; 'john.graves@fema.dhs.gov' <[john.graves@fema.dhs.gov](mailto:john.graves@fema.dhs.gov)>; 'peter.Jackson@idwr.idaho.gov' <[peter.Jackson@idwr.idaho.gov](mailto:peter.Jackson@idwr.idaho.gov)>; 'maureen.oshea@idwr.idaho.gov' <[maureen.oshea@idwr.idaho.gov](mailto:maureen.oshea@idwr.idaho.gov)>  
**Subject:** Initial Agency Notification CU2024-0001 Gutierrez

Please see the attached agency notice. You are invited to provide written testimony or comments by **November 1, 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 **Emily Kiester** at [emily.kiester@canyoncounty.id.gov](mailto:emily.kiester@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)

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

**▪ Engineering Division ▪**

**November 4, 2024**

RE: Floodplain Development

Case No. CU2024-0001 – Conditional Use Permit Request for a Staging Area

Applicant: Jose M. Gutierrez

Property Address: 23911 Stone Ln, Caldwell, ID 83607

Parcel: R22070010

Flood Hazard Zone: A

Dear Emily Kiester,

After reviewing the materials submitted for Case No. CU2024-0001, in which Jose M. Gutierrez has requested a conditional use permit for a 2.73-acre staging area in an Agricultural ("A") zone at 23911 Stone Ln, Caldwell, I recommend several steps to ensure compliance with floodplain safety requirements. As the property is located in Flood Hazard Zone A, it is essential to prioritize safety and align with the Canyon County Zoning Ordinance to protect both the applicant's property and the surrounding area.

**Safety Recommendations:**

**1. Immediate Application for a Floodplain Development Permit (FDP):**

To proceed safely and in accordance with Canyon County Zoning Ordinance 07-10A-09, the applicant must submit a floodplain development permit as soon as possible. This application should include a detailed plot plan showing the nature, location, dimensions, and elevations of the development area, along with the boundary of the special flood hazard area.

**2. Flood Monitoring and Protection Plan:**

I recommend that the applicant submit a comprehensive plan for monitoring and site protection during flood events. This plan should detail actions to safeguard equipment and the staging area from potential flood damage.

**3. Design Adjustments to Mitigate Flood Risks:**

The staging area design should avoid storing equipment or materials in flood-prone



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

**▪ Engineering Division ▪**

sections, as this could pose risks of hazardous conditions or environmental contamination in flood events.

**4. Use of Permeable Ground Coverings:**

I also suggest using permeable materials for any ground cover to reduce surface runoff and further minimize flood risks to the property.

By taking these safety measures, the applicant will help mitigate flood hazards and ensure compliance with both local and federal flood management standards. **I strongly encourage Mr. Gutierrez** to reach out to our Development Services team as soon as possible to discuss these requirements and proceed with the FDP application.

Please feel free to reach out to me if you have any questions or require further clarification.

Sincerely,  
Dalia Alnajjar  
Engineering Supervisor  
Canyon County Development Services  
P(208) 454-7459  
F(208) 454-6633  
E: [dalia.alnajjar@canyoncounty.id.gov](mailto:dalia.alnajjar@canyoncounty.id.gov)



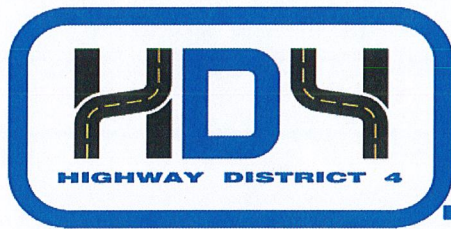


Exhibit D8

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

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

November 4, 2024

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

**RE: CU2024-0001 Jose Gutierrez- Contractor Yard and Staging Area**  
**Canyon County Parcel R22070010 aka 23911 Stone Lane**

Dear Commissioners:

Highway District No. 4 (HD4) has reviewed the application for a conditional use of the above described parcels for purposes of establishing a contractor yard and staging area within an Agricultural zone. The subject property is located on the west side of Stone Lane south of Willis Rd in the NW ¼ Section 3 T4N R3W. HD4 offers the following comments on the proposed use:

#### **General**

The subject property consists of one parcel, totaling approximately 2.7 acres. The parcel has approximately 316 feet of frontage on Stone Road at the east boundary. The property is a part of Lot 19 of the Fruitdale Subdivision Plat, and has historically been in agricultural/residential use.

Stone Lane is classified as a local road on the functional classification maps adopted by Canyon County and HD4. ROW was dedicated as a part of the Fruitdale Farms Plat in total width of 50' (25-ft half width). The ultimate ROW width for a local public road is 60' (30-ft half width). Parcel R2073000 located immediately opposite the subject property on Stone Lane dedicated an additional 5' of ROW as a part of a past administrative land division.

#### **Access**

The subject property is currently served by a circular gravel driveway onto Stone Lane approximately 450-ft south of Willis Rd. This existing approach can be utilized for the proposed commercial activity subject to the following conditions:

1. Improve the approach to meet ACCHD SD-106 to include a paved apron on at least one leg of the circular driveway. If only one leg is paved, this should be the only approach used by the commercial traffic. This serves to protect the existing edge of the mainline pavement on Stone Lane from damage by trucks or equipment.
2. An access permit from HD4 documenting the commercial use is required.

#### **Transportation Impacts**

The conditional use application provided by the applicants indicates portions of the property would be used for storage and distribution of landscaping trees, plants, and materials. A total of 4 employees are predicted to use this area during a typical day. Based on information provided, the site would support the existing 22,880 sf storage building and a 11,500 sf contractor shop. Traffic impacts from development projects are typically estimated using the ITE Trip Generation



Manual (11<sup>th</sup> Edition). The categories below are the best available in that reference to compare the proposed use:

Use	ITE Code	Units	# of Units Proposed	PM Peak Trips	Daily Trips
Specialty Trade Contractor	180	Employees	4	3	15

Canyon County Ordinance 22-014 (July 21, 2022) established transportation impact fees to fund improvements to the highway system made necessary from new growth and development within the Mid-Star Service Area, which includes the subject property. The adopted impact fee schedule does not have any land use types similar to the applicant's request; therefore the impact fee can be calculated directly from the base impact fee formula:

Cost per Vehicle Mile Traveled	x	Peak Hour Trips	x	New Trip Factor	x	Average Trip Length	x	Network Adjustment Factor	=	Traffic Impact Fee
\$2,883	x	1.5	x	1.0	x	8.4	x	0.177	=	\$4,326

Peak hour trips can be estimated from the ITE code 180 (Specialty Trade Contractor) most closely equivalent to the proposed use, 3 peak hour trips, and counting each trip as having two ends, 1.5 trips are attributable to the proposed use.. The new trip factor is held at 1.0 (no reduction) as pass by trips are not anticipated from surrounding properties. The average trip length of 8.4 miles is consistent with other uses that are unique to the service area (only one exists) from the Mid-Star Impact Fee Schedule. The network adjustment factor represents the proportion of the total trip length on the local system, assuming 2/3 of the trips are routed to SH 44 approximately 0.90 miles to the south, and the remainder utilize the local system for the average 8.4 mile trip. Complete information on the Mid-Star Impact Fees Program and the Capital Improvement plan can be found on the HD4 website at [www.hwydistrict4.org/impact-fees](http://www.hwydistrict4.org/impact-fees)

Individual Assessment of Impact Fees: If an applicant feels their development will have a less than typical impact on the roadway network, they may choose to complete an individual assessment for their development. To initiate an Individual Assessment, the applicant may prepare and submit a written request for an Individual Assessment within 30 days of paying an impact fee; within 30 days upon receipt of a final notice of assessment, or after receipt of a preliminary assessment. An Individual Assessment is a traffic study, performed by a traffic engineer at the applicant's expense. See the Individual Assessment Guidelines for details on which traffic generation factors may be considered.  
(<https://www.hwydistrict4.org/download/individual-assessment-guidelines>)



This impact fee is based on the information provided by the applicant regarding the size and intended use of the proposed new development at the time of this report. The final impact fee assessment will be based on the traffic impacts determined to be generated by the proposed development at the time of access permit issuance. The final impact fee may be different from the estimate provided above if the size of the development changes, the type of use changes, or adjustments based on an Individual Assessment are determined to affect the proportionate share of traffic impacts from the development.

**Base Impact Fee:** **\$ 4,326**

**Right-of-Way Dedication-**

No adjacent CIP Projects

CIP Right-of-Way Credit: \$0

**System Frontage Improvements Credit**

None Required \$0

**Offsite System Improvements Credit**

None Required \$0

**Total Estimated Impact Fee:** **\$4,326**

For comparative purposes, this is equivalent to the impact fee for 85% of a single family residence. A final determination of the impact fee assessment will be made upon receipt of an access permit application for the change in use.

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,



Chris Hopper, P.E.  
District Engineer

File: Stone Lane- CU2024-0001 Gutierrez Contractor Yard

## Emily Bunn

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**From:** Chris Hopper <chopper@hwydistrict4.org>  
**Sent:** Thursday, November 14, 2024 2:58 PM  
**To:** Emily Bunn  
**Subject:** RE: [External] CU2024-0001 Gutierrez

No concerns with buildings on the site. Impact fee calculations shown are approximate and based on information provided with the application. Actual impact fees will be determined at the time of issuance of an access permit.

Respectfully,

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



Highway District No. 4  
15435 Hwy 44  
Caldwell, Idaho 83607  
208-454-8135 Ext. 104

---

**From:** Emily Bunn <Emily.Bunn@canyoncounty.id.gov>  
**Sent:** Thursday, November 14, 2024 2:21 PM  
**To:** Chris Hopper <chopper@hwydistrict4.org>  
**Subject:** RE: [External] CU2024-0001 Gutierrez

Hello,

I just wanted to follow-up on my questions below on HD#4's comment letter.

Thank you,



Emily Bunn,  
Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: (208) 454-6632  
Email: [emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@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  
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\*\*We will not be closed during lunch hour \*\*

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**From:** Emily Bunn  
**Sent:** Monday, November 4, 2024 3:56 PM  
**To:** 'Chris Hopper' <[chopper@hwydistrict4.org](mailto:chopper@hwydistrict4.org)>  
**Subject:** RE: [External] CU2024-0001 Gutierrez

Hello again,

Also, I think there is a reference in the comment letter regarding the buildings on the property that may need to be updated. They have a few sheds and outbuildings on the property they use for the staging area, and I don't believe they have a large storage building or contractor shop.

Thank you,



Emily Bunn,  
Associate Planner  
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**From:** Emily Bunn  
**Sent:** Monday, November 4, 2024 3:29 PM  
**To:** 'Chris Hopper' <[chopper@hwydistrict4.org](mailto:chopper@hwydistrict4.org)>  
**Subject:** RE: [External] CU2024-0001 Gutierrez

Hello,

Thank you for the comment, much appreciated.

I did want to ask, it looks like there will be about 7 employees on site for this business, instead of the 4 employees listed in your comment letter. Does this change the transportation impacts section of your comment letter? Or is it pretty comparable to if there were 7 employees instead of 4? He hasn't specific to me if the employees car pool or not to the property, FYI.

Sincerely,



Emily Bunn,  
Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: (208) 454-6632  
Email: [emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@canyoncounty.id.gov)  
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**From:** Chris Hopper <[chopper@hwydistrict4.org](mailto:chopper@hwydistrict4.org)>  
**Sent:** Monday, November 4, 2024 11:52 AM  
**To:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>  
**Subject:** [External] CU2024-0001 Gutierrez

Emily-  
Please see the attached comments from HD4

Respectfully,

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



Highway District No. 4  
15435 Hwy 44  
Caldwell, Idaho 83607  
208-454-8135 Ext. 104





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

(208) 454 7458

**Case No** CU2024-0001

**Location:** 23911 Stone Ln Caldwell

**Acreage:** 2.73

**Zoned:** A

Dear Mrs. Bunn,

Canyon County Building Division has reviewed the subject conditional use permit application for a proposed landscaping business, Progressive Lawn Care, LLC and would recommend the following comments as conditions of approval, if conditional use permit is approved.

1. The two existing unpermitted structures shall be permitted prior to the use being established onsite if approved.



2. Any fencing over 7' tall shall require a building permit.

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

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3. A building permit for a sign may be required upon review by DSD, or if the sign is over six feet (6') in height and permanently affixed to the ground.

Upon site improvements taking place or use of any structures, review for if a building permit is required or not shall be coordinated with the building division prior to commencement of work and/or use.

If you have any questions, please let us know,

Canyon County Building Official, Tom Crosby  
Canyon County Permit Tech Supervisor, Cassie Lamb

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

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**EXHIBIT E**

**Public Comments Received by: January 6, 2025**

Planning & Zoning Commission

Case# CU2024-0001

Hearing date: January 16, 2025

**Danielle Fleck**

23844 Timber Hills Rd  
Caldwell, ID 83607  
Dfleckster@me.com  
208.995.1351

**January 5, 2025**

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

Dear Ms Bunn & Canyon County Planning and Zoning Department,

I am writing to formally express my concerns regarding Case No. CU2024-0001 and the recent zoning permit application for the property located at 23911 Stone Lane (Residence of Jose Gutierrez). As a property owner in this area, I would like to express concern and suggestions regarding the proposed changes and the potential impacts they will have on the neighborhood and my property in particular.

When I purchased my property, I did so with the understanding that the surrounding land was zoned residential and rural. This zoning designation was a primary factor in my decision, as it supports a peaceful, quiet, and visually cohesive environment. However, the zoning request in question seems to adversely effect the current status of zoning, and I fear the result of re-zoning will create a significant degradation of both the aesthetic of my property as well as the functional & future value of my land.

If reversing the re-zoning decision is not on the table, I'd request at minimum, the county to require the installation of an 8-foot vinyl privacy fence as part of this permit. Given the nature of the business proposed and the fact that the property is situated in a residential area, an adequate visual barrier is essential to protect the privacy and aesthetic quality of neighboring properties, including mine. An 8-foot vinyl fence would serve as a much-needed shield from noise, dust, and visual clutter, especially in light of potential landscaping operations that could significantly disrupt the character of the neighborhood. I believe this is a reasonable requirement to ensure the peaceful enjoyment of our residential spaces and to maintain the overall integrity of the area.

I would greatly appreciate this be taken into consideration at the Public Hearing which I can unfortunately not attend. Please feel free to contact me directly for any other clarifications needed.

Sincerely,  
Danielle Fleck

Emily Bunn

---

**From:** Krista Coleman <krista@dreamhomejourney.com>  
**Sent:** Monday, January 6, 2025 8:00 AM  
**To:** Emily Bunn  
**Cc:** dfleckster@icloud.com  
**Subject:** [External] Conditional use permit request for Parcel R22070010: CU2024-0001 (Jose Gutierrez)

Hi Emily -

**This letter is regarding CU2024-0001's (Jose Gutierrez) application for a conditional use permit on Stone, Parcel R22070010.**

I am very concerned about the proposed "Staging Activity" directly behind my new home and ranchette in the new Timber Hills Community. I have already had an eyesore problem with parcel R22069 and, as a result, had to install over \$20,000 worth of trees on top of my \$150,000 landscaping budget in order to block the tractors, equipment, multiple semi-truck trailers, etc. This expense has not even solved the problem and as all of the trucks and equipment are still in view. It has been such a problem and now the parcel behind that wants to add more business staging supplies and equipment?! There is certainly not enough detail in the forms to understand what this entails in terms of the eyesore / sound issues it might create. As a licensed realtor I also realize that these operations will most certainly take our property values down and keep us from selling as quickly or for full market price in the future.

I believe the zoning in our area is RR (rural residential) correct? So why are all of these business requests and the enormous amount of semi truck trailers, trucks, containers, and extra unscreened equipment allowed?

I am firmly against this conditional use permit. **If** it is to be allowed, very strict guidelines should be in place to screen any and all such operations. For example, oversized trees and shrubs, attractive fencing (approved by neighbors) etc. All of the neighbors on Timber Hills Road are dealing with quite an unsightly mess (we call it the "junkyard") behind us.

Please share these concerns as I know I am not alone.

Best Regards,

Krista Coleman  
23910 Timber Hills Rd. Property Owner  
208.507.8020



On Thu, Jan 2, 2025 at 8:34 AM Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)> wrote:

Hello,

You can find CU2024-0001's application and preliminary hearing materials here under "Planning and Zoning Commission": <https://www.canyoncounty.id.gov/land-hearings/>

If you scroll down to the public hearings on January 16, 2024, it should be the second one on the list.

If you have any more questions, do not hesitate to reach out.

Sincerely,



Emily Bunn,

Associate Planner

Canyon County Development Services Department

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

Direct Line: (208) 454-6632

Email: [emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@canyoncounty.id.gov)

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**From:** Krista Coleman <[krista@dreamhomejourney.com](mailto:krista@dreamhomejourney.com)>

**Sent:** Tuesday, December 31, 2024 5:44 PM

**To:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>

**Subject:** [External] Conditional use permit information

I'm having trouble finding case number CU 2024-0001 on your website. I am a neighbor and have received the notice. Would you please send me the information about the application that was submitted? Thank you so much.



**Emily Bunn**

---

**From:** Walter Hauser <wdanhauserdds@msn.com>  
**Sent:** Monday, January 6, 2025 1:20 PM  
**To:** Emily Bunn  
**Subject:** [External] CU2024-0001

I am unable to attend this hearing, I would like this written testimony to be considered in this case.

To the Canyon County Planning and zoning commissioners:

I am in opposition to granting the conditional use permit based on what I have observed on Stone Ln. since this property was sold and developed into this landscape business.

There is clearly a disregard for the traffic laws and courtesy for existing neighbors. They race by my house quite often. (I live at the other end of Stone Ln near Hwy 44).

I also think it is wrong that they can come in and set up this business and then try to go back and obtain a conditional use permit after the fact when it is clear that their intention all along was to use this property in this way.

Thank you

Dan Hauser  
23071 Stone Ln  
Caldwell

Emily Bunn

---

**From:** Devin Teeter <devin.teeter@yahoo.com>  
**Sent:** Monday, January 6, 2025 8:32 PM  
**To:** Emily Bunn  
**Subject:** [External] Case no. Cu2024-0001

My Name is Devin Teeter. My family and I live just opposite from Mr. Gutierrez. I would like to start off by saying that he has been very open and considerate about his intentions with his property.

We have already discussed the shared road usage for his business as we were concerned about our children's safety with his commercial traffic utilizing the same quiet driveway. During our conversations he opted to access his property from a different location to facilitate our safety concerns which was much appreciated. We would like the shared driveway to remain private without commercial traffic use.

We also value the country feel of our home and location. Loud equipment noise and music disrupts our environment as it can easily be heard inside of our home making bed times difficult and not peaceful. We would appreciate an awareness or curfew of the noise if possible as most of the time it is just heard as a deep rumbling and is not entertaining. Thank you for your consideration.

Devin Teeter